Newsletter
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ACAL
Association of Child Abuse Lawyers

President's Report

By Peter Garsden President, ACAL

Because our newsletter comes out in the Spring and Autumn, the copy deadline always seems to pass when I am on holiday. It does sound blasé to say I am writing this whilst looking at the sunrise in the beauty of the South France, but it is true. I just need to emphasise that I keep busy even when others are still dozing early in the morning, as, I am sure do our erstwhile members? I had in mind talking about the IISCA Inquiry and NA v Nottinghamshire, but I note that they were both covered in my last forward, so this piece may be shorter than normal.

IISCA

I lied. There have, of course, been some developments.

The Child Migration module held a hearing due to the age of the participants, and the need for speed. I have had limited access to the topic of the sending of British children to Australia, only to be abused by sex offenders abroad in children's homes. The scandal of parents being cajoled into letting their children leave the country with representations of a better life, seemed to be the hidden secret from the past, which needs a public airing. I read an article which explained that John Major denied all responsibility when the scandal broke around 1997 whereas Gordon Brown, who was called to give evidence by IICSA, made a scathing attack on the actions of the then Conservative Government in what seemed like a mixture of genuine concern for the children as well as a touch of political rhetoric.

If any member is instructed in this module, maybe an article for the Newsletter might be interesting. The documentation shows that Aswini Weereratne QC is involved on behalf of the Child Migration Trust.

As with all modules, the hearing was broadcast on the internet, with special protection for witnesses who were also victims, in common with other modules. The rule generally provides for the possibility of evidence behind screens, with the camera not pointing at them, but their evidence heard on a time delay. The public gallery is cleared to a side room, which has a delayed feed of sound and picture. Witnesses who desire it are also offered, as a default position, anonymity, unless they waive their rights.

IISCA have issued restriction orders to all participants and lawyers. In view of leaked information, and the internal political problems, we have all been asked to sign confidentiality orders. This caused much consternation amongst certain survivor groups

who objected to being silenced because this replicated their abuse and ran contrary to the desire of the Inquiry to "out the truth". What the Inquiry did not realise was that in requiring a confidentiality undertaking, they were preventing core-participants from disclosing their part in the Inquiry during the course of allied civil proceedings. They have thus issued a belated amendment, to cure this unforeseen problem.

False Allegations

The subject of false allegations has always made the hair on the back of my neck stand on end. Intense feelings of injustice to victims of abuse rise to the surface.

I have seen, over the last 20 years, the media pendulum swing very much in favour of the victims for a prolonged period of time, almost to hysterical proportions in the media. Eventually, there is nothing more to write, or the editors get bored with it. The "allegedly falsely accused" bandwagon then takes hold, and those whose lives have been ruined by allegations, bring their stories to the attention of the media who produce articles.

Whether or not one sympathises with the plight of "Nick" must be an emotional topic. My concern is, however, for the thousands of genuine victims we act for, who are no doubt enraged, and sent into psychological decline by such stories. Indeed, I have been able to discourage journalists from running stories, when I explain how such writing can affect our clients.

The recent revelation that the Metropolitan Police has paid compensation seems to revolve around the damning report of Sir Richard Henriques, and the way in which search warrants were obtained rather than the veracity of the allegations.

Even so, it has led to further articles arguing that Claimants who have received compensation should pay it back. I note that the Telegraph reports that "Bob Neill, the Conservative chairman of the all-party Commons Justice Committee, said he would raise the issue when the committee reconvenes this month."

I have had tentative inquiries from journalists who want to write articles about solicitors advertising for work. Hopefully, the pendulum will not gain too much traction.

When one sets the above against the backdrop of the Inquiry into Child Sexual Abuse, and attempts to link the abuse with institutional failures, there is an obvious contrast. In a world of press freedom, however, there always must be room for all points of view, however one may disagree with them.

Case Updates

We still await the judgment in **NA v Nottinghamshire County Council** from the Supreme Court. There have been rumours and predictions that the Claimants may succeed. We must, however await the outcome.

