



Limitation (Childhood Abuse) (Scotland) Bill 2017

The Limitation (Childhood Abuse) (Scotland) bill was enacted by Scottish Government on 22 June 2017 and removes the previous time restrictions on when an individual may seek civil compensation from an organisation for abuse experienced as a result of the organisations actions or inactions.

Claims for damages arising from personal injury, have until now, been subject to a rule of law that means that a claim, raised more than 3 years after injury is suffered (*or knowing that injury has been suffered) will be time-barred and will not be capable of being pursued. However, the Bill will have retrospective effect, in that (1) claims can now be taken regarding incidents that occurred more than 3 years ago; and (2) claims previously raised but settled can be reopened subject to certain conditions.

Some key areas for branches consider following this briefing paper is:

- **Data retention** – Organisations are typically told to destroy data after a reasonable period of time e.g. 5 years. However organisations are now required to retain information relating to children indefinitely. Although this legislation only covers children, branches may want to consider keeping information on vulnerable adults. Example of the types of data to be retained is included at the end of the attached briefing paper
- **Insurance** – understand what your branch insurance (if you have it) covers and the extent of what it covers. In particular, check whether or not insurance will cover acts alleged to have occurred out with the term of the insurance policy (i.e. pre-dating it). Or will the insurance apply only to claims raised and intimated within the time that insurance cover is in place? If your branch is only covered through SDS insurance the branch must insure it adheres to the MOR requirements at all times and all policies/procedures are kept up to date.
- **Past records** - A check should be conducted to establish what, if any, past records are retained by the branch of any complaints/concerns concerning any person under the age of 18. The records should be gathered and stored away securely.

The full briefing paper from Children 1st is attached for your information. If you have any questions or would like to chat about this further please contact Jennifer Livingstone on Jennifer.livingstone@scottishdisabilitysport.com or phone on 01313171130