

Individually Assessed Redress Payments – the development of guidance and a draft assessment framework

Introduction to this Paper

This paper provides an outline of the work undertaken to date to develop a draft framework and guidance to be used in the financial redress scheme which will be established by the Redress for Survivors (Historical Child Abuse in Care)(Scotland) Bill¹. The guidance and framework are to support decision making by Redress Scotland, the independent decision making body, when considering applications for individually assessed payments.

The purpose of a redress payment in the proposed scheme is to provide tangible recognition of harm suffered as a result of historical child abuse in various care settings in Scotland. We know that no amount of money can make up for the harm done to those who were abused as children in care. Financial payments are just one element of redress that can go some way to acknowledging the wrongs of the past. It is vital that survivors feel they are heard and they are believed. Acknowledgement, apology and support are important elements of redress which it is intended will be offered in or alongside the proposed scheme in addition to a financial payment.

We know that the redress scheme will not be the most appropriate choice for everyone and that some survivors will want to pursue civil court action to have their voices heard in that formal setting and potentially to seek a higher payment. For those who cannot, or choose no, to take civil action, the redress scheme offers a different route to financial payment.

Survivors told us that they wanted a redress scheme that gave them the option of having their own personal experience of abuse assessed. We have designed a redress scheme that offers that choice of an individually assessed payment². This draft assessment framework distinguishes between the experiences of abuse individuals suffered, and allocates each to a payment level.

Please note you may find some of the content of this document distressing.

Considering this paper may bring back difficult memories and provoke strong emotions. It contains detailed descriptions of abuse and we appreciate that thinking about and equating amounts of payments with different types of abuse may also cause upset³. Contact details for immediate support services can be found here

Telephone free of charge [Breathing Space](#) on 0800 83 85 87 (Monday-Thursday 6pm to 2am Weekend: Friday 6pm-Monday 6am) or [Samaritans](#) on 116 123 (anytime).

¹ As introduced to the Scottish Parliament on 13 August 2020. The final content of the Bill is of course subject to the approval of the Scottish Parliament.

² Section 38 of the Bill.

³ A number of sources have explored survivors views and experiences of financial redress schemes. Whilst the process can make a difference to how survivors feel about payments, at times and over time payment amounts can take on a range of different meanings for survivors and result in emotional impact See for example Daly, K. (2014). *Redressing Institutional Abuse of Children*: Basingstoke: Palgrave Macmillan

Methodology – how we are designing the assessment framework

In developing the assessment framework we are considering those used in other redress schemes around the world (and where available the views of survivors who used the schemes⁴) as well as those created by other relevant bodies, such as the Criminal Injuries Compensation Authority and the Judicial College Guidelines for the Assessment of General Damages in Personal Injury Cases.

We are consulting others on the content and drafting of the framework and guidance including: clinical psychologists from a range of organisations⁵ with expertise and experience of working with children and adults with experience of the care system and with people who suffered childhood trauma, and the Criminal Injuries Compensation Authority.

Purpose and Principles

Redress provides tangible recognition of the harm done and acknowledges that it should never have happened. The redress scheme does not attempt to compensate survivors, in the same way that a court would, or to put them into the position they would have been in, had the abuse not happened. We understand that no amount of money, or any other measure, can do that. Redress does not seek to assess the 'loss' suffered by survivors in the way that civil courts do, where individuals have to establish injury or loss or prove the harm that came directly from the abuse. Instead, it will be sufficient for applicants to establish that the abuse occurred. The redress scheme will assess the abuse suffered by reference to the factors set out in the Bill⁶: nature, severity, frequency, and duration of abuse along with any other relevant matters.

The redress scheme will assess the abuse itself rather than the longer term impact it had on the survivor. That is not to minimise the impact of abuse. We know that all abuse has a lasting impact – sometimes physical, sometimes psychological, sometimes both or more wide ranging. In practice, however, there are challenges when assessing impact as a distinct factor and considering the connections between impact and abuse. For example

- challenges in establishing direct or indirect causation or other links⁷ (difficulties in proving that the impact came directly from the abuse in the scope of the scheme)

⁴ CELCIS (2017) Report 3: *International perspectives – a descriptive summary* and the review of 19 redress schemes by Daly, K. (2014). *Redressing Institutional Abuse of Children*: Basingstoke: Palgrave Macmillan. Examples of Schemes that have gathered survivor views: Australia-Queensland: Watson (2011); Canada-Grandview: IHRD (1998) and Feldthusen, Hankivsky and Greaves (2000); Canada-IRSSA: Aboriginal Healing Foundation (2007) and (2010) and Reynaud (2017); Canada-Nova Scotia: IHRD (1998) and Kaufman (2002)

⁵ Initial dialogue has taken place with a number of clinical psychologists from Edinburgh University, The Rivers Centre, NHS Lothian's specialist service for people affected by psychological trauma and NHS GGC - Glasgow Psychological Trauma Service

⁶ Section 38(4) of the Bill.

