

Redress For Survivors (Historical Child Abuse In Care) (Scotland) Act 2021: Statutory Guidance – Payments To Children

December 2021



Scottish Government
Riaghaltas na h-Alba
gov.scot

Payments to Children

Status of this Guidance

1. This guidance is issued under section 106 of the Redress for Survivors (Historical Abuse in Care) (Scotland) Act 2021 (“the Act”).
2. This guidance applies to all those with an interest in connection with the making, or consideration of an application for redress. This includes applicants to the redress scheme, their legal representatives and Redress Scotland, who must have regard to the guidance.
3. This guidance covers:
 - The process a case worker may follow when a child is making an application for a redress payment
 - The considerations Redress Scotland may wish to take into account when determining whether a redress payment made to a child should be postponed or partially paid
 - The considerations Redress Scotland may wish to take into account when determining whether an advance of the previously postponed redress payment should be made to the child
 - The review process for directions made under section 51(2) of the Act

Payments to Children

4. Children will be able to apply to the scheme in certain circumstances, and some children may receive a significant payment amount as a nominated beneficiary, should a survivor die prior to their application being fully determined.
5. Where an applicant is under 18, the case worker will get in touch with the applicant to discuss the individual circumstances of the child and to discover if any additional support is required.
6. Under section 51(2) of the Act, where a person under the age of 18 is offered a redress payment, Redress Scotland may give directions relating to the payment and management of the redress payment for the benefit of the child as it considers appropriate. Under section 51(3) of the Act, the panel has the power to make payments to children in instalments or delay the payment until the child turns 18 as it considers appropriate.
7. Redress Scotland may wish to take the following considerations into account when making a determination on whether or not to postpone part or all of a redress payment to a person under the age of 18:
 - the age of the child;
 - the support system the child has;

- whether the child lives independently or is looked after (whether by a parent, guardian or some other person);
- the potential risk of exploitation or harm to the child if they receive a lump sum payment;
- any other information which may be relevant

8. Where a redress payment to a child has been subject to a direction of a panel to be paid in instalments or delayed, Redress Scotland can, at the request of the applicant (or with the applicant's consent) instruct the Scottish Ministers to pay that (or any part of that) sum early. Redress Scotland may take the following considerations into account when an applicant requests an advance of their payment:

- whether the applicant lives independently;
- whether the applicant has education costs;
- whether the applicant has caring or other significant living costs;
- whether there has been a significant change in the child's circumstances following the initial direction notice;
- any other information which may be relevant, including the applicant's support system.

9. Once the applicant reaches the age of 18, the full redress payment, or the remaining balance of the payment, must be paid to the applicant in the same way it would be paid to an applicant aged over 18. Similar to other applicants, signposting to financial advice and other supports will be offered at the point of payment.

Reviews

10. Applicants may request a review of a direction made under section 51(2). With this review request, the applicant may provide any information which they consider relevant. The applicant has 8 weeks to request a review of the direction made by Redress Scotland but a late request can still be permitted where Redress Scotland is satisfied that the applicant had good reason for not requesting a review sooner. This may include circumstances where the applicant was seriously ill or had personal circumstances which prevented them from making a request within the prescribed time limit. Further information on the right to request a review can be found in [the reviews guidance](#).



Scottish Government
Riaghaltas na h-Alba
gov.scot

© Crown copyright 2021

OGL

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-80201-651-2 (web only)

Published by The Scottish Government, December 2021

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS977167 (12/21)

W W W . g o v . s c o t