



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

2021 asp 15

PART 2

OPERATION OF THE REDRESS SCHEME

Functions in relation to the redress scheme

9 Duty with respect to ensuring individuals can make informed choices

- (1) In exercising their functions under paragraph (b) of section 8, the Scottish Ministers must use their best endeavours to ensure that persons who—
 - (a) are, or may be, considering making an application for a redress payment, or
 - (b) have decided to make, or have made, such an application,have the opportunity to make informed choices.
- (2) Accordingly, the Scottish Ministers must prepare and publish a statement setting out information about—
 - (a) the options available to such persons at each stage of the process of making an application for a redress payment,
 - (b) the support and other assistance available to such persons under the redress scheme, and
 - (c) the redress for survivors of historical child abuse in care in Scotland, including financial redress, which may be available to such persons otherwise than under the redress scheme.
- (3) The statement (the “summary of options”) must include, or set out details of where to find, information about—
 - (a) the options a person has in relation to—
 - (i) making, pausing and withdrawing an application for a redress payment,
 - (ii) accepting an offer of a redress payment, including the timescales for so doing, and the effect of signing and returning a waiver,
 - (iii) requesting a review of a determination made by Redress Scotland,

Status: This is the original version (as it was originally enacted).

- (b) the sources and types of information or evidence that an application for a redress payment may or must contain or be accompanied by,
 - (c) how such information and evidence may be obtained and shared, in particular the assistance available under the scheme in connection with obtaining such information and evidence,
 - (d) the importance of obtaining independent legal advice, in particular before accepting an offer of a redress payment and signing and returning a waiver,
 - (e) the availability, under the redress scheme, of payment of fees for legal work in connection with applications, and
 - (f) the support available under the scheme in connection with applications for redress payments.
- (4) The summary of options may include such other information as the Scottish Ministers consider appropriate.
- (5) The Scottish Ministers must keep the summary of options under review and may modify it from time to time.
- (6) In complying with their duty under subsection (5), the Scottish Ministers must have regard to any recommendations included, by virtue of paragraph 17(2) of schedule 1, in an annual report prepared by Redress Scotland.
- (7) If the Scottish Ministers modify the summary of options, they must publish the modified summary.