⁷Fisher, C, Goldsmith A, Hurcombe R, Soares C (2017) *The impacts of child sexual abuse:A rapid evidence assessment* IICSA

- impact can vary depending on a number of risk and protective factors, for example the developmental stage of the child at the time of the abuse or how disclosure was responded to but also be influenced by intervening experiences or coping efforts⁸
- concerns have also been raised that an individual may have to appear “more damaged” in order to get more money⁹
- abuse can also affect people differently at different stages of their life, so just because there is no impact at one point it may still arise at another¹⁰.

In the proposed redress scheme for Scotland, survivors will not be required to establish or evidence the extent to which their adult lives have been affected by the abuse they suffered as children. Redress Scotland will not look into the circumstances of the child’s life before or after they went into care. The intention is that survivors will not be assessed at a lower level of payment if they outwardly appear to have “coped” better than others with the fact of abuse.

We know that some survivors will describe the impact of abuse on their lives. They will not be discouraged from doing so. Although Redress Scotland will not be directed to assess impact when considering the application, it will be important for some survivors to share that part of their overall experience and to be heard. It may also be the case in some circumstances that evidence of impact is a source of information which supports the fact of the abuse having taken place, for example evidence of a physical impairment or psychological disorder.

All types of abuse are included in considering assessment at every payment level. This draws on the findings of the pre-legislative consultation where there was support for a ‘holistic’ approach and relevant research specifically relating to the nature of abuse in care settings^{11 12}. The descriptions in the framework will apply to all relevant care settings and case studies will be provided to assist with this. The assessment framework does not establish a hierarchy of type of abuse.

The assessment framework will set out distinct levels which allow for a differentiation in levels of payment while avoiding the need for overly detailed highly individualised assessments. Some other redress schemes use a detailed point or tariff system with numerous bands. We considered these other ways of calculating payments but are mindful of the potential for issues to arise. For example, lengthy application forms where applicants have to use checklists and provide detailed and often graphic descriptions of their abuse¹³, payment comparisons between applicants, reference by survivors of feeling demeaned about being ‘graded on a scale’ and individuals still

⁸ Wolfe et al (2010) cited in Blakemore, T, Herbert JL, Arney F, & Parkinson, S, (2017) *Impacts of Institutional Child Sexual Abuse on Victims/Survivors: A Rapid Review of Research Findings*, Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney.

⁹ Feldthusen, B., Hankivsky, O., & Greaves, L. (2000). *Therapeutic Consequences of Civil Actions for Damages and Compensation Claims by Victims of Sexual Abuse*. Canadian journal of Women and the Law, 12, 66-116]

¹⁰Fisher, C, Goldsmith A, Hurcombe R, Soares C (2017) *The impacts of child sexual abuse: A rapid evidence assessment* IICSA

¹¹ Radford, L, Dodd, S, Barter C, Stanley, N, Akhlaq A (2017) *The abuse of children in care in Scotland: A research review* University of Central Lancashire ,(for the Scottish Child Abuse Inquiry)

¹² Stein, M. (2006) *Missing years of abuse in children’s homes* *Child and Family Social Work* 11, 11-21 cited in Radford, L et al (2017)

¹³ For example, the Indian Residential Schools Individual Assessment Payment.

feeling confused as to how the abuse can be quantified¹⁴. We appreciate that different viewpoints and issues may arise across many frameworks that measure abuse experiences but we are attempting to develop one that reduces challenges as much as possible.

The process of applying for a redress payment will be kept as straightforward as it can be, recognising that the very fact of applying and of finding and providing supporting documentation will bring back painful memories. We will encourage Redress Scotland to accept a wide range of supporting documentation and information, recognising the challenges that exist for some survivors in providing this. Applicants will be offered practical support and access to emotional support through the application process. The scheme will be trauma informed in its delivery adopting the guiding principles of safety, choice, collaboration, trustworthiness and empowerment.

