

# Helping you navigate **Scotland Redress**

The Scottish Redress Scheme provides compensation to survivors abused in care settings such as foster homes, children's homes, NHS care facilities, or residential schools (not funded privately, i.e. boarding schools).

## What are the different types of application?

There are two main types of Redress applications:

- **Fixed Rate Payment** – offers a lump sum of £10,000
- **Individually Assessed Payment** – sums range between £20,000 and up to a maximum of £100,000.

Next of kin (spouses, civil partners, cohabitants, or children of deceased survivors) are eligible to apply if the survivor had not already received a Redress payment. Before knowing what route is right for you, it's important to be aware of everything that can impact your rights.

It may be that a civil claim, where compensation can be up to 10 times more than the capped government scheme, is your best option.

This is especially important to know because if you accept a Redress payment, you'll need to sign a waiver which prevents any separate civil legal action, meaning you lose your right to sue in civil court or seek a higher, fairer sum.

## What evidence do I need to apply?

The evidence needed depends on the type of application.

For a Fixed Rate Payment:

- Evidence of your time in care (GP records, school records or social work reports)
- A statement about the abuse.

For an Individually Assessed Payment:

- A statement of the abuse
- Evidence of your time in care
- Evidence of the abuse such as a police report, conviction record, witness statement or health records.

It's worth noting that Redress Scotland also requires certified identification documents, application forms and often a bank statement in your own name.

## What is the waiver and how does it affect me?

If you're successful in your Redress application and offered compensation, you must sign a waiver before receiving any money. Signing the waiver is a big decision as it means you cannot ever pursue a scheme contributor for the abuse you suffered. Scheme contributors are organisations which pay into the Redress Scheme and benefit from the waiver's protection.

Organisations that haven't contributed to the scheme don't receive the protection of the waiver, so you can still bring a civil action against them, even after signing the waiver. It's important to be aware that they can join the scheme at any time.

The choice to sign the waiver is yours but our expert team can advise on alternatives to Redress if you wish to investigate these more thoroughly, but this service isn't funded by the Scottish Government.

### What if I'm not happy with the Redress offer?

If you're not happy with the offer or even believe Redress Scotland made an error in reaching their decision you can request a review. But you can only request a review once and that decision will be final, with almost no alternative route (unless you fund your own legal challenge). Your offer is valid for six months from the date of the offer letter. If it's not accepted within that period, it's considered declined. You can request an extension under exceptional circumstances.

### What does the Redress Scheme consider?

Redress Scotland will consider all abuse that occurred while you were in care provided the abuse happened before 1 December 2004. This rules out ongoing abuse that started before that time and continued after it – so if you were assaulted for one week before 1 December 2004 and continued to be assaulted for a further six months until May 2005, then Redress would only provide compensation for the week you were assaulted before the cut off. The scheme also does not consider the impact of the abuse and any long-lasting issues.

Civil claims, however, take everything into account, including the lifelong impact.

### What is the process for applying?

Your Redress application will be assigned to a government caseworker who will ensure your application is complete before performing verification checks on supporting documents. Your application will then be passed to Redress Scotland.

From there it will be placed in a queue to be assigned a panel date and assessed by two or three panel members depending on the application type. After your application has been considered, a determination pack will be provided. This includes an offer letter detailing the reasoning behind the panel's decision and the waiver. Once Redress Scotland receives your signed waiver, you should receive funds within 10 working days.

### What applications are considered priority applications?

There are two types of priority applications:

- Priority 1 applications for those with terminal illnesses.
- Priority 2 applications for those aged over 68.

Then there are 'non-priority applications' which apply to any person who doesn't meet either of the priority criteria.

### What are the timescales for a Redress application?

Redress Scotland aims to have priority applications before a panel within six weeks of receipt from the caseworker.

Non-priority applications can take between 12 and 18 months (based on our experience in helping survivors).

The Redress Scheme claims to provide a quicker and less stressful way to get compensation but there is evidence to suggest this isn't always the case.

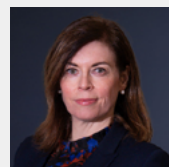
A Redress payment will also not give you the chance to hold your perpetrator accountable, and in many cases, a Redress payment may be far less than what you're entitled to.

### How we help survivors

At Irwin Mitchell we're proud to work alongside multiple charities across Scotland and the UK which provide bespoke, holistic support for survivors of abuse. We believe collaborating in an empathetic and trauma-informed way ensures survivors, and their loved ones, have the best chance of navigating and creating a new future in the most positive way possible.

If your loved one is vulnerable or lacks capacity to apply themselves, don't worry as Redress Scotland also accepts applications from appointed guardians.

Whatever the circumstances we can help you or your loved one access specialist legal advice for the best route forwards, and throughout the process we are here whenever you need a helping hand.



#### Kim Leslie

Irwin Mitchell Partner and Executive Officer for Association for Child Abuse Lawyers (ACAL)

+44(0)141 300 4324

kim.leslie@irwinmitchell.com