Whilst the result of NA, if it goes the Claimant's way, could be to establish, arguably, no fault liability based on the none-delegable duty of care of local authorities in cases where failure to care is alleged, if indeed that is the basis of the judgement, there awaits in the Court of Appeal judgment in the case of **CN & GN v Poole Borough Council 2016] EWHC 569 (QB)**

There may be further commentary in this newsletter on the case, so briefly, it is argued that a Local Authority should not be fixed with a duty of care to two children (one of whom was severely disabled) who alleged that the Defendant local authority negligently failed to take appropriate and necessary steps to safeguard them from prolonged abuse, anti-social and

criminal behaviour perpetrated by members of a family who lived on the estate on which they were housed by the Council.

The case was struck out by the Master, reinstated by the High Court on Appeal, and has been argued before the Court of Appeal. It is not, of course on all fours with a failure to care case, but the duty of care argument is similar. Judgment is awaited. Will the Court of Appeal make an exception for abuse cases of the type we deal with, following Lady Hale's judgment in Michael v Chief Constable of South Wales.

So if NA is decided in favour of the Claimant, and CN in favour of the Defendant, where will that leave the law? To be resolved by the Supreme Court? Will the Court of Appeal in CN await the judgement in NA before giving its judgment?

All the above questions underline the fascinating legal points which make abuse cases so interesting, and ground breaking. When I look back at the way in which the law has developed since I started doing this type of work in 1994, the status quo is almost unrecognizable in terms of precedent. Were it not for the Human Rights Act 1998, I doubt whether we could have achieved a position which allows none-recent cases to be tried. It is incomprehensible to me that the government seem determined to write its own Bill of Rights and move away from Europe post Brexit.

So until next time, take care, and keep fighting for the rights of victims.

Peter Garsden, Simpson Millar, 14th September 2017 – peter.garsden@simpsonmillar.co.uk www.abuselaw.co.uk

Could this case be the end of failure to take into care claims? Judgment awaited in the case of CN & GN v Poole Borough Council

Failure to take into care claims are typically brought by children whose predicament has become known to social services, but who have been left in that predicament i.e. with abuse parents.

Following **Z v United Kingdom [2001] 34 EHRR 3** and subsequent authorities including in particular **D v East Berkshire NHS Trust & Others [2004] QB 558** in the Court of Appeal a duty of care at common law can be owed by a local authority to children residing in its geographical area to protect them from harm, including personal injury. That duty is not owed to parents who suffer loss in these circumstances. In **D** the Court of Appeal dismissed the appeals by the parents. Their position was held to be quite different to that of their children, When assessing what action needed to be taken, the local authority had a conflict of interest which made it unfair that should owe a duty to both parents and children. That decision was upheld by the House of Lords.

The duty of care towards children in these situations has been applied in subsequent cases, **Pierce v Doncaster MBC [2007] EWHC 2968** and **NXS v London Borough of Camden [2009] EWHC 1786.**

However the existence of this duty of care has recently been called into question. In the case of **CN & GN v Poole Borough Council 2016] EWHC 569 (QB)** the Claimants were two children (one of whom was severely disabled) who alleged that the Defendant local authority negligently failed to take appropriate and necessary steps to safeguard them from prolonged abuse, anti-social and criminal behaviour perpetrated by members of a family who lived on the estate on which they were housed by the Council between May 2006 and December 2011. An attempt was made by the Defendant to persuade the court that the judgment of the Court of Appeal in **D v East Berkshire** as it affected the claim by the child in that case had been implicitly overruled by the judgment of the House of Lords in two earlier cases, **Mitchell v Glasgow Council Council [2009] 1 AC 874** and of the Supreme Court in **Michael v Chief Constable of South Wales [2015] 2 WLR 343** . Mitchell concerned the liability of a local authority to warn a tenant about an event which could trigger violence by another tenant against the claimant. It was held that no action was taken by it to show that the local authority made itself responsible for protecting the claimant from the criminal act of another. Accordingly it would not be fair, just or reasonable to impose a common law duty of care on the local authority. The Supreme Court in Michael considered whether the claimants, a victim's estate and her dependents, could bring a claim in negligence against a police force (by the Chief Constable) for failing to prioritise a call from a victim who was then killed by her partner. By majority the Supreme Court held that the duty of the police for the preservation of the peace did not involve the kind of close or special relationship necessary for the imposition of a private law duty of care.