Definition of abuse

The definition of abuse included in section 17 of the Bill is modelled on the definition provided by the Limitation (Childhood Abuse) (Scotland) Act 2017. Namely, the Bill provides that “abuse” means sexual abuse, physical abuse, emotional abuse and abuse which takes the form of neglect. The Bill (section 16) says that the child must have been resident in a relevant care setting at the time of the abuse but this would include temporary absences from the care setting so long as the child remained under the care of someone at the setting or someone they authorised (section 20).

Abuse will be judged by the standards of the time at which it was committed and not by present day standards. So in relation to physical abuse, this means that corporal punishment, administered in accordance with prevailing law and guidance at the time will not be considered abusive (section 17(2)). We are however mindful of the findings of the Scottish Child Abuse Inquiry that at times “the corporal punishment inflicted was above and beyond what would even have been acceptable in a school setting, approved school setting or family setting”¹⁵. Such cases would constitute abusive conduct for the purposes of the redress scheme.

For the purposes of the redress scheme, we intend that interpretative guidance will be issued by the Scottish Ministers under section 97 of the Bill in relation to the meaning of “abuse” which Redress Scotland will take into account when deciding applications. This guidance will build on the [National Guidance for Child Protection in Scotland \(2014\)](#) (and will take account of the current review of those guidelines) which provides a description of each of the relevant types of abuse. This has been reproduced below and where appropriate, we have listed additional examples to illustrate how these types of abuse may have manifested in relevant care settings covered by the redress scheme:

¹⁴ IHRD (1998). *Final Report Review of “The Needs of Victims of Institutional Abuse”*. Institute for Human Resource Development

¹⁵ For example, *Case Study no. 2 The provision of residential care for children in Scotland by the Sisters of Nazareth between 1933 and 1984 in the Nazareth Houses in Aberdeen, Cardonald, Lasswade, and Kilmarnock Evidential Hearings*: page 23

Emotional abuse is persistent emotional neglect or ill treatment that has severe and persistent adverse effects on a child's emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate or valued only insofar as they meet the needs of another person. It may involve the imposition of age - or developmentally - inappropriate expectations on a child. It may involve causing children to feel frightened or in danger, or exploiting or corrupting children. Some level of emotional abuse is present in all types of ill treatment of a child; it can also occur independently of other forms of abuse.

For the purpose of the redress scheme, other examples may include:

- verbal abuse
- living in constant fear and alarm
- being told inaccurate information about family members
- acts of degradation
- humiliation – including around basic needs – bedwetting and food
- severing contact with family
- being forced to engage in abuse of others/watch others being abused
- isolation
- being moved without any explanation
- religion – either being forced to adopt another religion or being denied access to your own religion

Physical abuse is the causing of physical harm to a child or young person. Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning or suffocating. Physical harm may also be caused when a carer feigns the symptoms of, or deliberately causes, ill-health to a child they are looking after through fabricated or induced illness.

Other examples may include:

- Excessive, arbitrary or cruel corporal punishment^{16 17}
- Forced labour beyond child's physical capacity and/or in extreme conditions

Sexual abuse is any act that involves the child in any activity for the sexual gratification of another person, whether or not it is claimed that the child either consented or assented. Sexual abuse involves forcing or enticing a child to take part in sexual activities, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative or non-penetrative acts. They may include non-contact activities, such as involving children in looking at (or in the production of) indecent images, or in watching sexual activities, using sexual language towards a child or encouraging children to behave in sexually inappropriate ways. This category includes trafficking. This offence is committed if a person

¹⁶ Issues regarding corporal punishment in the context of abuse of children in care have been referenced by the Scottish Child Abuse Inquiry, for example, Professor Constantine noted early legislation in place for the prevention of cruelty towards children, including wilful ill treatment (p127 – p 128) and highlighted that when corporal punishment was protected by law it was permitted within certain contexts often outlined in regulations of various institutions. Reference was made to what was described as 'educational' purposes and that certain acts carried out in anger would have been unacceptable at the time (128 –p131) Testimony, day 188, 22nd September 2020.

