

Citizen Participation and Public Petitions Committee
Wednesday 21 January 2026
2nd Meeting, 2026 (Session 6)

PE2197: Allow more survivors of care abuse to access redress

Introduction

Petitioner Linsay McRitchie

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to extend Section 18 of the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021 to include survivors of abuse that occurred after 2004.

Webpage <https://petitions.parliament.scot/petitions/PE2197>

1. This is a new petition that was lodged on 24 October 2025.
2. A full summary of this petition and its aims can be found at **Annexe A**.
3. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.
4. Every petition collects signatures while it remains under consideration. At the time of writing, 75 signatures have been received on this petition.
5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered.
6. The Committee has received submissions from the Scottish Government and the Petitioner, which are set out in **Annexe C** of this paper.

Action

7. The Committee is invited to consider what action it wishes to take.

Clerks to the Committee
January 2026

Annexe A: Summary of petition

PE2197: Allow more survivors of care abuse to access redress

Petitioner

Linsay McRitchie

Date Lodged

24 October 2025

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to extend Section 18 of the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021 to include survivors of abuse that occurred after 2004.

Background information

Abuse did not stop on 1 December 2004. This exclusion creates inequality, with some survivors recognised and others denied justice simply because of when the abuse happened. This petition calls for redress for survivors of abuse and neglect in the care system. Children in residential and secure care, including myself, experienced repeated emotional abuse, physical assault, sexual assault, daily restraint, and were dragged along corridors. Many of us were moved between placements without support, therapy, or consistency.

These failures caused long-term trauma and harm. Personal belongings were often packed into bin bags during relocations, showing the lack of dignity and care provided. I am seeking recognition of the suffering endured and meaningful redress for survivors, to acknowledge the harm caused and begin to provide justice for those affected.

Providing redress is a crucial step toward accountability, acknowledgement of harm, and ensuring that all survivors are heard and acknowledged.

Scottish Child Abuse Inquiry has official reports on systemic failures in care.

Annexe B: SPICe briefing on PE2197



Brief overview of issues raised by the petition

The petition calls on the Scottish Parliament to urge the Scottish Government to extend Section 18 of the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021 to include survivors of abuse that occurred after 2004.

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

The Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021 (Redress Act) sets up [a scheme](#) for the provision of financial and non-financial redress to survivors of historical child abuse in care settings in Scotland.

The scheme, which opened in December 2021, and which is provided by the Scottish Government and [Redress Scotland](#), is aimed at providing survivors with a choice of how to pursue redress payments and is an alternative route to civil litigation. The scheme is open to accept applications until five years after section 31 of the Redress Act comes into force¹ or on the day falling two years after [the Scottish Child Abuse Inquiry](#) has published its final report, whichever is the later. The Scottish Ministers have powers to extend this period by regulations.

To be provided with financial redress, applicants have to give up the right to bring court cases against the bodies responsible for the abuse (i.e. religious bodies, charities, various arms of the state etc.) who have provided "fair and meaningful" financial contributions to the scheme.

Further details on the scheme can be found on [the website of Redress Scotland](#) and in [the scrutiny by the Citizen Participation and Public Petitions Committee of Petition PE1933: Allow the Fornethy Survivors to access Scotland's redress scheme](#).

Eligibility for redress payments – 1 December 2004 cut-off date

The Redress Act provides eligibility criteria for redress payments. Under section 18, redress payments are limited to abuse to children in "relevant care settings" in Scotland which occurred before 1 December 2004.

¹ Section 31 came into force on 7 December 2021.

[The Policy Memorandum for the Bill which led to the Redress Act](#) explained the rationale for the 1 December 2004 cut-off date as follows:

“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 ... 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 ... As a result the regulation, inspection and child protection guidance and standards now in place are radically different to those of the past.”

[The Policy Memorandum](#) also stated that consideration was given to 17 December 2014 as an alternative date to reflect the Scottish Child Abuse Inquiry’s terms of reference, but that in the Scottish Government’s view:

“74 ... given the changes and improvements made since 1 December 2004, the 2004 date represents a more appropriate cut-off point in the context of this redress scheme and keeps the focus of the scheme on abuse which should be considered “historical.”

In its [Stage 1 Report on the Bill](#), the Education and Skills Committee recommended that the eligibility dates used for both the redress scheme and the Scottish Child Abuse Inquiry should be aligned and that the Scottish Government should provide further information regarding the financial implications of doing so ahead of Stage 2.

[The Scottish Government’s response to the Education and Skills Committee’s Stage 1 Report \(16 December 2020\)](#) did not agree to the committee’s recommendation. It stated that:

“23. ... We do not believe that the systemic failings which clearly contributed in past decades persisted beyond 2004, and while those abused in care after 2004 may still face challenges in accessing justice through the traditional routes, these are not to the same extent as for those abused before that date.

25. We do recognise the evidence the Committee has heard regarding those survivors who were only in care after 1 December 2004. We accept that having different dates around eligibility between the redress scheme and the Scottish Child Abuse Inquiry might appear to disadvantage those who were abused in care between 2004 and 2014 who would otherwise be eligible for redress. However, whilst the Inquiry and the redress scheme are both important steps in Scotland’s journey as a nation to acknowledge and face up to the past, each serves a different purpose.”

The response noted though that the Scottish Government would continue to consider its position in advance of Stage 2 of the Bill.

The eligibility dates in question were ultimately not amended at Stages 2 or 3 of the Bill.

