

Briefing for the Citizen Participation and Public Petitions Committee on petition PE2197: Allow more survivors of care abuse to access redress, lodged by Linsay McRitchie

Brief overview of issues raised by the petition

The petition calls on the Scottish Parliament to urge the Scottish Government to extend Section 18 of the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021 to include survivors of abuse that occurred after 2004.

The Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021

The Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021 (Redress Act) sets up [a scheme](#) for the provision of financial and non-financial redress to survivors of historical child abuse in care settings in Scotland.

The scheme, which opened in December 2021, and which is provided by the Scottish Government and [Redress Scotland](#), is aimed at providing survivors with a choice of how to pursue redress payments and is an alternative route to civil litigation. The scheme is open to accept applications until five years after section 31 of the Redress Act comes into force¹ or on the day falling two years after [the Scottish Child Abuse Inquiry](#) has published its final report, whichever is the later. The Scottish Ministers have powers to extend this period by regulations.

To be provided with financial redress, applicants have to give up the right to bring court cases against the bodies responsible for the abuse (i.e. religious bodies, charities, various arms of the state etc.) who have provided "fair and meaningful" financial contributions to the scheme.

Further details on the scheme can be found on [the website of Redress Scotland](#) and in [the scrutiny by the Citizen Participation and Public Petitions Committee of Petition PE1933: Allow the Forneithy Survivors to access Scotland's redress scheme](#).

¹ Section 31 came into force on 7 December 2021.

Eligibility for redress payments – 1 December 2004 cut-off date

The Redress Act provides eligibility criteria for redress payments. Under section 18, redress payments are limited to abuse to children in “relevant care settings” in Scotland which occurred before 1 December 2004.

[The Policy Memorandum for the Bill which led to the Redress Act](#) explained the rationale for the 1 December 2004 cut-off date as follows:

“71. The purpose of the scheme is to acknowledge and provide tangible recognition of harm as a result of historical child abuse in various care settings in Scotland. The Bill provides that, for an application to be made, abuse must have occurred before 1 December 2004 ... This was the date of the then First Minister Jack McConnell’s public apology in the Parliament, when Scotland began to face up to the harm done to children in care in the past.

72. Rapid and substantial change in relation to the monitoring and regulation of the care system in Scotland took place in the period immediately following the creation of the Scottish Parliament ... As a result the regulation, inspection and child protection guidance and standards now in place are radically different to those of the past.”

[The Policy Memorandum](#) also stated that consideration was given to 17 December 2014 as an alternative date to reflect the Scottish Child Abuse Inquiry’s terms of reference, but that in the Scottish Government’s view:

“74 ... given the changes and improvements made since 1 December 2004, the 2004 date represents a more appropriate cut-off point in the context of this redress scheme and keeps the focus of the scheme on abuse which should be considered “historical.”

In its [Stage 1 Report on the Bill](#), the Education and Skills Committee recommended that the eligibility dates used for both the redress scheme and the Scottish Child Abuse Inquiry should be aligned and that the Scottish Government should provide further information regarding the financial implications of doing so ahead of Stage 2.

[The Scottish Government’s response to the Education and Skills Committee’s Stage 1 Report \(16 December 2020\)](#) did not agree to the committee’s recommendation. It stated that:

“23. ... We do not believe that the systemic failings which clearly contributed in past decades persisted beyond 2004, and while those abused in care after 2004 may still face challenges in accessing justice through the traditional routes, these are not to the same extent as for those abused before that date.

25. We do recognise the evidence the Committee has heard regarding those survivors who were only in care after 1 December 2004. We

accept that having different dates around eligibility between the redress scheme and the Scottish Child Abuse Inquiry might appear to disadvantage those who were abused in care between 2004 and 2014 who would otherwise be eligible for redress. However, whilst the Inquiry and the redress scheme are both important steps in Scotland's journey as a nation to acknowledge and face up to the past, each serves a different purpose."

The response noted though that the Scottish Government would continue to consider its position in advance of Stage 2 of the Bill.

The eligibility dates in question were ultimately not amended at Stages 2 or 3 of the Bill.

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4 November 2025

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

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