

FINANCIAL REDRESS FOR HISTORICAL CHILD ABUSE IN CARE

THE ADVANCE PAYMENT SCHEME: FREQUENTLY ASKED QUESTIONS (FAQ) BOOKLET

Introduction

We know you will have many questions about the Advance Payment Scheme and we have provided information here as well as guidance in the application form itself. We will update this document as new questions come to our attention. Please check online for the most recent version. If you have further questions or need help, please contact the Advance Payment Team.

Telephone: call free of charge on 0808 169 9740, Monday to Thursday from 10am to 4pm. If you are phoning from overseas the number is +44 131 528 5400.

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.

Email: AdvancePaymentTeam@gov.scot

Write: Freepost ADVANCE PAYMENT (no stamp or address or postcode is required). If you prefer to send your application by recorded delivery then please use the full postal address below. You should also use this address if applying from overseas.

Advance Payment Team
Scottish Government
2A South
Victoria Quay
Edinburgh
Scotland
EH6 6QQ

All information is available at <https://www.gov.scot/policies/child-protection/supporting-child-abuse-survivors/>.

If you have no access to the internet please contact the Advance Payment Team who will be happy to send you an application pack by post.

Contents

To help you find the information you need, we have organised this booklet as follows:

1. the application process;
2. what to expect if you call the Advance Payment Team;
3. questions about the payment itself;
4. informing you of the decision, appeals and complaints;
5. wider eligibility questions;
6. about supporting documents to show you were in care;
7. about the process if you have a terminal illness;
8. overseas applicants;
9. applicants with relevant serious convictions;
10. how the information you provide will be used;
11. other questions;
12. sources of support and advice.

Contact details for organisations that can provide immediate help if you find reading this distressing, or more general advice and support, are listed on the back page of this booklet.

1. THE APPLICATION PROCESS

What information is in the application pack?

The application pack includes the application form and detailed guidance, this FAQ booklet, the Privacy Notice, and a pre-paid envelope for you to return your completed form and supporting documents. The pack will be sent to you in a plain envelope.

Who can help me apply?

We have made the application process as straightforward as possible, but we know you may need help to complete it. We have put as much information as we can in the application pack, but if you wish to speak to someone, the Advance Payment Team is happy to answer any further questions you may have.

Can I ask someone else i.e. a friend, family member or a care giver to help me complete the application?

Yes, you can complete the application and source an in care record with the help of friends or family. If you have someone you would like to help support you with this, please let us know. We will ask that you confirm in writing that you would like them to help you and liaise with us on your behalf.

Will you pay for me to get legal advice to complete the form?

No. We have made the application form as straightforward as we can. You may of course seek your own independent legal advice if you want to but you should be aware that we are not able to pay any legal costs for Advance Payment applications.

Can I apply for an Advance Payment on behalf of someone else?

You can apply on behalf of someone who is incapacitated provided you have authority to act on their behalf such as holding a Power of Attorney, or you have been appointed guardian by a court. There is a separate application form for this purpose which can be obtained by contacting the Advance Payment Team directly. If the applicant is unable to self-declare the abuse that happened you will be required to submit some additional evidence to this effect.

I don't want to send my original documents in the post – what can I do?

The Post Office provides a service that can certify that copies of documents are a true likeness of the original. They will check up to three documents (including passport, driving licence or bank statement). There is a fee of £10.50 for this service. More information can be found on the Post Office website <https://www.postoffice.co.uk/document-certification-service> or by asking in your local post office.

I don't have the original of my birth certificate or marriage certificate

If you need a copy of your birth or marriage certificate you can get one from the National Records of Scotland (NRS) or from your local Registrar's office. A replacement certificate can also be called an 'official extract'. You can use this to replace an original certificate if it has been lost or damaged. NRS can provide replacement birth, marriage, divorce and adoption certificates and they charge of £15 per certificate, plus postage.

You can apply online for a replacement certificate at www.mygov.scot/birth-death-marriage-certificate/. Or you can use the NRS 'Extract Ordering Service' to request a copy of the certificate. The phone number is 0131 314 4411 and lines are open from Monday to Friday, 9am to 4:30pm.

Alternatively you can also order a replacement copy from any registrar in Scotland. You can find details of your local registrar's office by contacting your local council, or by using the search facility on the NRS website.

