

REDRESS FOR SURVIVORS (HISTORICAL CHILD ABUSE IN CARE) (SCOTLAND) ACT 2021

EXPLANATORY NOTES

DETAILED PROVISIONS

Part 4: Financial redress: redress payments

Chapter 1: Determination of applications for redress payments

Payment levels

Section 39: Individually assessed payment

110. This section sets out the amounts of individually assessed payments that can be offered by the panel depending on the nature, severity, frequency and duration of the abuse suffered and any other factor that is considered relevant. An individually assessed payment is a payment of £10,000 (a fixed rate payment), together with such further sum (if any) as the panel considers appropriate. As such, the total amount received (subject to any deductions) will be £20,000 for a level 1 payment, £40,000 for a level 2 payment, £60,000 for a level 3 payment, £80,000 for a level 4 payment or £100,000 for a level 5 payment. However, there may be cases where the panel determines that no payment is appropriate beyond the fixed rate payment.
111. Subsection (3)(a) sets out that if a fixed rate payment has previously been made to a person, no further fixed rate payment will be made when deciding upon the individually assessed payment. Accordingly, someone who was assessed as being due a level 2 payment would be offered £30,000 (subject to any deductions) to reflect the fact that the £10,000 fixed rate payment had already been received.
112. Similarly, subsection (3)(b) sets out that if an additional application is being made by virtue of section 30(3) (where Redress Scotland is satisfied that there is new evidence which the applicant had a reasonable excuse for not providing at the time of the previous application and which justifies a further application) any previous redress payment paid to the applicant will be deducted from any payment that falls due to them as a result of the determination of the further application and the new evidence.