Angus Evans

Senior Researcher

4 November 2025

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

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Annexe C: Written submissions

Scottish Government written submission, 20 November 2025

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

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

Petitioner written submission, 6 January 2026

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

The Scottish Child Abuse Inquiry investigates and collects statements from people abused in the care system, beyond 2004. The Redress scheme does not match the inquiry's remit, and this is unfair as the inquiry's findings are that there were serious systemic failures over several decades. Just because the law drew a line at 2004 doesn't mean abuse stopped then, and the Scottish Child Abuse Inquiry proves that children have been:

- Seriously Harmed
- Neglected
- Emotionally, Physically and Sexually Abused
- Institutional Failures Continued Long After 2004
- People were still being locked away
- Restrained
- Isolated
- Ignored
- Disbelieved
- Being Moved Around
- Experiencing Multiple Traumas

The system didn't magically change on the 1st of December 2004; this date was used not because the abuse stopped, but because it was politically convenient to limit the financial and legal responsibility. The reality is that:

- Staff didn't suddenly transform
- Oversight didn't suddenly strengthen,
- Children didn't become safer
- Trauma didn't reduce,
- Institutions didn't suddenly become accountable
- The evidence from the inquiry is that failures were still happening and, in some cases, just as severely

Survivors being left out is a form of discrimination, same institutions, same systemic failures, same harm, same trauma, same lifelong impact but different dates so no access to redress it means that two children could be abused in the same building by the same staff experiencing the same harm but one gets access to redress simply because it happened in November 2004 and one gets nothing because it happened in March 2005 only 4 months apart. That's not justice, that's administrative injustice.

This is about the failures of a system - if the inquiry investigates it, redress should cover it. If the harm was caused by the same organisations, the same lack of oversight, the same culture, the same failures in care, then it should be treated as historical abuse, regardless of whether it was pre- or post-2004.

The redress cut-off date leaves an entire generation behind, and this matters because the children who were harmed after 2004 have no route to redress.

Civil cases are extremely hard, expensive, traumatic, and often impossible because of the laws. Organisations and local authorities still deny responsibility. This date is a convenient line to reduce liability, not an ethical one, so many survivors are left.

My lived experience (2002–2014)

I grew up in the care system from the age of 6 to 18. During my time in care:

- I was emotionally abused by staff,
- Excessively restrained,
- Emotionally and sexually abused by other young people,
- Moved between multiple placements, often without support,
- Placed in a secure unit for three years on welfare grounds, following trauma that had not been addressed,
- And dragged down corridors daily by staff.

The last three years of my care were in a positive, trauma-informed care home, which provided me with stability and support.

However, despite the improvements in my final placement, the abuse and failures I experienced earlier had already caused lasting trauma.

Because of the 2004 cut-off, I am still excluded from redress, despite my abuse falling within the period recognised by the Inquiry.

A recent briefing given by MSPs contains factually incorrect statements. These inaccuracies minimise and downplay what actually happened to me and misrepresent the systemic failings that I and many others have lived through

Ongoing Abuse & Failures Through to 2014

- “Children were abused when in care in Scotland ... for many decades prior to December 2014.” (Scottish Child Abuse Inquiry, 2020) This shows that abuse was not just historical (pre-2004) — the Inquiry documents failures all the way to 2014.

Survivors’ Voices Ignored

- “Survivors’ demand for justice ... was not properly heard or understood by Scottish Government.” (Scottish Child Abuse Inquiry,2020)
- “Engagement with survivors was influenced by an attitude of paternalism — a view that the Government knew better than survivors ... and an assumption that the needs of survivors would be met by measures that would be ‘therapeutic’.” (Scottish Child Abuse Inquiry,2020)
- These lines strengthen the point that the state did not take survivors’ calls for real accountability seriously — they assumed therapy/support would “fix” it, rather than proper recognition or financial redress.

Delays & Lack of Accountability

- “The delay between 2002 and 2014 in setting up a public inquiry was woeful and wholly avoidable.”(Scottish Child Abuse Inquiry,2020)
- “Officials and legal advisers wielded significant power and influence ... By following advice ... ministers for far too long resisted key aims of the Daly petition.” (Scottish Child Abuse Inquiry,2020)
- These quotes call out the systemic delay and how decision-makers deprioritised survivors, despite clear demands for justice.

Barriers to Legal Redress

- “The civil justice system presented several barriers to survivors obtaining accountability. Those barriers included laws on prescription and limitation, Legal advisers expressed concern about the precedent effect of making

changes, the same concerns were expressed in 2014.” (Scottish Child Abuse Inquiry,2020)

- This is important: not only was there harm after 2004, but survivors faced real legal obstacles, which helps explain why many cannot access redress via court.

Late Redress Scheme / Apology

- “Some have died without benefiting from a financial redress scheme or from proper acknowledgement and accountability.” (Scottish Child Abuse Inquiry,2025)
- The Inquiry’s own findings confirm that the system failed *after 2004*. It’s not just about “old institutional abuse”: there was real, ongoing harm that the government failed to reckon with properly.
- The government’s delay and resistance (2002–2014) to setting up a full inquiry is a direct criticism from the Inquiry survivors weren’t listened to, and accountability was ignored.
- Legal and policy barriers (like limitation / prescription) made it very difficult for survivors to get justice. That strengthens the case that financial redress should *not* be capped at 2004.
- The fact that many survivors never saw redress or died before they could is a moral and political issue. It’s not just bureaucracy; it’s life / death, recognition, and justice.

I urge you to consider the evidence and act to ensure survivors of abuse after 2004 are not abandoned by the system that failed them.