2. WHAT TO EXPECT IF YOU CALL THE ADVANCE PAYMENT TEAM

We have tried to make it as straightforward as possible to apply but we recognise that some people will find it difficult. We are aware that many people have found taking the first step daunting. Please do take the opportunity to contact us by phone to find out more information or to check that you have suitable supporting documents. The feedback we have had from applicants suggests that an initial discussion about the process has been helpful for many people.

When I call the Advance Payment Team who will answer my call?

You will talk to one of our trained advisers who will help you with any questions you have and guide you through the process in a professional, sensitive and caring manner.

When I call the Advance Payment Team what information will I need to give?

If you would like us to send you an application pack, we will ask for your name and address. If you give us your email address we can also send you the pack electronically. There is also an automated phone number for requesting a pack. If you have a question about the Advance Payment Scheme and do not wish to give your name on the phone that is fine.

Will I need to talk about my experience of abuse in care as a child?

No. You will not be asked any questions about the abuse you suffered in care, or of the impact it has had on you. You will not be asked anything about this if you call the Team. You will be asked to sign a declaration in the application form which confirms that you experienced abuse whilst in care in Scotland, and to provide a supporting document that shows you were in care as a child in Scotland before December 2004. At the end of the application form there is space for any comments or feedback. This is optional. If you choose to say anything here about the abuse you suffered you should be aware that it will not be taken into account in determining your eligibility for an Advance Payment. If you name the person who abused you in the form, we will pass this to Police Scotland (see section 9).

If I need to call a few times will I need to repeat the information I have already given?

After you have submitted an application form, we will open a personal file for you and record any queries you may have. We will need to do this to process your application. It will also make it easier for us to help you quickly if you call us, and it will save you having to repeat yourself. Once you have a personal file, when you call we will ask your name, address, and date of birth to make sure we are talking to the right person and to keep your details secure.

If you call before you have submitted an application form, we will ask if you would like us to keep a brief record of the discussion in case you need to call again. We would only do this if you think it will be helpful, for example if you think you might call a few times.

Will I have an opportunity to talk about what happened to me?

You do not need to provide information about the abuse you suffered as part of the Advance Payment application process. If you would like to speak about your experience you may want to get in touch with the **National Confidential Forum (NCF)** or the **Scottish Child Abuse Inquiry (SCAI)**.

The NCF was set up by the Scottish Government to listen to, and acknowledge, people's childhood experiences of institutional care in Scotland. You can find out more at <https://www.nationalconfidentialforum.org.uk/>.

The Scottish Child Abuse Inquiry is investigating the abuse of children in care in Scotland. You can find out how to contact the Inquiry and what will be involved if you want to give evidence to the Inquiry at <https://www.childabuseinquiry.scot/>.

Can the Advance Payment Team provide counselling or other support?

The Advance Payment Team are not qualified to do this, but they can give you details of appropriate organisations who will be able to help. Please also see the section on Support and Advice at the end of this document.

3. QUESTIONS ABOUT THE PAYMENT

How much is the Advance Payment?

The level of the Advance Payment has been set at £10,000 (ten thousand pounds). In the Advance Payment Scheme, everyone whose application is approved will receive the same amount.

How quickly will I receive the payment after my application has been approved?

Once you receive a letter informing you your application has been approved, the payment will be transferred into your bank account. This normally takes up to 10 working days.

Why is everyone getting the same amount?

We know that everyone's experience of abuse in care is different, and that the impact it has had will also be different. The Advance Payment Scheme has been designed to be as straightforward as possible to ensure payments can quickly reach those survivors who may not live long enough to apply to the statutory redress scheme. Consequently, it is not possible to make an individual assessment of the impact of abuse.

Will an Advance Payment affect my benefits?

The Department for Work and Pensions (DWP) have advised that, for benefits purposes, Advance Payments will be treated in the same way as payments for a personal injury. This means the money will not be taken into account in assessing your entitlement to means-tested benefits. However, you must let DWP know that you have received an Advance Payment so that they know not to take it into account. Please note that for many benefits this exemption lasts for one year only.

Will an Advance Payment be subject to taxation?

No, an Advance Payment will not be taken into account by Her Majesty's Revenue & Customs (HMRC) for the purpose of calculating your income tax or capital gains tax, and there is no need to declare the receipt of an Advance Payment in your Self-Assessment tax return. However, if the Advance Payment is invested, resulting in additional income such as interest or dividends, then normal income tax rules will apply to that income.

