

FINANCIAL REDRESS FOR SURVIVORS OF HISTORICAL CHILD ABUSE IN CARE

Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021

Information Note 10

May 2021

Information Note 10 gives an update on work taking place since the Bill was passed by Parliament in March.

The Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill received Royal Assent on 23 April 2021 and became an Act. This means that the law is now in place to establish the redress scheme. The Act sets out how the scheme needs to be set up and how it will operate.

Please note the scheme is not yet open. Work is underway to ensure that it will open for applications as soon as possible, by the end of 2021 at the latest, subject to the agreement of Redress Scotland. This Information Note tells you what we are doing now to make sure the scheme is safe, accessible and works well for survivors.

Now that the Act is in place, what other legal work needs to be done?

We are developing and drafting **secondary legislation**. This will set out more detail on how the redress scheme and Redress Scotland will work and function. The secondary legislation will go to the Scottish Parliament following the summer break and will be scrutinised by a Committee. We will receive more information on which Committee will be scrutinising the legislation soon.

We are also working on **statutory guidance** which provides further information about how the law will work, how those involved will comply with the law and how some of the processes will work. Statutory guidance will be published and provides more detail, for example more information on eligibility and more information on what kind of information and evidence applicants may need for their application.

The **assessment framework** is another important document which is continuing to be developed in consultation with clinical psychologists and other experts. Similar to other redress schemes, this will be published to provide applicants with an idea of how their individual circumstances may sit within the payment levels. This framework will be used by Redress Scotland to make decisions on individually assessed payments in a fair and consistent way.

We need to make sure the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act can be applied in the rest of the UK. This is important for example for charity law and the sharing of information.

To do this we are applying for a '**Section 104 Order**' under the Scotland Act 1998. We expect that the Section 104 Order will be granted by early 2022.

We are also continuing to engage with officials in the UK Government and the devolved administrations to ensure that **benefits, tax and social care entitlement disregards** are in place for the scheme opening and payments being made. These disregards will ensure that no applicant will have their benefits, tax or social care entitlement negatively impacted because they have received a redress payment.

What is being done to set up Redress Scotland?

Redress Scotland is a new organisation which will assess and make the decisions on redress applications. It is an independent body, which is not part of Scottish Government. We have advertised for a Chair to lead the organisation and interviews are taking place this month. We are currently advertising for a Chief Executive. Later in the summer we will be recruiting members for the decision-making panels who will consider individual redress applications after the scheme opens.

Are the care providers making a contribution to the cost of the scheme and redress payments?

The redress scheme will mainly be funded by the Scottish Government. However, as we set out in the Act, fair and meaningful financial contributions to the redress scheme are being sought from those organisations which were responsible for the care of children at the time of the abuse, whether providing care directly or otherwise involved in the decision-making processes and arrangements by which the child came to be in care.

In order for contributions to be made, organisations need to come to an agreement with Scottish Ministers on what is a fair and meaningful contribution. These meetings are taking place and will continue over the coming months. We will shortly publish information setting out what we mean by a fair and meaningful contribution.

When will I know if I can apply and how to apply?

The scheme will open for applications as soon as possible, by the end of this year at the latest, subject to the agreement of Redress Scotland. At that time there will be application forms and other information to help potential applicants. If you would like to receive updates on the progress towards scheme opening, please ask to join our mailing list. We need to get your permission to add you to this. We will send you a privacy notice and you need to reply to us giving us your permission. Contact details are below.

Can survivors get involved and share their views?

Yes. Survivors have already provided invaluable information and helped shape the progress to date and we want to continue in this way. All views are listened to carefully and we will try to answer any questions you have. The current restrictions

impact on how we can engage with you but if you would like us to contact you about how you can give us your views you can do this by phoning and leaving a message at 0808 169 9740 or email us at redress@gov.scot

Over the next few months we will be looking at some specific areas, for example:

Scheme Design - We want every part of the application process to be designed around survivors' needs. To do this we are taking a "user-centred" approach. This means we want to hear from people who might apply for redress, or have relevant insight and experience. We will look for feedback on things like:

- how the scheme should communicate with applicants
- what an application form should look like

These views will help shape the scheme and make sure it meets survivors' needs.

Survivor Forum – Survivors provided a lot of valuable views about this in the public consultation but we now want to look at this in more detail and consider what the forum would look like and how it might work.

Apology – The scheme will recognise that redress is not only about a financial payment but access to support and apology. This is a sensitive but very important area. We want views about how we can develop a framework to help apology have the best chance of being delivered in a way that works for survivors.

Please get in touch if you are interested in finding out more. We can take your details, find out your interest in taking part and help identify ways that might work for you. There are many different pieces to come together for the scheme to be in place as a whole and it is vital we keep moving for opening by the end of the year but we want to learn as much as we can from you.

What about the Advance Payment Scheme?

Survivors of historical child abuse in care in Scotland who have a terminal illness, or are age 68 or over, can apply now to the Advance Payment Scheme. This scheme opened in April 2019 and it will remain open until the statutory redress scheme opens. Further details about advance payments, eligibility, and how to apply can be found here: <https://www.gov.scot/publications/financial-redress-for-survivors-of-child-abuse-in-care-advance-payment-scheme/>

We are continuing to process applications and make payments throughout the Covid-19 Pandemic. We recently made our 600th payment.

More information on the website here:

<https://www.gov.scot/publications/financial-redress-for-survivors-of-child-abuse-in-care-information-note/>

Or you can contact us by

- ✓ phoning 0808 169 9740 and leaving us a message. Please leave your name and number and we will phone you back as soon as we can. As the team is working from home, the answerphone is permanently on.
- ✓ Email enquiries about the redress scheme: redress@gov.scot
- ✓ Email enquiries about Advance Payments: AdvancePaymentTeam@gov.scot
- ✗ We are not currently able to offer meetings in person.

If you no longer wish to be contacted by us please let us know by phone or email.

Support

If you wish to report your abuse, contact Police Scotland on 101 or Crimestoppers on 0800 555111 or go into any police station.

If you wish to tell the Scottish Child Abuse Inquiry about your abuse, contact them on 0800 092 9300 or email talktous@childabuseinquiry.scot

If you want to find out about support, contact Future Pathways on 0808 164 2005 or email registration@future-pathways.co.uk

If you find you are distressed you can contact **Breathing Space** on 0800 83 85 87 or the **Samaritans** on 116 123. Both services are free of charge.