

APIL & ACAL JOINT CHILD ABUSE COMPENSATION CONFERENCE

Chairperson: Tracey Storey

- 9.15 Registration
- 9.30 – 9.45 INTRODUCTION
Tracey Storey
- 9.45 – 10.30 THE STATUTORY FRAMEWORK
Peter Garsden
The history of the statutory framework for the protection of children to date – The latest developments in childcare law – The impact of “Every Child Matters” - The Integrated Children’s System – The Standard of Care in Social Care (“Working together” and the “Framework for Assessment”) – Education of children - Protection of children – Police checks - People with learning difficulties and vulnerable persons – The statutory complaints procedure
- 10.30 – 11.00 NEGLIGENCE & THE STANDARD OF CARE
Richard Scorer
Pierce v Doncaster Metropolitan Borough Council -
Vicarious liability for social workers and foster carers – Assault - Claims under the Human Rights Act - Causation -
- 11.00 – 11.30 Break
- 11.30 – 12.00 LIMITATION
Lizanne Gumbel QC
A review of the existing law and updates – Sections 14 and 33 of the Limitation Act 1980 since **A v Hoare (House of Lords)** and **A v Hoare (High Court section 33 issue)** – **Albonetti v Wirral Metropolitan Borough Council**
- 12.15 – 1.00 QUANTUM
David Greenwood
A review of the existing caselaw – Pain and Suffering – The short term and long term impact of abuse – The latest cases including **Pierce v Doncaster Metropolitan Borough Council**

- Loss of earnings and loss of earnings capacity – Special damages in child abuse compensation claims – Common Causation Problems – Treatment – Claims for consumption of excess alcohol - **MB v B and the London Borough of Ealing**

1.00 – 2.00

Lunch

2.00 – 2.45

EVIDENCE

Jonathan Wheeler

The standard of proof in child abuse cases - The Data Protection and Freedom of Information Acts – Local Authority records - Legal professional privilege – Public Interest Immunity – Confidentiality – Human Rights - The restrictions on disclosure of social care and court records - Different types of social services records – Medical, psychotherapy, educational and employment records - The duties of social services and other public authorities in relation to record keeping - Techniques for finding evidence – Making applications for disclosure in child abuse compensation claims – Pre action disclosure – Specific disclosure - Applications against non parties including the police – Committal proceedings - The importance of evidence in relation to limitation

2.45 – 3.15

CICA & CHILD ABUSE CLAIMS

Neil Sugarman

The Role of the Criminal Injuries Compensation Authority – An overview of the scheme – Claims for loss of earnings capacity - Caselaw

3.15 – 3.45

Break

3.45 – 4.15

FUNDING

Malcolm Johnson

The role and the future of the Legal Services Commission in child abuse compensation claims - Applying for public funding - Other forms of funding including legal expenses insurance – the position of the courts on costs - Procedural points and Group Litigation

4.15 - 5.00

WORKSHOP

Tracey Storey

5.00

Close

Practical Precedents will be provided in the course notes as follows:-

- Public funding application
- Pre action protocol letter
- Pre action disclosure application
- Letter of instruction to psychiatric expert
- Letter of instruction to social care expert
- Draft Pleadings and Schedule of Loss
- Case Management Directions, Costs Estimate and Case Summary
- Requests for further information and answers
- Non party disclosure application (police)
- Non party disclosure application (juvenile abuser)
- CICA Applications
- Schedule of Loss of Earnings in CICA case
- Case Study