If a recipient of an Advance Payment dies after they have received the payment, the payment will be included in their estate for the purpose of inheritance tax. However, with the various inheritance tax reliefs and thresholds available, the majority of estates are unlikely to be subject to inheritance tax.

Will an Advance Payment be taken into account for meanstested social care?

No. The Scottish Government has amended legislation to ensure that from 28 June 2019, a payment under the Advance Payment Scheme to a resident within a care home will be disregarded in the financial assessment of the resident's resources.

Will an Advance Payment affect my eligibility for Legal Aid?

No. The Advance Payment will be disregarded by the Scottish Legal Aid Board in any calculations when assessing financial eligibility for Legal Aid. This means that an Advance Payment would have no impact on the financial test for Legal Aid applications. Any application for Legal Aid will still be subject to the statutory tests around merit and reasonableness.

How will an Advance Payment be made?

Payment will be processed by bank transfer into your account. The payment cannot be paid into anyone else's account. Please note the name on the bank account needs to be the same as the name of the applicant for an Advance Payment. Please contact the Advance Payment Team if you do not have a bank/building society account or if you have a Post Office account that does not accept bank transfers.

You might want to seek independent financial advice about how to manage your payment. Details of organisations that can help advise you are provided at the end of this booklet.

What if the applicant dies after they have submitted their application form?

If an applicant dies while their application is being processed, we will consider the application and as long as we have all the information necessary to complete our assessment we will make the payment. Unfortunately we will not be able to process the application or make the payment if essential information or documentary evidence is missing. The issue of next of kin is being considered in the design of the statutory redress scheme.

Who is paying for the Advance Payment Scheme?

The Scottish Government is meeting the cost of all Advance Payments.

4. INFORMING ME OF THE DECISION, REVIEWS AND COMPLAINTS

How will I know if my application has been approved?

We will inform you of the outcome of your application by letter. This will either be sent to you by post or by email, depending on the preference you selected in Section 1 of the application form.

If we are unable to proceed to make a payment, this does not mean that we do not believe you were in care or that you suffered abuse. It will either be because you did not meet one of the eligibility criteria, or because you were unable to provide sufficient supporting documentation. We know this may cause frustration and upset. The Government is considering a wider range of assessment approaches for the statutory financial redress scheme than is possible for Advance Payments.

How long will you take to tell me if my application has been approved?

We will deal with your application as quickly as possible. We will let you know when we have received your completed form, and we will be in touch if there are any questions we have about the information you have provided or the supporting documents you included.

Please be aware that we will prioritise applications from those who are applying because they have a terminal illness.

If my application is declined can I ask for the decision to be reviewed?

Yes, the letter informing you of the decision will include information about how to request a review if you think your application was not properly dealt with. A request for a review should be made within one month of receiving the letter informing you of the decision. The review will be carried out by individuals who were not involved in making the initial decision.

What do I do if I want to complain about how my application has been handled?

If you wish to make a complaint you can write to: Scottish Government, Complaints, 1E.10 St Andrew's House, Edinburgh, EH1 3DG or email sgcomplaints@gov.scot.

Further information on the complaint process can be found at <https://www.gov.scot/about/contact-information/make-a-complaint/>.

What will happen if I give false or misleading information in my application?

If you knowingly give false or misleading information, you may be subject to court proceedings including prosecution for an offence.

5. WIDER ELIGIBILITY QUESTIONS

Please also refer to the application form for detailed guidance on eligibility.

Can the next of kin of a survivor who has died apply for an Advance Payment?

No. Applications for an Advance Payment cannot be made by representatives or next of kin of a deceased victim or survivor. In designing the statutory redress scheme, consideration will be given to the issue of next of kin.

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

Yes, you can still apply. However, it is your responsibility to check the terms and conditions attached to your previous payment or compensation award. This may

have been as a result of civil action, or an out-of-court payment from a care provider.

What will happen if I have previously received an award from the Criminal Injuries Compensation Authority?

If you have already received an award of compensation from the Criminal Injuries Compensation Authority (CICA), the award you received under that scheme may be reduced if you then receive an Advance Payment which relates to the same injury. If you are in this position, it is **your** responsibility to provide relevant information to CICA.

