

Help to apply



Scotland's Redress Scheme

Help to apply

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How to use 'Help to apply'

This is the 'Help to apply' guidance for Scotland's Redress Scheme. This gives supporting information to help you complete your application.

It also contains details about:

- eligibility for the redress scheme
- which supporting documents you need to submit with your application
- how to access further help and support

If you need further support, please contact a case worker on:

- Telephone: 0808 175 0808 (freephone)
- International: +44 131 297 6500

Lines are open Monday to Thursday from 10am to 4pm (except Scottish public holidays)

Email: apply@redress-scheme.scot

People involved in a Scotland's Redress Scheme application

Any information you put on your application form will be kept confidential. Only the people who need to will see it.

These are the people and organisations who will be involved in your application.

Scotland's Redress Scheme

Scotland's Redress Scheme is a scheme run by Scottish Government and Redress Scotland.

Case workers from Scotland's Redress Scheme are responsible for communicating with applicants. A case worker works for Scottish Government and will communicate with you throughout your application. They can help with questions about:

- how to complete an application form
- what documents to provide
- where to get support

Redress Scotland

Redress Scotland is an independent organisation. A Redress Scotland panel will review your application and make a decision on your redress offer. They are made up of people from different professional backgrounds and experiences.

People you can choose to be involved in your application

Solicitor

A solicitor can help you:

- complete your application form
- decide whether to sign a waiver to receive a payment

If you receive a payment offer it will come with a legal document called a 'waiver'.

You are strongly encouraged to talk through your options, and signing the waiver, with a solicitor.

Scotland's Redress Scheme can pay fixed fees for a solicitor to help you with this process. This is not means tested and is available to all applicants. You should check with your solicitor whether they will complete the work for the fixed fees.

Solicitors can alternatively make their own fee arrangements with you. You should carefully read the terms of business they send you and clarify whether you will be asked to pay any fees.

Even if the fees are paid by Scotland's Redress Scheme, your solicitor is independent. They will work for you and not for Scotland's Redress Scheme.

You can learn more about finding a solicitor in Scotland on the Law Society of Scotland website (www.lawscot.org.uk)

Redress Support Service

Support is available to all applicants, at any stage of the process, through the Redress Support service. You can access this support even if you haven't applied yet.

The Redress Support service provide non-specialist emotional support sessions, support to access records and practical support such as helping you to write your statement of abuse or to complete the application forms. More information is available on www.redress-support.scot/.

To get support, contact a case worker who'll send a referral to the Redress Support service.

How the application process works

Key: ■ Scottish Government

■ Redress Scotland



Eligibility for Scotland's Redress Scheme

Survivors are eligible for the scheme if the following four things apply:

- they were abused
- while resident in a relevant care setting in Scotland
- before 1 December 2004
- as a child (under 18)

The scheme focuses on abuse in care settings where a public authority (e.g. a Council) or a voluntary organisation (e.g. a charity) exercising public functions became primarily responsible for the day-to-day care of the child.

Anyone can apply to the scheme and decisions on eligibility are made by independent panel members. Panels are organised by Redress Scotland who are independent from the Scottish Government.

Meaning of abuse

For the purposes of the redress scheme, abuse is defined as including:

- sexual abuse
- physical abuse
- emotional abuse
- abuse that takes the form of neglect

Further guidance on the meaning of abuse, as well as information on corporal punishment and peer-on-peer abuse, can be found at <https://www.gov.scot/collections/financial-redress-for-survivors-of-child-abuse-in-care/>. Please be aware this guidance contains graphic descriptions of abuse.

Meaning of relevant care setting

A relevant care setting for the purposes of the redress scheme means:

1. a **residential institution** in which the day-to-day care of children was provided by or on behalf of a person other than a parent or guardian of the child resident there. A residential institution includes:
 - a children's home
 - a penal institution (e.g. a young offenders institution, borstal or prison)
 - a residential care facility (e.g. long-term hospital treatment)
 - school-related accommodation, where the child's attendance at the school was arranged and paid for in its entirety by or on behalf of a local or education authority, or a voluntary organisation (e.g. a charity) exercising functions in relation to the safeguarding or promotion of the welfare of the child
 - secure accommodation

OR

2. a place, other than a residential institution, in which a child resided while being boarded out or fostered.

Generally, the child must have been fostered or boarded out as a result of arrangements made in exercise of public functions (i.e. arranged by a public authority like a council or a charity exercising public functions). Private fostering arrangements or circumstances where children were placed into the care of a relative or guardian, often called kinship care, would normally not be eligible.

Short-term care

Scotland's Redress Scheme was designed primarily for those vulnerable children who were in long-term care, often isolated with limited or no contact with their families. There are therefore some situations in which an applicant is not eligible for redress. For example, if a survivor was placed in a hospital for short-term medical care they would not normally be eligible.

