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Child abuse compensation scheme waiver must be scrapped, MSPS demand

MSPS have pushed for the removal from new legislation of a waiver which would stop abuse survivors seeking legal action against their abusers.

The Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill proposes a compensation scheme for survivors of abuse in the care system in Scotland.

However as the bill stands, victims would be forced to waive their rights to future legal action in order to receive the payment.

Deputy First Minister John Swinney said the waiver aims to ensure organisations linked to abuse contribute financially to the scheme.

But opposition parties have called for an “offset” provision to be put into the bill, which would allow survivors to pursue civil action at a later date, but would deduct the amount of compensation from any settlement reached.

In a largely consensual debate yesterday, MSPS unanimously backed the bill at stage one, but members of all opposition parties raised concerns about the waiver.

Labour education spokesman Iain Gray said that if the Scottish Government does not amend the provision, his party will.

“I want to be really clear, the waiver compromises the integrity of the bill,” he said. “It can’t stand, it must go.

“This is not a party political position, indeed I think it’s shared across the Parliament.” Mr Gray said the waiver would not work as an incentive for organisations to contribute to the scheme.

But in an intervention in the debate, Mr Swinney said he believes the waiver would mean insurers would support organisations to make contributions to the bill, if they are assured there is no chance of future litigation.

Mr Gray said evidence heard by the Education and Skills Committee showed insurers would not stand behind organisations in making contributions.

Jamie Greene, the Tory education spokesman and member of the committee, said: “Nobody, absolutely nobody, had anything positive to say about the waiver, that in itself should serve as a warning to us.”

Mr Greene said the waiver could discourage survivors from coming forward, or some could decide to take the money if they were in financial distress.

The Greens’ education spokesman Ross Greer said the waiver could mean those who do not yet have evidence would be robbed of justice in the future.

Mr Swinney said: “We know that a monetary payment does not deliver the redress that survivors need.”