Under the terms of the Criminal Injuries Compensation Scheme, CICA may withhold or reduce an award where an applicant has, in their view, received a similar payment from elsewhere in respect of the same injury.

For future applications, where CICA receive an application that looks eligible under the Advance Payment Scheme, they will direct the applicant to us and defer the case pending the outcome. If the applicant was ineligible for an Advance Payment then a claim could still be made to CICA, although the CICA guidelines require a police report to support any claim. If you do receive an Advance Payment, and are also eligible for an award from CICA in future, CICA will take account of the Advance Payment.

Can I apply for an Advance Payment if I am in the process of claiming compensation through the civil courts?

Yes. You can still apply for an Advance Payment if you are in the process of pursuing civil action. You should speak to the solicitor supporting you to take civil action about any impact an Advance Payment may have on that process or the sum of money which may be awarded through the civil action.

I am a child migrant and have applied to the UK Government's payment scheme for former British child migrants. Can I also apply for an Advance Payment?

Yes. If you suffered abuse as a child while in care in Scotland before December 2004, you can apply to the Scottish Government for an Advance Payment.

I suffered abuse in care in another part of the UK but my care had been arranged in Scotland. Am I eligible for an Advance Payment?

No. You are only eligible to apply if you suffered abuse while in care in Scotland before December 2004.

I suffered abuse whilst at a residential boarding school, am I eligible to apply?

In relation to boarding schools and any other type of residential school, the general principle is that residential pupils will not be eligible if their parents chose that place for their children's education. Some exceptions may apply, for example if a local authority paid for residential places at a fee paying boarding or residential school.

If you are unclear whether you may be eligible, given your own particular circumstances, we would encourage you to contact the Advance Payment Team.

6. DOCUMENTS TO SHOW YOU WERE IN CARE

What type of supporting document are you looking for?

There are many different kinds of documents which might show that you were in care as a child. This could include records held by your care provider such as an entry in an admission/discharge register or a log book, or you might have a baptism or health record which will give your address at the time. The local authority which placed you in care may also hold records, including social work and education files. Police Scotland and Court records have also been useful sources of supporting documents for survivors who were in approved schools.

We know that some people may be unsure about what they can provide so we have given some specific examples below.

Can I use the following as a supporting document?

I have already given a statement to the Scottish Child Abuse Inquiry	No, it is really important that you do NOT provide us with your written statement or any other evidence or documents which you have provided to the Inquiry. The Inquiry Chair has issued a General Restriction Order which prevents you sharing your statement with us. If however your testimony to the Inquiry has been published by them including your name, you may use this as a supporting document provided it is the version they have published.
I have been to the National Confidential Forum (NCF)	Yes, with your consent, we can speak to the NCF and they will confirm whether you have told them about your experience of abuse in care. Please speak to the Advance Payment Team about this.
I am receiving support from Future Pathways	No, Future Pathways does not require you to provide evidence of being in care to register and receive support so that is insufficient for our purposes.

I am a member of a survivor support organisation	No, we are sorry but being a member of a survivor support organisation is insufficient to show you were in care as a child.
I have photographs from when I was in care	This may be sufficient depending on the source of the photographs and whether it refers to you by name. This would require to be assessed during the application process.
I have letters sent to me in care	This will depend on whether the letters contain sufficient information, such as your name, relevant dates and the address of the care setting.
I disclosed my abuse to someone else	If there is a formal record which shows you disclosed your abuse to someone else this may be sufficient. For example if you disclosed to your GP there may be an entry in your medical records. You can make a subject access request to obtain this.

Our preference is that the supporting document you provide indicates the date or time period you were in care, although we recognise that some documents may not show this. If it is not clear from the document and the other information provided in the application form, we may need to carry out checks with the source of the document. If you have any questions about the documents you may already have please call our Advisers who will be happy to help with any questions you may have.

I do not have a supporting document which shows I was in care. How do I find one and can you help with this?

The Advance Payment Team has good links with local authorities, religious and third sector organisations and others. If you have any doubts about where to start looking for a document please speak to an Adviser who will be happy to help. Whilst we cannot access the documents on your behalf we can signpost and give you contact details for a large number of possible sources of these documents.

You can also email or write to an organisation that was involved in your care (for example this could be a local authority or a care provider) and make a Subject Access Request for any information they may hold about you. This is your legal right under data protection law. You can get further information and a template letter here <https://ico.org.uk/your-data-matters/your-right-of-access/>.