¹⁷ See also for example, Campbell & Cosans ECHR case which considered the use of corporal punishment in Scotland back in 1982, considered excessive, arbitrary or cruel corporal punishment for an improper motive <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-57455%22%7D>

arranges or facilitates the recruitment, transportation, harbouring or transfer of control of a person for the purposes of exploitation by themselves or others during or after this. This includes movement within Scotland as well as outside of Scotland¹⁸.

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. It may involve a carer failing to provide adequate food, shelter and clothing, failing to protect a child from physical harm or danger, or failing to ensure access to appropriate medical care or treatment. It may also include neglect of, or failure to respond to, a child's basic emotional needs. Neglect may also result in the child being diagnosed as suffering from "non-organic failure to thrive", where they have significantly failed to reach normal weight and growth or development milestones and where physical and genetic reasons have been medically eliminated. In its extreme form children can be at serious risk from the effects of malnutrition, lack of nurturing and stimulation.

Other examples may include:

- Failure to respond appropriately (by omission or commission) taking account of the age, stage and basic developmental needs of a child in relation to food, education, bedwetting and physical or emotional safety.

Peer Abuse

Children can experience sexual, physical and emotional abuse from peers. Section 21 of the Bill sets out that the scheme may make regulations¹⁹ about specific circumstances in which an applicant would not be eligible to apply to the redress scheme. These regulations could be used to exclude certain types of behaviour by peers, for example to distinguish between a course of abusive conduct by peers where the staff of the relevant care setting either condoned it or 'turned a blind eye' which would be eligible, and a one off fight between peers which was not known about by staff which would not.

Payment Structure

The financial redress scheme will provide for a combination payment, by which we mean that survivors will have the choice to apply for a fixed rate redress payment or an individually assessed redress payment. Both payments will have the same purpose - to provide tangible recognition of the harm suffered as a result of historical child abuse whilst resident in a relevant care setting in Scotland. Those applicants who successfully apply for a fixed rate redress payment will, for the duration of the scheme, retain the right to subsequently apply for an individually assessed redress payment (from which any fixed rate redress payment which has previously been paid to the applicant will be deducted).

¹⁸ Sections 9 to 14A of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005.

[1] Section 1 of the Human Trafficking and Exploitation (Scotland) Act 2015 specifies that this offence is committed if a person takes a "relevant action" and does so with a view to another person (including a child) being exploited.

¹⁹ Subject to the affirmative procedure.

The fixed rate redress payment will be available to survivors who meet all the eligibility requirements of the scheme. It is designed to provide choice for those who seek financial redress without having to provide a detailed account of their abuse which we know for some may be an arduous and distressing process. It will involve lower evidential requirements than the individually assessed payment and provide recognition without the need for detailed recounting of the abuse suffered. The fixed rate redress payment is set at £10,000.

The individually assessed redress payment is intended for those who meet all the eligibility requirements of the scheme and who choose to have their experience of abuse individually assessed. The assessment will involve a more detailed examination of the facts and circumstances of their experience and will require more by way of supporting information.

The payments available through individual assessment are made where the independent decision making panel is satisfied, after careful consideration of the appropriate factors, that such payments are justified by the particular facts and circumstances of a survivor's experience. There are three payment levels available through individual assessment: £20,000, £40,000 or £80,000. We believe that these three distinct payment levels will enhance the transparency and consistency of the scheme and decision making, and ensure that similar experiences of abuse will receive the same payment.

It is possible that the decision making panel will judge that not all applicants who apply for individually assessed payments meet the required threshold. In that case the applicant will, provided they meet the general eligibility criteria of the scheme, be entitled to a payment of the fixed rate redress payment (provided they have not already received this under an earlier application). This might arise, for example, where the decision making panel consider that the abuse suffered by the applicant was not of a nature or severity which meant a further sum was considered appropriate for the purposes of the scheme.

Supporting documentation and evidence

Survivors applying for individually assessed redress payments will require to provide supporting information to show that they were resident in a relevant care setting and that they were abused whilst there. We know that available information will vary from applicant to applicant. For example, some survivors may

- be able to provide supporting documentation to show that they were in care and that the abuse occurred whilst there
- face difficulty in obtaining records to show that they were in care
- be able to demonstrate the impact of that abuse rather than the abuse itself.

In order to accommodate these eventualities, we intend to adopt a flexible and creative approach to the types of evidence and information that will be admissible in support of applications. Support will be provided so that applying for redress is a level playing field for applicants who may have challenges in evidencing abuse.

