



Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill
Considerations Ahead of Stage Two Amendments (WAIVER)

Local Government agrees without reservation that survivors of historical child abuse must be recognised and compensated in a timely, fair, and appropriate manner. This is an important step in addressing the wrongs of our past. This is also a message we shared in our written and oral evidence as part of the Committee's stage one scrutiny.

COSLA has been working with colleagues in Local Government as well as the Scottish Government Bill team to better understand the legislation and the implications it will have for local authorities as contributors to the Scheme, as well as survivors who will access the Scheme.

The waiver, which is due to be discussed by the Committee on 10th February, requires that survivors agree not to pursue any existing or future litigation against organisations for the instance(s) of abuse. The waiver is an important element of the Bill because it ensures that local authorities and other contributors will not require to pay twice for same instance of abuse. This is a fundamental principle of legal reparation.

Civil actions place significant financial and resourcing pressures on the public purse, which a waiver mitigates against. These pressures include staffing, records management, and legal costs. Where local authorities do have insurance cover, many policies still have significant excesses. Additionally, the position in relation to historical insurance is not always clear, often compounded by Local Government reorganisation in 1975 and 1996.

COSLA's view is that the benefit of the waiver is to the public purse, not simply the local authority. As part of a fair, well designed, and well operated Redress Scheme, it ensures best possible use of public funds and can avoid potentially protracted and contentious legal dispute. If the Bill is amended to remove the waiver, this would place significant financial risk on local authorities as contributors to the Scheme.

Overall, the inclusion of the waiver within the Redress for Survivors Bill is an important element of the Redress Scheme that allows Local Government to provide a fair and meaningful collective contribution, for the benefit of survivors. It is also Local Government's view that it would ensure best use of public funds that can be directed towards the essential services local authorities provide to communities.