In **CN & GN**, the claims were struck out by Master Eastman at first instance, but in the High Court, Justice Slade rejected the Defendant's argument and reinstated the claims. She quoted from the judgment of Baroness Hale in **Michael,** who observed that there were exceptions to the general rule that local authorities were not liable in these kinds of situations, and one of those existed in the judgment of the Court of Appeal in **D v East Berkshire.**

The case has now been heard by the Court of Appeal and judgment is awaited.

It could be said that the **CN & GN** case has factual similarities to the **Mitchell** and **Michael** cases. However, these are claims that relied upon a common law duty, which drew partly from various duties designed to protect children under the Children Act 1989. **Mitchell** and **Michael** were not Children Act cases. The case of **D v East Berkshire**, which confirms a Children Act type duty has never specifically been overruled. Consequently I expect the Court of Appeal to keep that type of duty as an exception to the rule.

Malcolm Johnson, BL Claims

Armes v Nottinghamshire County Council judgement is eagerly awaited

Malcom Johnson's article sends shivers down the spines of all of us interested in the welfare and protection of children. A loosening of the duty of local authorities to be held liable when things go wrong could condemn the next generation of children to neglect. I sincerely hope the Court of Appeal in CN and GN v Poole Borough Council underscores the importance of the duty owed to children to protect and where necessary remove them from harm.

Let's assume the Court of appeal (or if needs be the Supreme Court) maintains the status quo and maintains the reasoning in D v East Berkshire.

What happens to the extent of those duties ?

Some of us have been trying extend the boundaries of the duties owed particularly in the context of foster care relationships.

The Supreme court decision in the case of Armes v Nottinghamshire County Council has been eagerly awaited since it was heard in February. It is hoped that the duties owed by local authorities to those in foster care will be decided clearly. I have a number of cases whose success will be decided by judgement in Armes.

The 1985 case of S v Walsall Metropolitan Borough Council [1985] 1 WLR decided that the statutory duties of local authorities did not extend to holding them vicariously liable for abuse committed by foster parents. I would argue that times have changed. Foster carers are much more rigorously vetted, insured, and well paid. Some people chose it as a career. Their status is much closer to that of an employee than an independent contactor. According to the "creation of risk" test in Various v Catholic Child Welfare Society [2012] UKSC 56 it is the local authority which has created the risk of secret abusive sexual contact with foster carers and should assume responsibility when things go wrong.

Lord Philips words at paragraph 86 are relevant :

"what has influenced the court has been the fact that the relationship has facilitated the commission of the abuse by placing the abusers in a position where they enjoyed both physical proximity to their victims and the influence of authority over them as teachers and men of god. The necessary close connection between the relationship of the defendant and the wrongdoer is established where a defendant, whose relationship with the abuser allowed the defendant to use the abuser to carry on its business, did so in a way which created or significantly enhanced the risk of abuse (paragraph 86)."

According to Browne Jacobson, the solicitors for the Defendant in the Armes case the Supreme court is expected to rule on the following issues :-

Does the relationship between a local authority and foster parents fulfil the criteria for vicarious liability in fact and in law?

Are the criteria necessary to establish a non-delegable duty, as set out by Lord Sumption in Woodland v Essex County Council, met?

If a non-delegable duty is established is it breached by a deliberate, rather than a careless, act?

And Is it fair, just and reasonable to impose a non-delegable duty in these circumstances?

Lord Sumption's judgement in Woodland v Essex [2013] UKSC 66 seemed at the time to set out a test which widened the duties of local authorities especially in our arena and imposed a non-delegable duty on councils. Here is a reminder of his five stage test :-

1. the claimant is a patient or child or some otherwise vulnerable or dependent person;

2. there is an antecedent relationship between the claimant and the defendant which puts the claimant in the care of the defendant and from which it is possible to assign to the defendant a positive obligation actively to protect the claimant from harm (as opposed to a duty simply to refrain from harmful conduct);

3. the claimant has no control over how the defendant chooses to perform those obligations;

4. the defendant has delegated some part of its function to a third party, and the third party is exercising, for the purpose of the function delegated to it, the defendant's custody or care of the claimant and the element of control that goes with it;

5. and the third party has been negligent in the exercise of that delegated function.

