

[By Jane Bradley](#)

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Scottish abuse survivors should ‘not be forced to sacrifice legal rights’

Abuse survivors in Scotland must not be forced to sacrifice their legal rights to protect the very organisations which allowed abuse to take place in the past, lawyers have warned.

Survivors of historic child abuse in care would have their financial redress paid by organisations responsible for their abuse.

The Redress for Survivors (Historical Child Abuse in Care) (Scotland), which is to be debated in the Scottish Parliament on Wednesday, would set up a scheme to make financial payments to survivors of historical child abuse in care in Scotland.

However, one part of the bill states that while organisations involved with residential care of children in the past should pay financial contributions to the scheme, in return, survivors who accept a redress payment will have to agree not to take legal action against these organisations or the Scottish Government.

Kim Leslie, spokeswoman for the Association of Personal Injury Lawyers (APIL) and partner at Digby Brown, said: "As it stands, survivors of abuse who seek redress through the new scheme will have to waive their legal right to compensation afterwards.

“This, apparently, is to give the organisations where abuse has taken place an incentive to fund the new scheme.

“But many survivors will not be aware until it is too late that the new redress scheme, while well-intended, will not always necessarily be their best option of receiving the compensation they need to help rebuild their shattered lives.”

The Bill, which in some circumstances where the survivor has died could see redress payments paid out to their partner or children, also provides survivors of abuse with other practical and emotional support.

A new independent public body Redress Scotland would be created to make decisions about payments.

The Bill applies to those who were abused as children in residential care settings before December 2004.

"Childhood abuse can have a life-long effect, with some survivors finding themselves unable to maintain relationships, or hold down jobs because of the trauma they suffered," she said.

"Even the maximum £100,000 payment available under the scheme may be nowhere near the appropriate amount of compensation for some survivors.

"You cannot heal from childhood trauma of this nature in the same way as if you'd broken a wrist or ankle. Finding the courage to seek redress in the first place is difficult enough. To then find you are expected to sign away your legal rights is unfair and unjust."