The organisation you are dealing with must respond without undue delay and at the latest within one month of receipt. They are required to provide a copy of your personal data free of charge. The organisation can extend the time to respond by a

further two months if the request is complex but they must let you know within one month of receiving your request and explain why.

If you were in the care of a local authority we have a standard letter you can complete and send to them for confirmation that you were in care. In many cases this will be quicker than requesting a formal full Subject Access Request. Please contact the Advance Payment Team who will be able to provide you with this letter.

Alternatively if you do not feel you can do this on your own we can refer or signpost you to an organisation that helps people trace their records. They will be able to advise you on your specific circumstances and, with your consent, contact others on your behalf. Please see Section 11.

Our experience has shown that it takes longer for applicants to find supporting documentation if they go through a full Subject Access Request using one of these organisations. We encourage you to phone us first to discuss what you might already have, or where you might be able to try for yourself or with help from your family, friends or support worker.

What happens if I am unable to find a document which shows I was in care as a child in Scotland?

We recognise that some applicants will have difficulties obtaining records and that records can be missing or lost. We anticipate that the statutory redress scheme will offer the opportunity to assess applications in a wider variety of ways. For the purpose of the Advance Payment Scheme we will do all we can to help you find sufficient evidence to support your application.

I have no record of being in care in the setting where I experienced abuse. Can I provide a document which shows I was in care elsewhere?

Yes, you can provide any document that shows you were in care. It does not have to be from the same place that you suffered abuse if you do not have one from there.

What if I am under 18 and I have been abused in care?

Every child has the right to be protected from abuse, harm or exploitation. If you have been a victim or witness of crime and are under 18, you might feel worried, angry, or alone. Everyone is affected by crime in their own way, and different crimes can affect people differently too. You can get support whether or not you reported the abuse to the police.

You can get in touch with **Childline** on **0800 1111**. The helpline is open 24 hours a day, 7 days a week, is free and it will not show up on any bills. They will listen to you and help you work out what to do next. You can also chat with them online.

If you are over 12 you can also contact **Victim Support Scotland** on **0800 160 1985**. This number is also free to call and they can talk to you about any worries you have and how they can help.

Remember that to be eligible to apply for an Advance Payment you need to have been abused in care in Scotland before December 2004, and you must either be age 68 or over or have a terminal illness.

7. ABOUT THE PROCESS IF YOU HAVE A TERMINAL ILLNESS

What is a terminal illness?

A terminal illness is regarded as a progressive disease, which can reasonably be expected to cause an individual's death. Terminal illness can be a result of a wide range of different diseases. A person may have a single disease or a number of conditions at any one time. This could include cancer; organ failure (respiratory disease, heart and vascular diseases, kidney disease, liver disease); neurological diseases (Parkinson's disease, Motor Neurone Disease, Multiple Sclerosis); stroke; frailty; dementia; and rare conditions or diseases. This list does not cover every possible condition.

How are you defining terminal illness for the purpose of Advance Payments?

The medical form that we will send to your chosen healthcare professional asks the following question:

“Does the patient have an advanced, progressive and incurable condition, which may be associated with other conditions and which could include severe frailty, with indicators of deterioration, where death will be an inevitable consequence of that condition?”

Is this the same definition that Department of Work and Pensions (DWP) uses for benefit purposes?

No, our definition is aligned to the one that has been agreed in the Social Security (Scotland) Act 2018 and does not include estimating whether a person is likely to die in the next 6 months, as this can be difficult to predict.

If I have already had a form confirming terminal illness completed for DWP purposes can that be used for an Advance Payment?

Yes, your healthcare professional should be able to confirm you have a terminal illness for the purpose of an Advance Payment if they have already completed the form for DWP. We ask that question on the medical form.

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. The Advance Payment Team is unable to provide a medical opinion. If your healthcare professional would like to speak to the Advance Payment Team to ask any questions then please give them the phone number or email address that can be found at the start of this booklet.

Do I need to get a letter from my GP to confirm I have a terminal illness?