The case of Armes is no doubt seen by defendants as an opportunity to narrow the application of his test. We will have to see where the Supreme decides to draw the line on extending local authorities' duties for their foster carers. My guess is that Miss Armes will succeed on vicarious liability grounds and that the application of Lord Sumption's test in Armes will be qualified by the introduction of some "fair and reasonableness" test.

Either way I am expecting the Armes case to be released any day now.

By the way congratulations are in order for Bilhar Uppal who "got there first" with the Armes case. He is likely, in my view, to have made a very significant contribution to the advancement of our area of practice by pursuing the case. Thank you, Bilhar.

David Greenwood, 31st August 2017

David Greenwood is the head of the Child Abuse Department at Switalskis Solicitors and an Executive Member of ACAL. He can be reached at david.greenwood@switalskis.com

LIMITATION (CHILDHOOD ABUSE) (SCOTLAND) ACT

Background

For many years Scottish victims of Childhood abuse who attempted to bring civil compensation claims have been met with the defence that their claims were time-barred as they had not raised proceedings within 3 years of reaching majority.

At present the time limit for a claim of this nature is 3 years from the date the child becomes an adult, which in Scotland is now 16. So survivors of childhood abuse are expected to have the wherewithal to seek advice and raise or settle a claim all before their 19th birthday.

Studies have confirmed that, on average, in childhood abuse cases it takes a woman 18 years to come forward and speak out about the abuse. For men the average is 25 years.

Therefore, current time limits have operated as an almost universal bar to survivors of childhood abuse bringing forward civil claims in Scotland. As Lord McEwan observed in A v N [2008] CSOH 165:-

"I have an uneasy feeling that the legislation and the strict way the Courts have interpreted it has failed a generation of children who have been abused and where attempts to seek a fair remedy have become mired in the legal system."

The Scottish Government pledged to remove time limits in childhood abuse cases through the Limitation (Childhood Abuse) (Scotland) Bill, which passed its stage 3 debate in the Scottish Parliament in June 2017 and received Royal Assent on 28 July 2017.

The grant of Royal Assent does not bring the provisions of the Act into force. The Scottish Ministers will require to do this through a Commencement Order. It is anticipated that this will be done by Autumn 2017.

This landmark decision has come about due to the recognition that the present time-bar regime has completely failed successive generations of historical childhood abuse victims.

Legislation

The legislation has been brought into force will herald a new dawn for historical childhood abuse cases in Scotland.

What is covered by the Act?

The Act defines abuse as including sexual abuse, physical abuse, neglect and emotional abuse.

The word "includes" permits a broad interpretation of what constitutes abuse.

There may be some uncertainty as to what might constitute emotional abuse. In some cases there will be little doubt that the conduct amounted to emotional abuse, whereas other more borderline cases may present difficulties in interpretation.

Emotional abuse is not defined in the Act. The Scottish Government is proposing to introduce a Bill criminalising emotional abuse.

However, in the meantime, we may draw an inference as to what is intended to be covered by emotional abuse from the Scottish Government's publication on National Guidance for Child Protection Scotland.

It defines emotional abuse as:-

"Emotional abuse is persistent emotional neglect or ill treatment that has severe and persistent adverse affects on a child's emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate or valued only in so far as they meet the needs of another person. It may involve 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."

The legislation does not remove all risk that the Court will, indeed, allow the action to proceed. Section 17D sets out the circumstances in which an action may not proceed:-

"17D (2) It will be open to the defender to satisfy the court that it is not possible for a fair hearing to take place."

One concern raised in the consultation process is that this will simply substitute one discretion battleground for another. However, the burden of proof on this issue is shifted from the claimant to the alleged abuser and it is suggested that the passage of time alone may not be sufficient to satisfy this test.

Section 17D (3) introduces a further argument that may be advanced for the defender, namely, that as a result of the retrospective operation of the law, the defender would be substantially prejudiced were the action to proceed.

It will again be for the Scottish Courts to draw a line balancing the competing interests of both parties.

Claims Previously Raised by a Survivor

There is a section in the Act that prevents the re-raising of an action where the survivor has had any financial benefit from a previously litigated action. Even if the financial benefit was only a token payment, a survivor will be prevented from re-raising their claim.

This should be contrasted with those survivors who raised a claim in court but did not receive any financial benefits. If they received no financial benefit they will be permitted to raise a fresh action.