Similarly, if a survivor was resident in any relevant care setting for the purpose of being provided with short-term respite or holiday care then they would not be eligible for the scheme. This must have been under arrangements made between their parent or guardian and another person.

In assessing whether a placement was 'short-term respite or holiday care' or not, the focus should be on the underlying purpose of the placement at the time it came about, and all relevant factual circumstances will need to be taken into account. By way of example, we envisage that the following types of situation would not fall within the scheme

- stays in a convalescence home for the purpose of recovering from surgery or illness
- stays to provide short-term respite and support to both a child and their family
- stays in the types of 'holiday' homes that were provided to give children from inner cities a short break in a healthier environment, or again to provide short-term respite and support to the child and their family

These types of circumstances were intended to be temporary in nature with no intention that responsibility for the day-to-day care of the child would be taken over on a long-term basis by the establishment rather than the child's family.

Each application will be considered on its own merits, having particular regard to the purpose of the stay in question.

Abuse outwith the care setting

Abuse can still be eligible under the scheme if it took place outwith the care setting but whilst the child remained under the care of the person who provided the residential accommodation, or someone authorised by that person. Examples could include abuse which occurred on a day or holiday excursion. It does not matter whether the child was abused within or outside Scotland during the period of absence from the relevant care setting in Scotland.

Types of redress payment

You can apply for:

- a fixed rate payment of £10,000 or
- an individually assessed payment of up to £100,000

Which application you choose will depend on your circumstances but both can include:

- an apology from the Scottish Government
- help to receive an apology from other relevant organisations
- emotional support

Part 1 of the application form asks you which type of payment you want to apply for. You can change your mind later in the process.

If you apply for and receive a fixed rate payment, you can apply later for an individually assessed payment. The fixed rate payment amount would be deducted from any further payment you were offered.

Both types of application ask you to provide a statement about your experience of abuse. There are some differences though.

Fixed rate payment applications

For a fixed rate payment application you only need to name one care setting you were abused in. You can name more if you want to. You will need to provide one document that shows you were in a relevant care setting.

You do not have to provide a document that supports your statement of abuse.

Individually assessed payment applications

For an individually assessed payment you should name each care setting you were abused in. You will need to provide a document that shows you were in each care setting you name.

For an individually assessed payment application you should give us much information as possible in your statement of abuse.

You will need to provide one or more pieces of information, or evidence, that support your statement of abuse. You do not have to have one document for each care setting, but you should try and provide as much evidence as possible.

Evidential requirements

The evidence required to support a redress application is different to that required to support an action in the civil courts or a prosecution in the criminal courts. The word 'evidence' is used throughout the redress scheme simply to make clear what should be provided in support of an application.

The Redress Scotland panel members must start with the presumption that any information provided by you is true and accurate to the best of your knowledge and belief.

Scottish Government caseworkers and the Redress Support Service are able to help you to obtain supporting evidence and documents.

Proof of care placement

For a fixed rate payment application you only need to name one care setting you were abused in. You can name more if you want to. You will need to provide one document that shows you were in a relevant care setting.

For an individually assessed payment you should name each care setting you were abused in. You should try to provide a document that shows you were in each care setting you name.

A great deal of flexibility is required as to what might constitute satisfactory documentary evidence. We know that in some care settings, record keeping was inconsistent or inadequate.

Examples of satisfactory evidence of care placement:

- a letter from a local authority archivist confirming that you appear in their records as being resident in a relevant care setting as a child
- a chronology of care placements provided by a local authority
- a copy of a document from care records produced by the organisation(s) responsible for the setting in which you were resident, such as an entry in an admission/discharge register, log book, punishment book or disciplinary log. These may be held by one or more of the organisations responsible for the care setting, the representatives of those bodies where they no longer exist, or they may be with a local authority archivist where records were transferred into their care
- local authority records, or including social work and education records
- records that show your 'in care' address at the time, such as:
 - school records
 - a baptism record
 - court or police
 - health records including primary medical records (e.g. GP, dental, ophthalmic, or pharmacy) as well as secondary care records (e.g. hospital or clinic)
- where you were migrated whilst you were a child in care in Scotland, passenger listings or other migration documents which contain reference to the relevant care setting in Scotland from where the migration took place

The document should, if possible, indicate the date or time period you were in care although it is recognised that some documents may not show this.

The main care providers, their representatives, and all local authorities are aware of Scotland's Redress Scheme and their role in helping survivors find supporting evidence and documents, so it is important to highlight that this is the purpose of a request. Organisations often set out their processes for requesting information on their websites.

