

1. Introduction & Identity Check

Script

“Good [morning/afternoon] my name is [name] calling from [Campaign] in relation to your Scottish Redress Scheme Application.

Before we begin, I just need to confirm your details for data protection purposes:

- Full Name
- Any Previous Names (Changed By Deed Pool/Marriage etc.)
- Date of Birth
- Current Address
- Address prior to entering care setting
- Parents names (if available/if known)
- Contact Telephone Number
- Email Address
- Preferred Method of Contact

All calls are recorded for training and quality purposes.”

Checklist

- *Confirm caller identity*
- *Confirm safe time to talk*
- *Check whether client required additional support or adjustments in place*

2. Vulnerability & Wellbeing Safeguard

Script

“I appreciate that discussing experiences connected to your application can be difficult and upsetting.

Please take your time during this call. If you need a break, further explanation, support, or would prefer to continue another time, just let me know.

Do you suffer from any communication difficulties or vulnerabilities that you wish to make us aware of at this stage.”

Checklist

- *Ask if client is comfortable proceeding with call*
- *Identify any communication difficulties or vulnerabilities*
- *Record any reasonable adjustments required*

3. Explain the Purpose of the Call

Script

“The purpose of today’s call is to:

- Explain the Scottish Redress Scheme
- Explain your options
- Explain how INS Law operates
- Discuss Funding and Fees
- Gather initial information to assess whether we may be able to assist you”

Checklist

- *Confirm the client understands the purpose of the call*

4. Explain Client Options

Script

“The Scottish Redress Scheme provides financial payments, apologies, and support to survivors of historical child abuse in care in Scotland prior to 1st December 2004.

It is important that you understand all of your available options before deciding whether to instruct us. You are entitled to:

- Apply directly to the Scottish Redress Scheme by yourself without a solicitor; or
- Instruct a solicitor who operates under the Scottish Government Legal Fees Scheme, they are paid directly by the Scottish Government for assisting you with your application.

Under the Government Scheme, participating solicitors may receive up to £2,000.00 plus VAT from the Scottish Government for assisting you with the application, regardless of whether you are successful or not with your application.

INS Law does not operate under the statutory scheme and will not claim those government-funded fees.

If you decide to instruct us, you would be choosing private legal representation under a Conditional Fee Agreement, and we would not be paid by the Scottish Government for assisting you.

At this stage, please can you confirm that you have not instructed any other Solicitors to act for you in relation to your Application to the Scottish Redress Scheme? ”

Checklist

Ask the client to confirm:

- *They understand they can apply without a solicitor*
- *They understand a government-funded legal option exists*
- *They understand INS Law does not operate under that scheme*
- *They understand this is private representation under a Conditional Fee Agreement*

- *They understand that they can only have one Solicitor instructed to act for them in relation to the Application to the Scottish Redress Scheme*

5. Explain Private Funding Arrangement

Script

“Our agreement operates on a no win no fee basis, this means:

- If your application is unsuccessful, you will pay nothing.
- If you withdraw your application on our advice, you will pay nothing.

If your application is successful and you receive a redress payment, our fees would consist of:

- Basic charges based on time spent; and
- A success fee

However, the total fees – including VAT – are capped at no more than 16%+ VAT of your redress payment. You will never pay more than the agreed cap.”

Checklist

- *Explain no-win-no-fee basis*
- *Explain time-based charging*
- *Explain success fee*
- *Explain 20% inclusive VAT cap*

6. Explain No Guarantee of Success

Script

“It is important that I make clear that we cannot guarantee:

- That your application will be successful; or
- The level of award the Scheme may award

The Scottish Redress Scheme operates on a discretionary basis which I will explain in greater detail during this call.”

Checklist

- *Client advised no guarantee of outcome/award made*

7. Explain Scope of Work

Script

“If instructed, we can assist with:

- Whether you will be eligible to apply to the Redress Scheme
- Gathering and reviewing evidence
- Preparing and submitting the application
- Corresponding with The Scottish Redress Scheme
- Advising on any offer made
- Explaining the statutory waiver if an award is offered
- Assistance with any reconsideration or review process within the Scheme”

Checklist

- *Scope of work explained*

8. Statutory Waiver Warning

Script

“If a redress offer is made, we will fully explain the statutory waiver before you decide whether to accept anything.

It is important because accepting an award may affect your ability to pursue future civil claims relating to matters.

You would never be expected to accept an offer without fully understanding the consequences.”

Checklist

- *Waiver implications explained*

9. Right to Cancel

Script

“If you decide to proceed, you will have a 14-day cancellation period after signing the agreement.

You can cancel within that period for any reason without charge.

If you choose, you can also authorise us to begin work immediately while your cancellation rights still remain.

Are you happy for the work to begin immediately while your cancellation rights still remain?”

Checklist

- *14-day cancellation rights explained*
- *Early work consent explained*
- *Consent obtained for immediate work to begin*

10.AML/Identity Verification

Script

“So, we are able to formally act for you, we will require proof of your identity for verification purposes:

We therefore will need a copy of:

- Photographic Identification; and
- Proof of address dated within 3 months of today's date

We require this information to comply with anti-money laundering regulations.

Following this conversation, I will send you information via email in relation to what is and what is not acceptable forms of identity verification.”

Checklist

- *ID Requirements Explained*

11. Initial Information Gathering

You will now complete the application screen with the client, ensuring all details are obtained if possible, during the call.

12. Statements

You will now take detailed but succinct statements in relation to each care setting the client has identified. The statements need to be in the following format:

- The time they spent in the care setting
- The types of abuse they suffered:
 - Neglect/Abuse
 - Physical Abuse
 - Emotional Abuse
 - Sexual Abuse

For each identified element of abuse, we will need descriptions of instances of abuse. If possible, obtain approximate dates/years the abuse took place and if they can recall any names of the preparators of abuse. You will need to obtain details of how long the abuse went on for, and the impact this has had upon them in life.

13. Types of Payments

Within this section, you will need to explain the two types of applications that can be pursued under the Redress Scheme:

- The fixed payment of £10,000.00, this is a fixed amount award regardless of the severity of abuse you have suffered.
- The individually assessed payment of up to £100,000.00 which is decided by a closed panel dependent on the level of abuse you have suffered.

You will need to explain that based on the previous awards made by the Scheme and the severity of the abuse they have suffered, we are pursuing the individually assessed payment.

You need to inform the client they will not be required to attend any meeting with The Scottish Redress Scheme in person, we will provide a detailed witness statement on your behalf to The Scheme to tell your story.

14. Consent & Next Steps

Script

“Based on the information you’ve provided today, the next step would be for us to send you:

- Client Care Letter
- Conditional Fee Agreement
- Letter of Authority
- Request for Proof of Address and Proof of Identity

You are under no pressure or obligation to proceed.”

****At this stage, electronically send all initial Documents to the client to be e-signed. Explain to the client that you can remain on the call whilst they navigate and sign the documents, alternatively the client can take the time to read everything and sign/return in their own time.***

Internal Claims Handler Note

- Do not provide any advice on likely compensation figures unless authorised/trained. You can however explain the Level System the Redress Scheme uses to decide upon the amount awarded.
- Avoid pressuring the client to sign immediately if they wish to go through things in their own time.
- Ensure all explanations are given in plain English and avoid any terminology that might confuse the client.