It is not yet entirely clear on which party the onus will be placed to demonstrate whether a financial benefit was received in a previously litigated case, or how this is likely to be evidenced.

Conclusion

In conclusion, the Act although short, will inevitably create areas of dispute between parties. There are a number of areas of dispute where, at least initially, parties will want clarity from case law.

However, over several decades defenders have consistently and successfully taken the time bar plea in the vast majority of Scottish cases. The parameters have now shifted significantly in favour of the survivor. This is to be welcomed. The purpose of this legislation is to recognise the "silencing effect" which these crimes often have on the victims. It is to be hoped that the Scottish Judiciary will enable more Scottish survivors' voices to be heard in our Courts.

Kim Leslie, Partner of Digby Brown LLP, Edinburgh

Rotherham street exploitation and the Lack of Community Vigilance

Since Professor Alexis Jay reported on the extent of child sexual exploitation by Asian gangs in Rotherham thankfully there have been more positive landmarks to note :-

- Louise Casey's team reported on the dysfunctional state of the council and replaced its governance with commissioners.
- The National Crime Agency (Operation Stovewood) has set up a base in the area and has begun in depth investigation into not only the offences against girls in Rotherham between 1997 and 2012 but are investigating corrupt activities by police officers.
- The IPCC have invested significant resources in their investigation of failings of South Yorkshire Police (Rotherham sub-division) and it is hoped that disciplinary and criminal charges will emerge.
- South Yorkshire Police Operation Clover team has successfully investigated, and with the help of the CPS, prosecuted two main rings of offenders.
- We are told that social workers in Rotherham have been trained on recognising and dealing with the signs of street exploitation.

Despite all of these positive initiatives exploitation is still taking place in Rotherham. Bradford, Leeds, Sheffield, Huddersfield, Dewsbury have also been reported to me by clients as being centres of exploitation.

I have been contacted by parents in Rotherham who complain that neither the council nor the police are doing enough to protect their daughters from gangs that are operating today in Rotherham.

Street exploitation has been pinpointed as a current phenomenon and Rotherham has been shocking to us all but asian gangs have only accounted for a tiny minority of child sexual abuse overall.

Of course we all have a responsibility to protect our children, children of our families, our friends', neighbours' and communities' children. Where we are suspicious of activity we should report it and keep reporting until action is taken.

I preface what I say here by making clear that the majority of sexual abuse of children takes place within families and by people within the family or known to the victim. Whilst most *street exploitation* of young girls, at least in the North of England, is perpetrated by gangs of young Asian men, huge numbers of white children have been groomed and sexually abused by "respectable" Clergy.

All communities have a responsibility to control their men. What I have learned in my years of dealing with gangs of sex criminals is that they operate within a network of extended family or professional ties and knowledge of each other's position within their community. This applies to white internet-paedophile rings, Catholic gangs, Anglican gangs and young asian gangs. Each of these communities have families, colleagues, neighbours and friends who have failed to report suspicious activity. None of these communities, Catholic, Asian, Anglican, or internet can exempt themselves from responsibility for reporting to the police and social services.

This lack of action by communities which effectively harbour criminals deserves more attention from academics. Why is it that communities fail to intervene ? What can we do to encourage more reporting ? I am hopeful that IICSA (the Independent Inquiry into Child Sexual Abuse) will analyse these issues and come up with radical ways to protect future generations of children.

In my view a good start would be a Parliamentary Bill which required statutory organisations to interpret existing law in a way that provides children with the maximum protection against sexual activity.

David Greenwood, 31st August 2017, David Greenwood is the head of the Child Abuse Department at Switalskis Solicitors and an Executive Member of ACAL. He can be reached at david.greenwood@switalskis.com

CASE REPORTS

CICA CLAIMS AND COURT CLAIMS, by Kerry Underwood

I deal with this in my Personal Injury Reforms Course which can be booked here.

In **VG v CICA [2017] UKUT 0049 (AAC)** the Upper Tribunal (Administrative Appeals Chamber), exercising its judicial review jurisdiction ,declined to interfere with the decision of the First-tier Tribunal (Social Entitlement Chamber) confirming an award of £500.00 under the Criminal Injuries Compensation Scheme, having offset £10,000.00 received in settlement of a High Court action.

