

PE2197/A: Allow more survivors of care abuse to access redress

Scottish Government written submission, 20 November 2025

Does the Scottish Government consider the specific ask of the petition to be practical or achievable?

Scotland's Redress Scheme was established in 2021 to provide acknowledgement and tangible recognition of harm as a result of historical child abuse in various care settings in Scotland. The scheme has been open to applications for nearly four years.

It should be noted that the 1 December 2004 cut-off date for eligibility has always been the Scottish Government's position. This was referenced within the material published with the draft legislation in August 2020 (in the Explanatory Notes and the Policy Memorandum to the Bill). The Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021 was unanimously passed by the Scottish Parliament in March 2021.

The policy memorandum to the Bill states:

71. The purpose of the scheme is to acknowledge and provide tangible recognition of harm as a result of historical child abuse in various care settings in Scotland. The Bill provides that, for an application to be made, abuse must have occurred before 1 December 2004 (section 16(2)). This was the date of the then First Minister Jack McConnell's public apology in the Parliament, when Scotland began to face up to the harm done to children in care in the past.

72. Rapid and substantial change in relation to the monitoring and regulation of the care system in Scotland took place in the period immediately following the creation of the Scottish Parliament. This included the passing of the Regulation of Care (Scotland) Act 2001, with the key aim of improving standards of care services, leading to the establishment of the Scottish Commission for the Regulation of Care (known as "the Care Commission") and the Scottish Social Services Council. The Scottish Social Services Council was established in 2001 for the mandatory registration and regulation of care services and social workers. In 2002, the Care Commission was established, with responsibility for the inspection of adult and children services, as was Disclosure Scotland, to provide criminal records disclosure services for employers and voluntary sector organisations. As a result the regulation, inspection and child protection guidance and standards now in place are radically different to those of the past.

73. A majority of both individual (63%) and organisational (54%) respondents to the consultation agreed with this proposal. However, around one in five of all those

responding (22%) were unsure about it, and 17% of respondents actively disagreed with it. Those who disagreed or were unsure were mainly concerned about the implications for those who had suffered abuse since 2004.

The Scottish Government recognises this is a challenging issue, however, taking what has been outlined above into account, it is crucial in order to provide clarity to applicants to Scotland's Redress Scheme that the scope of the eligibility criteria is clearly defined. As such, the Scottish Government considers that the cut-off date for the scheme, as set out in the Act unanimously passed by parliament, remains appropriate and in line with the core purpose of the scheme. There are no plans to review this.

That is not to suggest that children were not abused after December 2004, but the Scottish Government considers that regulatory changes and improvements made since that date, in relation to the areas of safeguarding, regulation, and record keeping, mean that the context of that abuse, and the remedies available to survivors, are in themselves different. This is why the focus of the scheme is on abuse which should be considered "historical". This is in no way intended to diminish the experience of those who were abused in care post-2004.

The Scottish Government recognises that the abuse of children in all circumstances and settings is wrong and harmful. It should never have happened, regardless of when it occurred.

What, if any, action the Scottish Government is currently taking to address the issues raised by this petition, and is any further action being considered that will achieve the ask of this petition?

The Scottish Government considers that the cut-off date for the scheme, as set out in the Act unanimously passed by parliament, remains appropriate and in line with the core purpose of the scheme. There are no plans to review this.

Although survivors who were abused in care post 2004 are not eligible for redress through Scotland's Redress scheme, individuals can pursue civil action for the abuse they suffered whilst in care.

The Scottish Government have brought forward changes in legislation to make litigation more accessible to survivors of historical child abuse. This includes the Limitation (Childhood Abuse) (Scotland) Act (2017) ("the 2017 Act"), which provided the option of civil court action for significantly more survivors by removing the time bar on personal injury claims for damages in respect of childhood abuse. Prior to 2017, a claim for personal injuries for childhood abuse generally had to be made within three years from the time of the injury or the survivor's 16th birthday.

Scotland's Redress Scheme has been designed as an alternative to civil litigation, not to replicate it; therefore, some survivors may find civil action offers specific outcomes that the redress scheme does not. For example, redress payments are not intended to be compensatory in the same way as an award of damages made by a civil court, nor will they make an assessment of the lifelong impact of abuse or any

potential loss of opportunity that arose. Moreover, the redress scheme is not about establishing legal liability for the consequences of the abuse as a court would, nor does it determine any issue of fault or negligence arising from it.

Through the Survivors of Childhood Abuse Support Fund, the Scottish Government fund 22 organisations across Scotland who provide support to those who have experienced abuse as children. A full list of all the organisations currently funded can be found at [SOCAS-2426-grant-amounts.pdf \(inspiringScotland.org.uk\)](https://inspiringScotland.org.uk/SOCAS-2426-grant-amounts.pdf).

Future Pathways may also be able to provide support to survivors. They provide support to adult survivors who have been abused in care in Scotland and further information about the support they offer can be found at <https://future-pathways.co.uk/>

Is there any further information the Scottish Government wish to bring to the Committee's attention, which would assist it in considering this petition?

The Scottish Government would again reiterate that the abuse of children in all circumstances and settings is wrong and harmful. It should never have happened, regardless of when it occurred.

Redress, Relations and Response Division