No. You only need to provide the Advance Payment Team with the contact details for a healthcare professional involved in your care. We will ask this person to complete a simple medical form on your behalf to confirm if you have a terminal illness. You could choose your GP, or a hospital or hospice consultant or specialist, a specialist nurse (e.g. a MacMillan Nurse or Motor Neurone Disease Nurse), a District Nurse or a Senior General Practice Nurse.

Why can I not give the form directly to my chosen healthcare professional?

Your healthcare professional has to follow a number of guidelines to make sure that they meet their legal, ethical and professional requirements. This includes how they receive and process forms asking about a patient's sensitive health information. To ensure that your information is kept safe, we will send the form on your behalf. This also means that you do not have to wait until you have an appointment to see or talk to a healthcare professional to get your form completed.

I am uncomfortable about people involved in my healthcare knowing that I experienced abuse.

We understand that this is a difficult and sensitive issue for some people. The medical form that we issue to healthcare professionals only indicates that you are applying for financial redress because of historical child abuse in care. It gives no further details about your personal situation. The staff completing the form will be concerned only with your care and your best interests.

All NHS staff have an ethical, legal and professional duty to keep patient information confidential. You can find out more about the standards of behaviour that are expected from NHS Scotland staff to protect patient confidentiality at

<http://www.wdhscp.org.uk/media/1256/revised-code-of-confidentiality-final.pdf>

I do not want my relatives to find out through my medical records that I have disclosed abuse or applied for redress.

You can discuss with your chosen healthcare professional what and how any sensitive information is recorded in your notes. You can advise them that you do not wish anyone to know of any disclosures or of your application for redress after your

death. You can also ask that any relevant sections of your medical notes are redacted (where the information is removed or blacked out) before they are released to those who are legally allowed to ask for the records, such as your next of kin.

8. OVERSEAS APPLICANTS

Where do I send my application?

If you are applying from overseas, please send your application to:

Advance Payment Team
Scottish Government
2A South
Victoria Quay
Edinburgh
Scotland
EH6 6QQ

You can submit your application by email provided the copies of the documents are of good quality and the ID documents have been correctly certified as outlined below.

You can call from overseas on +44 131 528 5400. If calling outwith our opening hours there is an answering machine for you to leave a message and we will call you back.

I don't want to send my original documents in the post – what can I do?

If you do not wish to send your original passport, driver's licence, or birth certificate you can have your documents certified by:

- your bank
- Solicitor, notary or legal representative
- Government/State office
- Post Office

If you have documents that differ from the above then please contact the Advance Payment Team to discuss.

Each individual document should be certified with the organisation/government certification stamp and have the following wording:

I certify that this is a true copy of the original document produced to me on [insert date] by [insert name of applicant].

Signature:

Name:

Position/Qualification:

(e.g. bank Clerk, Government Official, Legal Representative)

Organisation/Government Department:

Contact Email:

Contact Telephone:

How long will it take to tell me if my application has been approved?

We will deal with your application as quickly as possible. We will let you know when we receive your completed form, and we will be in touch if there are any questions we have about the information you have provided or the supporting documents you included.

Please be aware that we will prioritise applications from those who are applying because they have a terminal illness.

How will an Advance Payment be made?

Payment will be made in Sterling currency by wire transfer into your bank account. It is advisable to check with your bank whether they can take a payment in pounds sterling. If your bank cannot take a sterling payment we can arrange for it to be paid in your own currency but it will be subject to variations in currency rates on the day of the payment. The payment cannot be paid into anyone else's bank account. Please note the name on the bank account needs to match the name of the applicant for an Advance Payment.

When completing the bank details in Section 5 of the application form we will require accounting details that allow you to receive a wire transfer. If you are unsure please contact your bank. Accounting details differ across countries but in most cases the information we need is outlined below:

USA

Swift/BIC Code

Routing Number

Account Number

Canada
Swift/BIC Code
Transit Number
Account Number

Australia
Swift/BIC Code
BSB Number
Account Number

Other countries
Swift/BIC Code
IBAN number

You will need to provide a bank statement to confirm that the name on the account matches the name and address of the applicant. Bank statements do not always show all of the above information so please contact your bank who will be able to give you the information you need.

My bank charge a fee to receive a wire transfer. Will you pay this?