Guidance will be provided to help survivors consider what facts and circumstances to include in their application form. We will involve survivors in the design of the application form to ensure we ask for the information in a way they understand, with the aim of minimising the number of additional questions or requests for further information that may arise when Redress Scotland come to consider the application.

There are many types of information that would potentially be considered in support of an individually assessed payment including:

- A detailed account of the abuse suffered;
- Previous statements/evidence given in other proceedings;
- Medical or social work or care records from the period the applicant was in care;
- Medical records since leaving care, for example where an applicant has made reference to the childhood abuse experience in relation to treatment for physical injury or psychological or psychiatric harm;
- Previous reports/disclosures to the police or to others;
- Statements from third parties (witnesses to the abuse, or to disclosure of abuse by the applicant or potentially other survivors from the same care setting);
- Criminal convictions of perpetrators;
- Criminal convictions relating to the abuse occurring within the care setting;
- Findings of liability within previous civil cases relating to abuse occurring within the care setting;
- Findings of fact published by the Scottish Child Abuse Inquiry in relation to the care setting; and
- Relevant inspection reports or other records noting concerns regarding the care setting.

Where a survivor has been unable to obtain any evidence to support their account of the abuse taking place, the staff of the Scottish Government division carrying out the administrative and processing functions of the redress scheme will work with them to try and obtain evidence. This may, in appropriate circumstances and with the consent of the survivor, include supporting the survivor in commissioning and paying for medical or psychological expert reports. Such reports would be for the purpose of supporting the fact of abuse and not of its impact.

Independent decision making

A panel of members of the independent decision making body, Redress Scotland, will determine the appropriate payment level following consideration of the eligibility of the applicant and, in the case of an application for an individually assessed payment, the factors set out in the Bill: the nature, severity, frequency, and duration of abuse together with any other matter the panel considers relevant.

Redress Scotland will consist of a chair and at least five other members, all of whom are to be appointed by the Scottish Ministers. Members may only be appointed where they have skills, knowledge and expertise which the Scottish Ministers consider relevant to the carrying out of the body's functions. Following an

appointments process that will be carried out publicly, in line with what was set out in the pre-legislative consultation, the scheme will have appropriately experienced and skilled panel members with relevant expertise in the fields of emotional and psychological trauma, law, social work and health.

Draft Assessment Framework

The framework has been designed to support fair, transparent and consistent decision-making by Redress Scotland. The framework will be published and openly available to assist survivors in their own consideration of where their experience would sit within the payment levels. These guidelines provide assistance to Redress Scotland in determining consistently and transparently the level of redress payment appropriate for the experience described in each application.

The framework aims to capture the escalating levels of harm experienced by children abused in care in Scotland. The levels are illustrated by examples informed by factual descriptions given by survivors to the Scottish Child Abuse Inquiry, the Independent Inquiry into Child Sexual Abuse in England and Wales (IICSA) and other bodies. These are by no means exhaustive but attempt to take into particular account the specific and distinct features relevant to children who are abused in care, as opposed to those abused in other settings. Recognition is given to the cumulative effect of the abuse compounded by the separation from family members, sanctioned abuse that involved policies or abusive techniques and regimes that may have been normalised and accepted within the regime of the institution²⁰, for example the labour and living conditions in some cases of boarded out children, the use of certain forms of punishment and instances where the setting or the system failed to effectively protect children from further harm even after a child had tried to disclose what was happening to them.

The framework is not overly prescriptive as we recognise that the amount payable in any individual case, is a matter for the judgement of the independent decision makers of Redress Scotland, taking all relevant considerations into account as provided for in the Bill.

In striking the balance to ensure that assessment is not a rigid, box ticking exercise, nor an exercise of absolute discretion which would lack transparency, we have sought to make sure that our approach is informed by other redress schemes and, is credible and sensitive to survivors needs.

The framework gives examples of types of abusive behaviour that would fall within each payment level but we will also produce case studies to recognise that abuse was often complex, multi-faceted and cumulative. These case studies are still in development. They will include cases taken across the range of relevant care settings included in the Bill.