Here, the applicant's son was murdered and the murderer was a resident in a care home run by an NHS Trust and when sentencing the murderer the judge said that the systems in place at the care home were wholly inadequate.

The murderer's non-compliance with his medication played a very significant part in the commission of the offence according to the trial judge, and the care home had failed to monitor this or to carry out searches of the murderer's room – he had a history of knives being found in his possession.

The applicant sued the NHS Trust in the High Court and sought damages for negligence and under the Human Rights Act and settled the whole claim in the sum of £10,000.00.

The applicant then applied to the CICA who assessed compensation at £10,500.00, but offset the £10,000.00 received in the civil action, leaving a balance of £500.00.

The applicant appealed on the basis that the High Court compensation was for breach of the duty under Article 2, to put in place an appropriate legal and administrative framework and that liability for damages did not require the loss to be the death itself and therefore the Article 2 duty existed independently of any criminal liability or responsibility for the death.

For example it could include an inadequate investigation. Thus the applicant argued that he had not received compensation in respect of a criminal injury.

The CICA argued that the scheme is one of last resort and that if the applicant succeeded it would result in double recovery.

It argued that the damages were paid in respect of the death and not for some abstract breach of Article 2 and without the loss – that is the death – there would have been no liability.

The purpose of a payment of damages in a human rights claim is to place a claimant, in so far as possible, in the same position as if their Convention rights had not been infringed.

The tribunal accepted that in an appropriate case damages could be awarded without the breach being linked to a death, notwithstanding the authority's arguments to the contrary.

However it held that that was not the case here, where it could not be said that the settlement between the Trust and the applicant was independent of K's death.

It was occasioned by K's death and therefore there was a causal link between K's death and the claims and allegations against the Trust.

The tribunal said:

"25. Notwithstanding how the law might be applied to the facts of any other case, in this particular case the High Court claim form of 10th January 2012 was never amended, the Trust's offer of 15th May 2014 referred to "settlement of the whole of her claim", the Notice of Acceptance of 5th June 2014 went into no further detail, counsel's note of 6th April 2016 does not assist the applicant (for the reasons that I have explained) and I am in no doubt that the First-tier Tribunal was correct to decide that the agreed compensation from the Trust had been paid in respect of the criminal injury to which the award under the 2012 Scheme relates."

Expert Reports

Willis Palmer is a national network of independent experienced social workers, psychologists, forensic risk assessment experts and qualified therapists

We have been providing expert reports since 2004, serving local authorities, solicitors and independent organisations throughout the UK and overseas. As a social work owned and operated company, we are child focused and the children and families we work with are at the centre of everything we do.

Mark Willis, our managing director, has been in social work for over thirty years. He began work in 1984 as a residential and day care worker with people with learning disabilities. In 1987 he moved into child care work as an assistant social worker before qualifying with the Diploma in Social Work seven years later. He worked as a social worker, senior practitioner and team manager within local authority social services departments between 1987 and 2000. He also spent a year co-ordinating child protection training for a large social care department, developing two academically-accredited training programmes on child protection risk assessment. In 2000 Mark became a self-employed Children's Guardian representing children's interests in over 100 cases in Kent and Essex.

Mark established WillisPalmer in 2004, and has grown the company over that time whilst never losing sight of the core social work values which to this day are at the heart of the business. His commitment to these values means WillisPalmer retains its status as an ethical and responsible company.

Mark is also co-Director of Plexus Healthcare which provides occupational therapy rehabilitation services and case management to the insurance and legal markets.

Expert Opinion in respect of Local Authority Cases where there may be a Failure in Duty of Care or Failure to Protect

Legal immunities for child care work have been gradually removed over the past number of years because of various court rulings. As a result, local authorities are now more likely to face negligence claims. The volume of cases is also increasing due to a number of high profile sexual abuse cases including those where survivors who are well known to the public have had the courage to come forward publicly to disclose their story.

When solicitors are considering making a claim against a local authority in respect of potential negligence in the manner in which it handled a child care case, there are two critical elements where WillisPalmer can assist with our expert services.

Expert Opinion

Our team of expert social workers have lengthy post qualification experience within a range of care environments. They therefore have direct knowledge of operating within many safeguarding systems both past and present. This enables them to provide expert opinion on whether the care and protection given within a range of environments (whilst at home, in foster care, in residential care or in adoptive care) was what could be expected of reasonable social work practice for the time.