The process of gathering and sorting documentary evidence from record holders can be time-consuming. To avoid unnecessary delays, applicants are encouraged to carefully consider the relevance of potential evidence before making a subject access request. You should make it clear that you are seeking information about yourself, and your time in care and the abuse at those settings for the purposes of making an application to Scotland's Redress Scheme. You should set out the type of application you are making and provide information about which settings are listed in your application. You can ask for the dates of admission and discharge from settings in your application and evidence to support your personal statement. This can look like requesting a chronology of the settings in your application, any evidence of complaints and investigation, harm, safeguarding issues and child protection concerns, and any evidence of abuse at those settings. Documents that do not evidence the applicant's residency in a relevant care setting or do not support the applicant's account of being abused may not be relevant and do not need to be requested or included in the application.

Supporting document

For an individually assessed payment application you should give us much information as possible in your statement of abuse.

You will need to provide one or more pieces of information, or evidence, that support your statement of abuse. You do not have to have one document for each care setting, but you should try and provide as much evidence as possible.

You may find that one document gives all the information you want to include, and that is enough. Or, you may want to provide several different documents.

Some examples of documents include:

- Previous reports or disclosures to health, social care, school authorities, or police from the period you were in care
- Statements from third parties (this could be someone who witnessed the abuse, or who is a survivor from the same care setting and was there at the same time)
- Medical, social care or school records from the period you were in care (these records are not routinely required unless they demonstrate evidence of abuse)
- Medical records since leaving care, for example where you made reference to childhood abuse in relation to treatment for physical injury or psychological or psychiatric harm
- Statements from third parties who learned of the abuse from you when you were an adult
- Evidence of physical injury or psychological or psychiatric harm
- Relevant medical, psychiatric or psychological assessments
- Previous statements or evidence given in other proceedings
- Information relating to the criminal conviction(s) of perpetrator(s)

This list has some examples of documents you might be able to find, but there may be other things you can use.

If you are struggling to find evidence, please contact a case worker.

You are encouraged to find as much information as possible related to your time in care and your abuse, but it may be difficult in some cases.

Scotland's Redress Scheme is aware of the challenges in finding documents and will take a flexible approach.

Additional information

Applying if you are over 68

If you are over 68 years old your application will be processed as a priority by Scottish Government and prioritised by Redress Scotland for decision making.

Applying if you are terminally ill

If you are terminally ill your application will be processed as a priority by Scottish Government and prioritised by Redress Scotland for decision making.

Part 1 of the application form asks you to indicate if you are terminally ill. If you are we require evidence of this. You can choose to provide evidence of your illness using a copy of a DS1500, SR1 or BASRiS form. A DS1500/SR1 form is available to people in the UK who are not expected to live longer than 6 months. A BASRiS form is a Scottish form available to people with a terminal illness.

Alternatively, we can contact your chosen health professional to confirm your illness. The form asks if you are willing to consent to us writing to your health professional about this.

Applying if you do not live in the UK

If you do not live in the UK you should read the “Guidance for international applicants”, available at www.mygov.scot/redress. This explains what might be different for you around:

- the identity documents you need
- verifying records and other documents
- expenses
- support available to you

Applying if you are in debt

If you are in debt we recommend that you seek help and advice on how applying for redress might affect you. This is particularly relevant if you have signed a protected trust deed or are part of ongoing bankruptcy proceedings.

You can speak to your solicitor about this if you have one, visit your local Citizens Advice Bureau or call their Money Talks phoneline at 0800 028 1456.

More information on free debt advice and support is available on www.mygov.scot/support-money-debt.

Accessibility

You can get information in accessible formats and practical help with your application if you need it. For example:

- an easy read guide explaining how the scheme works
- British Sign Language (BSL) videos about Scotland's Redress Scheme
- information in large print and Braille
- transcription and text to speech services
- extra support if you have additional communication needs
- translation and interpretation help if English is not your first language

The easy read guide and BSL videos are available online. You can contact a caseworker for support at:

Telephone: 0808 175 0808 (freephone), International: +44 131 297 6500

Lines are open Monday to Thursday from 10am to 4pm (except Scottish public holidays)

Email: apply@redress-scheme.scot

Waivers and the contributor list

If you are offered a payment and want to accept it, you will be asked to sign a waiver. You must sign and return the waiver to receive the payment.

The waiver is a legal document. It has important consequences on your rights to raise or continue civil court action related to your abuse.

The waiver asks you to agree that you will not start or continue any civil court action about abuse that is:

- eligible under Scotland's Redress Scheme, and
- directed at the Scottish Government and organisations that financially contribute to the scheme and are on the contributor list you are sent

Contributor list

Organisations are included on the contributor list if they have agreed to make a financial contribution to Scotland's Redress Scheme. Because the contributor list can change over time, you will be sent a copy of the list as it was the day Redress Scotland made a decision on your application.

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