²⁰Radford, L, Dodd, S, Barter C, Stanley, N, Akhlaq A (2017) *The abuse of children in care in Scotland: A research review* University of Central Lancashire ,(for the Scottish Child Abuse Inquiry) and Stein, M. (2006) *Missing years of abuse in children's homes Child and Family Social Work* 11, 11-21 cited in Radford, L et al (2017) identified 4 dimensions individual direct abuse, programmed or sanctioned abuse, organised/systematic abuse and system/system outcome abuse

Factors and relevant matters to be taken into account at every payment level

The independent panel of Redress Scotland will determine eligibility for payment and, in the case of an application for an individually assessed payment, will assess the abuse suffered by reference to the 'factors' set out in the Bill²¹: nature, severity, frequency, and duration of abuse along with any other 'relevant matters'.

'Relevant matters' are additional elements that may be considered in an individual application and which will assist decision makers in deciding in which level the experience should be placed. Along with the factors specified in the Bill, these 'relevant matters' may further determine whether the overall experience of abuse is assessed at Level One, Two or Three (see below), for example.

These may include, in no particular order:

- the age of the applicant at the time of the abuse
- the relationship to the perpetrator
- the number of perpetrators
- the number of relevant care settings in which the applicant was abused
- the experience of multiple types of abuse
- the personal circumstances of the survivor (for example, race, religion or disability)
- the length of time spent in relevant care settings where the applicant experienced abuse
- the extent to which the child was singled out and treated differently from others in the care setting at the same time
- the extent to which allegations of abuse made by the survivor, at the time or subsequently, were not given proper consideration.

While there is no fixed rule about how many of the abuse experiences a survivor needs to have suffered in order to be assessed at each level, we set out below an indication of what might constitute abuse giving rise to each level of payment. In summary, each application for an individually assessed payment will be considered on its own merits with the independent decision making panel taking into account the instances of abuse described in the application form and a consideration of the key factors as set out in the Bill (nature, severity, frequency and duration of abuse) as well as any 'relevant matters'.

Level 1 - £20,000

- Frequent instances of emotional neglect or abuse e.g. humiliating and degrading practices around bathing, bed wetting or force feeding, failure to acknowledge or celebrate birthdays and other occasions or achievements
- Neglect in the form of inadequate food, heating or clothing
- Demeaning treatment affecting sense of identity and self-esteem such as persistent name calling, derogatory remarks about the child's family and how the child came to be in care and their life chances after care

²¹ Section 38(4) of the Bill.

- Separation from siblings and refusal of any requests from family members for contact or communication
- Witnessing the abuse of other children and living in a climate of punishment and fear
- Denial of access to a child's own religious practices
- Exposure to other institutional or environmental factors, or culture or routine that may result in emotional or physical neglect or feelings of threat, fear, discrimination or humiliation
- Forced to carry out tasks unreasonable for the age and capacity of the child at the time.
- Occasional instances of physical abuse causing injury
- Frequent corporal punishment or physical chastisement that by the standards of the time was excessive, arbitrary or cruel and outwith the acceptable norms and regulations
- Frequent exposure to incidents of sexualised language (written or verbal) or harmful sexualised behaviours causing fear, distress and confusion, on its own or in conjunction with occasional instances of sexual abuse involving contact through clothing or bedding
- A combination of instances of abuse and key relevant factors where the survivor's overall experience is most appropriately reflected by Level 1.

Level 2 - £40,000

- Frequent instances of severe emotional abuse or neglect, over a protracted period of time e.g. in addition to the types of emotional abuse or neglect described at Level 1, being singled out for more frequent or extreme abuse than others in the same care setting at the same time
- Frequent instances of physical abuse causing injuries which received, or ought to have received, medical treatment
- Regularly forced to carry out work unreasonable for the age and capacity of the child at the time or the nature of that work being abusive and distressing in itself
- Repeatedly forced to engage directly in the emotional, physical or sexual abuse of other children
- Frequent instances of sexual touching or exposure to harmful sexualised behaviours
- A combination of instances of abuse and key relevant factors where the survivor's overall experience is most appropriately reflected by Level 2.

Level 3 - £80,000

- Most severe sexual abuse involving physical contact and going beyond what is described at Levels 1 and 2
- Trafficking while still resident in the care of the relevant care setting in Scotland for the purpose of sexual abuse
- Instances of physical abuse causing severe injury requiring hospital treatment, or which ought to have been treated in hospital
- Sustained severe emotional abuse and neglect of an extent and duration that is not reflected in either Level 1 or Level 2

- A combination of instances of abuse and key relevant factors where the survivor's overall experience goes beyond that covered in Level 1 or Level 2, and is most appropriately reflected by Level 3.