Our team is trained and supervised by our Executive Consultant, Philip King, who has a strong national reputation for his work in this field.

Preparation of the Case Records

Disclosure can reveal Local Authority case records that range from a small bundle to 20 lever arch files or more. These records vary massively in their layout related to the time period involved and the varying practices of local authorities. They are often complex and not helped by containing jargon/abbreviation, being poorly sorted and containing what may appear to be repetitive documents – although this is not always the case. The examination of these records requires an experienced social work eye to sift and analyse them into a manageable form. Critically, this professional eye is essential to constructing a fair and balanced chronology in order to reveal a true picture of the case. Finally, the records need to be sorted into good order and paginated with an index.

WillisPalmer has a team of experienced social workers who can undertake this skilled work backed up by administrative staff who are well acquainted with social work records.

For more information and to make a referral, please contact us on enquiry@willispalmer.com **or call 01206 878168**

An Opportunity to Evolve Professionalism

Secondary Traumatic Stress [STS] is a natural response to working on abuse cases. Left unattended, symptoms can negatively impact case handling, clients, personal health and well-being.
Lee Moore, founder and former President of ACAL, is running a one training day course

"Enhancing Professional Resilience and Well-Being"

Date: Friday 10th November 2017 **Time**: 9.30 am – 4.30pm
Venue: Emmott Snell, 42 Harpur Street, Bedford MK40 2QT

Cost: £ 140 **To book: lee@leemooreco.co** www.leemooreco.com

Five places are available for any ACAL member wishing to enhance their well-being and practice'.

For more on STS read Lee's article: www.legalvoice.org.uk/new-understanding-professionalism

COURSE AIMS

- to introduce the concept of secondary traumatic stress [STS] as an unavoidable by product of working with traumatised and troubled clients
- to explain the differences and similarities between STS, compassion stress, compassion fatigue, burnout, PTSD and vicarious traumatisation
- to provide diagnostic tools for self-assessment
- to provide tools for preventing the development of STS symptoms

CONTENT

- Definitions of STS, Compassion Fatigue, Burnout, Vicarious Traumatisation, PTSD, Secondary Traumatic Stress Disorder [STSD]
- Who is more vulnerable and why
- How to identify the personal and professional impact of STS
- Inner and external resources
- Self-Assessment for STS / Burnout
- How to manage and release symptoms and prevent STSD
- Designing a self-care plan

OUTCOMES

By the end of the day attendees will:-

- possess a basic understanding of the nature of STS and the different terminology used to describe it.
- understand how STS can affect them impact them personally and professionally

- be able to perform a self-diagnosis on the presence of STS
- have created a self-care plan
- possess tools which, if implemented, will assist in preventing the development of secondary traumatic stress disorder;

Training: Limitation (Childhood Abuse) (Scotland) Act 2017 – Implications, challenges and opportunities

Date: 5th September 2017

Limitation (Childhood Abuse) (Scotland) Bill received Royal Assent on the 28th of July 2017. The Bill, now Act, raises a number of questions for the legal profession, both legal and practical. This seminar, organised by the Scottish Government and the Law Society of Scotland, brings together practitioners with an interest in the Act from different perspectives, as well as practitioners with experience in this field from England and Wales.

Time: 09:30 – 16:00

Venue: Law Society of Scotland, Edinburgh
Speakers: Kim Leslie (Law Society of Scotland/Digby Brown), Vlad Valiente (SOLAR/Midlothian Council), Alan Collins (ACAL/Hugh James), Flora Henderson (Health in Mind) Dr Sandra Ferguson (National Trauma Training Framework, NHS Education for Scotland)

Why should I attend?

By the end of the day participants will have…

- Identified challenges and opportunities brought about by the Limitation (Childhood Abuse) (Scotland) Act, and potential ways in which these challenges can be overcome.
- Increased awareness of the survivors support landscape and other measures available for survivors of childhood abuse.
- Increased knowledge and insight into working with survivors, including identifying training needs and other opportunities to ensure constructive relationships.

