

# Scots abuse victims 'abandoned' by Scots Government after voting to keep 'disgraceful' cash-for-silence waiver, claims top lawyer

The bill will see victims waive their rights to any legal action in the exchange for a compensation payment.



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Legal action has been taken to court over historical crimes

A top Scots lawyer has accused the Scottish Government of “abandoning” abuse victims, after voting to keep a “disgraceful”, “cash-for-silence” waiver.

Yesterday a Bill forcing victims to waive their rights to any legal action in exchange of compensation payments was passed in the Scottish Parliament.

The Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill has been slammed by a Partner with Digby Brown who claims it “strips people of their rights and benefits liable organisations more than the victims.”

Solicitor Kim Leslie says the payments, which can be as low as £10,000, are a fraction of what survivors are entitled to.

Ms Leslie has settled landmark cases in the past which she says the Redress waiver would prevent.

These included £1million for three siblings in a legal action against the Church of Scotland.

Last year a client secured £240,000 against the Sisters of Nazareth and another won damages from Celtic FC after being abused as a youth footballer.

The waiver was kept due to concerns organisations such as religious groups may otherwise refuse to pay into the scheme.

It had been hoped by campaigners that the payments could be offset against a future claim but this has also been ruled out.

It is now feared Redress will work similar to the Criminal Injury Compensation Agency (CICA) with compensation awarded via a tariff system rather than reflecting the abuse, losses and harm experienced by a survivor.

Kim Leslie, who is also a director of the Association of Child Abuse Lawyers (ACAL), said: “The government has had an agenda on Redress from day one.

“Despite repeated loud warnings and pleas from survivor groups for more than a year the government has pressed on with this disgraceful waiver.

“How do we know it’s disgraceful? Because it strips people of their rights and benefits liable organisations more than the victims.

“Now we need to make sure survivors are fully aware of their rights and we help empower choice around seeking independent help so they are not coerced into a corner and accept tariff-like offers that we see at the CICA.

“Cash for silence is just another form of abuse and I am in no doubt that many survivors will feel the government abandoned them by retaining this waiver.”

If survivors of abuse decide to take a Redress payment they will be entitled to £10,000.

A special committee is planned to look at individual cases where survivors feel they should be entitled to more.

In these circumstances, inflated payments of either £20,000, £40,000, £60,000, £80,000 or £100,000 may apply.

However critics say these sums pale in significance when it comes to raising a legal action.

Ms Leslie, also a director of the Association of Child Abuse Lawyers (ACAL), added: “The Redress waiver would prevent such life-changing settlements from being possible.

“But more importantly it would stop survivors getting the individual recognition they deserve – and the waiver also lets liable organisations and perpetrators of abuse continue to hide as it stops them being held publicly accountable.”

A Scottish Government spokesperson said: “The redress scheme does not silence survivors - anyone who signs a waiver and receives a payment from the redress scheme can continue to talk publicly or privately about the abuse they experienced.

“The redress scheme, backed unanimously by Parliament, gives survivors an alternative route to justice but does not remove their right to civil litigation until an offer of redress is made and accepted. The scheme will strongly encourage survivors to seek legal advice so they are better able to make this judgment, and our scheme means survivors can keep 100% of their redress payment without worrying about legal fees or other costs being taken off their redress payment.

“If they choose the redress scheme, survivors will be able to apply for a fixed rate redress payment of £10,000 or an individually assessed payment of up to £100,000, which will involve a more detailed examination of their experience. Survivors will not be asked to sign a waiver until they know the amount of the payment being offered. The redress scheme will fund legal advice and practical and emotional support. It also offers access to apology and counselling.”