



FINANCIAL REDRESS FOR SURVIVORS OF HISTORICAL CHILD ABUSE IN CARE

Information Note 2

April 2019

The Deputy First Minister of Scotland made a statement to Parliament on 23 October 2018 in which he committed to establish a financial redress scheme for survivors of historical abuse in care. This will require legislation to be passed in the Scottish Parliament. He also committed to make payments before then to survivors who may not live long enough to apply to the statutory scheme. He was responding to recommendations from a Review Group. The Government intends consulting on a statutory financial redress scheme in a public consultation later in 2019. The Advance Payment Scheme, for those with a terminal illness or age 70 or over, opened on 25 April 2019. Further information is available at <https://www.gov.scot/policies/child-protection/supporting-child-abuse-survivors/>.

LAUNCH OF THE ADVANCE PAYMENT SCHEME

How do I know if I am eligible?

The Advance Payment Scheme is for those who suffered abuse in care in Scotland before December 2004 and either have a terminal illness or are age 70 or over. The application form contains detailed guidance which will help you work out if you might be eligible for an Advance Payment. There is also a Frequently Asked Questions booklet.

How is 'in care' defined?

For the purpose of Advance Payments, the following settings are included: children's homes; foster care, secure care units including List D schools; Young Offenders' Institutions and Borstals; places provided for Boarded Out children in the Highlands and Islands; state, private and independent boarding schools; state-funded school hostels; healthcare establishments providing long-term care; any similar establishments intended to provide children with long-term residential care. The guidance contains important clarifications in relation to boarding schools and long-term healthcare establishments.

Do I need to provide any evidence of being in care?

Yes. You will need to provide a document which shows you were in care as a child.

Guidance on this, and sources of help, are provided in the application form and Frequently Asked Questions booklet.

Why is there a date of December 2004?

The purpose of the Advance Payment Scheme is to address historical abuse. December 2004 marked the public apology made by the then First Minister Jack McConnell and endorsed by the Scottish Parliament as a whole. It also marked the broad mid-point of a period of rapid and significant change in child protection legislation, policy and practice in relation to children in care.

What is meant by 'abuse'?

This is based on the definition contained in the Limitation (Childhood Abuse) (Scotland) Act 2017 which refers to 'sexual abuse, physical abuse, emotional abuse, and abuse which takes the form of neglect'.

Will I need to describe my experience of abuse or provide evidence?

No. You will not be asked to describe the abuse you suffered but you will need to sign a declaration that you were abused as a child in care in Scotland.

How do I confirm that I have a terminal illness?

This will need to be certified by a healthcare professional. Once we receive your application, we will send a medical form to your chosen healthcare professional for them to complete on your behalf. This could either be a GP, a hospital or hospice consultant or specialist, a specialist nurse, a District Nurse or a Senior General Practice Nurse.

I am very ill but I am not sure if I have a terminal illness. How do I find out?

You may find it helpful to speak to one of the healthcare professionals involved in your care about this before applying. They will be able to advise you.

How much is the Advance Payment?

The level of the Advance Payment has been set at £10,000. Everyone whose application is approved will receive the same amount.

Who is paying for the Advance Payment Scheme?

The Scottish Government is meeting the cost of the Advance Payment Scheme.

Can next of kin apply for an Advance Payment?

No. The issue of next of kin will be considered in the design of the statutory financial redress scheme.

Can I still apply if I have previously received compensation for the abuse I suffered in care?

Yes. You can still apply but it is your responsibility to check the conditions attached to any previous award you have received.

I am not eligible for an Advance Payment. Will I be able to apply to the statutory financial redress scheme?

The Advance Payment Scheme is for those who have a terminal illness or are age 70 or over. If this does not apply to you, but you were abused as a child in care in Scotland, you may be able to apply to the statutory scheme when it opens.

When will the statutory scheme open and will it have the same eligibility criteria?

Following detailed scheme design we will introduce a bill in Parliament with the intention of completing the legislative process by the end of this Parliamentary term in March 2021, subject to Parliamentary approval. The statutory scheme will open as soon as possible after that.

Can I get support or advice?

Yes. The Advance Payment Team will ask whether you would like to be referred for support from appropriate organisations. They can also provide signposting to other more general sources of advice.

Finding out more about the Advance Payment Scheme

You can find all the published material, including the application form and guidance, and the FAQ booklet at <https://www.gov.scot/policies/child-protection/supporting-child-abuse-survivors/>.

If you have any further questions, you can telephone the Advance Payment Team **free of charge on 0808 169 9740**, Monday to Thursday, between 10am and 4pm. Alternatively we have an automated phone service if you want to request an application pack but do not need to speak to someone. If this is the case, please call free of charge on 0808 196 1436.

Or you can email the team at AdvancePaymentTeam@gov.scot, or write to them using the address **Freepost ADVANCE PAYMENT** (no stamp, address or postcode is required).