To sign up: https://www.eventbrite.com/e/limitation-childhood-abuse-scotland-act-2017-implications-challenges-and-opportunities-tickets-36680899558

Interested in Taking Part in a Study? PhD study exploring the effects of institutional abuse

I am Rebecca Ozanne, a PhD student from the University of Central Lancashire and Forensic Psychologist in Training. My goal is to explore Factors promoting negative symptoms and strength factors following institutional/ in care abuse. As part of this I am conducting a Delphi study of professionals working in the area, this includes Therapists, Psychologists, Social Workers and Personal Injury Lawyers.

Institutional/In Care Abuse will be discussed in this study as sexual, physical, or emotional abuse that occurred to children under the age of 18. This can refer to abuse by adults or peers for the purpose of this study. The abuse will have occurred in a setting where the child is under the care of the institution or a single authority and the institution serves the children in the community. This can include residential care, secure care and schools (e.g. boarding schools/ industrial schools).

The Criteria include:

• Being a qualified Therapist (BPS/BABCP/EMDR), Social Worker and Personal Injury lawyer or Psychologist and be a member of a professional body in your area.

• Having worked clinically with an individual and/or managed cases involving those who have experienced institutional/ in care abuse and feel confident in your professional opinion that they can discuss the effects of this abuse.

What to expect from the study: To explore this area I am using a Delphi method. This method will include using multiple stages of data collection known as rounds, each round building on the previous round in attempt to reach an 80% consensus rate of factors perceived to be important following institutional/ in care abuse. It *is expected that this will take three rounds.* Please avoid using any identifiable information in your responses other than inserting your name in the designated box. Names will be used by the researcher to keep track of which individuals to involve in future rounds, they will not be accessible to other participants.

Ethical approval has been gained via the ethics committee at the University of Central Lancashire. Emails have been found using internet searches and through other professionals in the area. Please feel free to pass this email to other professionals in the area who meet the criteria and may wish to participate.

Thank you for taking time to read this information. I hope to hear from you soon. If you wish to take part in this study, please send me an email, within two weeks (rlozanne@uclan.ac.uk). Following this you will be sent an information sheet giving additional details of the research before round one will commence. You will be asked at this stage if you consent to participate in the first round of this Delphi study.

Rebecca Ozanne: rlozanne@uclan.ac.uk

Director of Studies: Professor Jane Ireland jlireland1@uclan.ac.uk

2nd Supervisor Dr Abigail Thornton athornton4@uclan.ac.uk

2nd Supervisor Dr Carol Ireland caireland@uclan.ac.uk'

DIARY DATE

Please note the following:

2pm 20 October 2017: The ACAL AGM

To be held at Slater and Gordon (UK) LLP
58 Mosley Street, Manchester, M2 3HZ
Further details:
http://www.childabuselawyers.com/events/acal-agm-20th-october-2017-2pm

THE ASSOCIATION OF CHILD ABUSE LAWYERS

The Association of Child Abuse Lawyers (ACAL) provides practical support for survivors and professionals working in the field of abuse. Formed 14 years ago, ACAL maintains a telephone help line and web site presence to sign-post survivors of abuse to lawyers who have the expertise and experience to assist them in obtaining the redress to which they are entitled. ACAL also campaigns in this area, and provides training, a mentoring service for members, access to data bases and an information exchange to members to assist them in their work. ACAL's membership is made up of solicitors, barristers, psychiatrists and social work experts who are all specialists in this field.

Student Member

- Cost: £40.00
- Benefits: Website, AGM, Workshop, Newsletter

Non-practicing member, e.g. Experts

- Cost: £85.00
- Benefits: Website, AGM, Workshop, Newsletter

Barrister Member

- Cost: £85.00
- Benefits: Website, AGM, Workshop, Newsletter, Database, Experts Register

Sole Practitioner Member

- Cost: £85.00
- Benefits: Website, AGM, Workshop (3 CPA Hours), Newsletter, Database, Experts Register

Small Firm (5 partners or under) Practitioner Member

- Cost: £100.00
- Benefits: Website, AGM, Workshop (3 CPA Hours), Newsletter, Database, Experts Register

Other Practitioner Members

- Cost: £150.00
- Benefits: Website, AGM, Workshop (3 CPA Hours), Newsletter, Database, Experts Register

Phone: 020 8390 4701
ACAL website: www.childabuselawyers.com
E-mail: info@childabuselawyers.com

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