We are happy to pay for the cost of a charge or fee for you to receive the Advance Payment by wire transfer. We will convert the charge or fee to sterling using NatWest Bank rates. We do not cover the cost of any loss as a result of currency conversion. If you wish us to cover the cost of a charge or fee we will need a letter on headed paper from your bank giving the following details:

Applicants name
Account details for the wire transfer
Amount of fee/charge

9. APPLICANTS WITH SERIOUS CONVICTIONS

I have a criminal conviction. Do I need to declare this?

Yes, but only in some cases. This depends on the details of the type of conviction. We only need you to declare if you have one of the following convictions (whether in the UK or elsewhere in the world)

- have been found guilty of rape or murder , or
- have received a sentence of more than 5 years for a relevant violent or sexual offence

Apart from convictions murder or rape, what other relevant offences would I need to declare?

Full details of the different offences and the different pieces of Legislation can be found in Section 61 of the Act <https://www.legislation.gov.uk/asp/2021/15> The list below provides information on other sexual and violent offences that will be included. If you are in any doubt or just want to discuss your situation, please contact us.

- “murder” includes, in relation to murder committed outside Scotland, aiding, abetting, counselling, procuring or inciting murder,
- “rape”— means rape—, in relation to rape committed outside Scotland, aiding, abetting, counselling, procuring or inciting rape,
- “relevant offence” means— a violent offence, being an offence inferring personal violence
- a sexual offence listed in schedule 3 of the Sexual Offences Act 2003 other than rape (but including attempted rape and conspiracy to commit rape).
- Any equivalent offences where those were committed outwith the UK.

I am not sure if my previous conviction is relevant?

If you are unsure or have any questions about your advance payment application, please get in touch. You can speak to one of our case advisors on 0808 169 9740

Why am I being asked to provide details on certain convictions? Why has this change been introduced now?

The Advance Payment Scheme was allowed to be set up on grounds of urgency in the public interest to enable payments to be made to older or terminally ill individuals to recognise the harm experienced by them as children in care in Scotland. Following the enactment of the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021, the Advance Payment Scheme has been aligned with the approach taken under the Act in relation to applications which disclose certain convictions. The scheme needs to consider if the making of a redress payment in certain cases would be contrary to the public interest. It is also important to ensure fairness and consistency so that all applicants are treated the same way.

What does this mean for my redress payment?

This means that the individual circumstances of your case will need detailed consideration and it may result in the decision that you are not eligible for an Advance Payment. If, on review of your case it is felt there is an overriding public interest, this would mean that there are compelling grounds for refusing your application. Please

note, each case will be considered on its own merit, there is no automatic exclusion or blanket presumption against the payment of redress.

What detail do I need to provide and how will the decision about my eligibility be made?

You will be asked to provide further information about

- The nature of the offence
- The sentence imposed
- The length of time since the offence was committed
- Rehabilitation undertaken
- Any other information that you consider relevant

The information will then be considered by the Deputy Director who makes decisions on eligibility for the Advance Payment Scheme. The decision will take account of the detail that you have provided alongside the purpose and policy intention of the Advance Payment Scheme.

If I am not eligible due to my previous convictions, can I ask for a review of the decision?

Yes. The Advance Payment Scheme includes a review mechanism. This review will be carried out by someone completely unconnected with the original decision to ensure independence and impartiality.

If I am refused a payment from Advance payments because of my previous convictions, can I apply to the Statutory Scheme?

Yes, your application to the statutory scheme will be considered independently by Redress Scotland.

10. HOW THE INFORMATION YOU PROVIDE WILL BE

USED How will my information be managed?

The information that you provide will be used for the purpose of processing your application. It will be managed carefully and in line with relevant privacy and information handling laws and regulations, including data protection law. Please see the Privacy Notice for details about how your information will be used and how it will be kept secure.

Will you carry out any checks on the records I provide?

Yes. To validate the document you provide which shows you spent time in care, we will contact the organisation that gave you the document or the care provider named on that document, if different. When we do this we will only share the data that appears on the supporting document along with your current name.

If you are concerned about us contacting your care provider, you may want to consider if there is another document you can obtain, for example from the local authority or education authority. Please contact the Advance Payment Team if you would like to be referred to an organisation that can help you try to find a relevant document.

Will you share information with Police Scotland if you have concerns for other children or vulnerable adults?

It is everyone's responsibility to protect children, whether it be at home, at school or in the community. Vulnerable adults also have rights to be protected from harm.

- Where an applicant provides information in their application form regarding an alleged perpetrator of abuse, we will contact the applicant to let them know that, in line with the Privacy Notice and this guidance, we will pass this information and the applicant's details to Police Scotland in order that an assessment can be made of any current risk posed by the perpetrator.
- Where an applicant provides information which indicates that a child or vulnerable person may be at risk of harm, we will contact the applicant and pass this information and the applicant's details to Police Scotland in order that an assessment can be made of any current risk to that child or vulnerable person.
- Where an applicant wishes to make a new report of abuse to Police Scotland, we will provide them with information on the methods by which they can make a report directly to Police Scotland.

11. OTHER QUESTIONS

Why is an Advance Payment only available to those who have a terminal illness or who are age 68 or over?

The Advance Payment Scheme is for those who may not live long enough to apply to the statutory redress scheme due to age or terminal illness. We recognise that many survivors face considerable ill health and we are sorry that we are not able to include everyone at this stage.

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

The Advance Payment Scheme is for those age 68 or over, or those who have a terminal illness. If this does not apply to you, but you were abused in care, you may be able to apply to the statutory financial redress scheme when it opens. If you reach the age of 68 or develop a terminal illness before the statutory scheme has opened you can apply for an Advance Payment at that point.

The Scottish Government has committed to introducing legislation in Parliament to establish a statutory financial redress scheme. With Parliament's approval, this should be passed by the end of this Parliamentary term in March 2021. The statutory scheme will open as soon as possible after that.

Does this mean that the Scottish Government is accepting legal liability?

No, the payment of ex gratia sums under the Advance Payment Scheme does not mean that legal liability in individual cases is being accepted by the Scottish Government. Redress schemes elsewhere usually operate on the basis of ex-gratia payments, which means that there is no legal obligation to pay. The Scottish Government feels that there is a strong moral responsibility to do the right thing, which is why it has committed to provide financial redress for historical child abuse in care.

On what basis will Advance Payments be made without legislation?

The payment will be made with Scottish Government relying on its common law powers. The payment does not arise from any statutory right. The payments will be discretionary and made on an ex gratia basis.

12. SOURCES OF SUPPORT AND ADVICE

Supporting victims and survivors of historical child abuse

In considering whether to apply for an Advance Payment you may have spent time thinking about what happened to you as a child. It is possible that memories and feelings may have resurfaced that are causing you anxiety and distress. It is important to know that what happened to you was not your fault, and that support is available.

Please let the Advance Payment Team know if you would like to be referred for support. The Scottish Government has set up and funds an organisation called Future Pathways which offers help and support to people who were abused or neglected as children while they were living in care in Scotland. They can help victims and survivors access person-centred support that will help them to lead full, healthy and independent lives. Future Pathways is funded by the Scottish Government.

If you prefer to contact Future Pathways directly, details are available on their website <https://future-pathways.co.uk/contact/> or telephone 0808 164 2005. If you let the Future Pathways team know that you are applying for an Advance Payment they can give you priority access to support.

Two organisations that can help with tracing records are Birthlink and Wellbeing Scotland.

Birthlink: Telephone 0131 225 6441 or e-mail mail@birthlink.org.uk

Wellbeing Scotland: Telephone 01324 630 100 or email info@wellbeingscotland.org

Wellbeing Scotland provide a wide range of support services for survivors in addition to helping with tracing records.

The Scottish Government's website has a section on historical, or 'non-recent', childhood abuse which lists sources of support, including information about telling the police if you wish to do so. You can find out more here <https://www.mygov.scot/childhood-abuse/>

General advice

If you would like advice about managing your finances, your wider situation, or perhaps you want to understand the options regarding Power of Attorney or Guardianship, you may want to contact **Citizens Advice Scotland** or **Age**

Scotland.

Links to these are provided here:

Citizens Advice Scotland: <https://www.cas.org.uk/>

Age Scotland: <https://www.ageuk.org.uk/scotland/>

Immediate help

If you become upset at any point **Breathing Space** and the **Samaritans** can provide immediate help.

Breathing space: Call free of charge on **0800 83 85 87**, Monday to Thursday from 6pm to 2am, weekend from Friday at 6pm to Monday morning at 6am.

<https://breathingspace.scot/>

Samaritans: Call free of charge on **116 123** from the UK, any time of the day or night.

<https://www.samaritans.org/scotland/samaritans-in-scotland>

