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ACAL
Association of Child Abuse Lawyers

President's Report

By Peter Garsden President, ACAL

As I look out across snow covered hills against the background of England descending into chaos at the slightest sign of bad weather, I am reminded partially of the mild chaos that seems to surround and follow the Court of Appeal judgment in CN & GN v Poole Borough Council [2017] EWCA Civ 2185, which was handed down as a nice Christmas present for us all on 21st December 2017. You may have seen my article in PI focus on the subject and other articles are planned including one by Richard Scorer.

CN & GN v Poole Borough Council

I am sure you do not need to be reminded of the ratio of the case, as I have covered it in previous newsletters. It is also included with the many other important judgments (mostly reported but some unreported) in the Members' area, Legal Cases, section of the website. If you have never ventured there it is a useful resource divided into Years, Courts, subject areas eg. Limitation, Liability, Causation, and Quantum, Miscellaneous to enable you to filter by whatever criteria you choose. Even though I maintain it, I refer to it frequently for references.

However, it was 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 in which they were housed by the Council.
The Court of Appeal (Irwin LJ & others) found for the Defendant with the result that the claim was struck out as disclosing no reasonable cause of action. It was found that the Local Authority did not owe a duty of care to 3rd party neighbours and were not liable for failing to protect the children from the bullying and harassment which had caused substantial effects, even attempts at suicide. Most importantly, the Court found that the case upon which most failure to care cases are founded – JD v. East Berkshire EWCA Civ 2003 1151 was wrongly decided owing to conflicting Supreme Court decisions of Michael and Mitchell So important was the above decision that we held an emergency Executive Committee meeting in January, as we had been approached by our membership, and asked what, if any, steps we were going to take. We observed the following during the meeting: -

1. The Defendants reaction to the judgment seems to vary considerably in interpretation, and ranges from the view that, all Failure to Care cases can no longer proceed, because there is no longer a duty of care owed by Social Workers, to some cases still being valid, particularly where there was a subsisting care order.
2. The reaction of Defendants seems to vary between, continuing to settle existing cases in appropriate cases, to applications to strike out cases on the basis of no reasonable cause of action, and withdrawal of Part 36 offers already made.
3. There seems to be no consistent approach to cases from the different Defendants, which is inevitable following such a Judgment, which is so open to different interpretation, even amongst committee members.
4. There is a school of thought, which believes that CN & GN does not catch a case where it is alleged that negligence occurred during the subsistence of a care order, as opposed to cases where the child is subject to Section 20, or there is no Care Order, but the Local Authority are involved with the family, and, for instance, the child is on the child protection register.
5. The case has raised the importance of making allegations of breach of Human Rights, particularly Article 3, in failure to care cases, which could become the battle ground going forwards
6. The Legal Aid Agency remains supportive of such cases but will encourage members to endeavour to stay cases pending a clarification in the law from the Supreme Court.
7. The way in which the law has been interpreted is an unintended consequence of the Judgment, particularly in the area of sexual exploitation, which is politically sensitive.
8. We debated what action we should take to bring about a clarification in the law. None of the committee had an appropriate pending case to take to the Supreme Court. We appeal to the membership, however, to put forward a suitable case.
9. The Claimants in the case had petitioned the Supreme Court for leave to appeal, and the outcome was awaited. The Appeal, however, could take 2 years to reach court, and an earlier resolution was needed.

We resolved that we would do the following: -

1. We should email all members to find out how many failure to care cases the judgment affects.
2. We decided not to intervene in the appeal.
3. I would create a precedent letter and upload it to the website for members of the public to download and send off to their MP, if they were aggrieved at the state of the law. I will get around to this very soon.
4. We should be wary of lobbying as an organisation in that we could be accused of perpetuating self-interest.
5. Richard Scorer will write an article for the Journal of Personal Injury Law, in addition to my existing article recently published in PI Focus.
6. A Group called the “Joint Working Group” has been actively involved in lobbying for change in the area of abuse victims and the CICA – consent to assault, the pre-1979 cohabitation rule, and the way in which victims of sexual exploitation are affected. We will contact them and encourage them to lobby government about the need for clarification of a precedent law which is unsatisfactory.

Armes v Nottinghamshire County Council (2017) UKSC 60

Whilst we were all disappointed at the CN & GN decision, we celebrated the Supreme Court decision of Armes on 18th October 2017, which received quite wide publicity, as it fundamentally changed the law of liability for abuse by foster parents.

The case proceeded on the basis that the local authority were not negligent in respect of the placements. The appellant contended that the local authority were still liable for the abuse on the basis that they were in breach of a non-delegable duty of care, or on the basis that they were vicariously liable for the abusive torts committed by the foster parents. The claim was dismissed at first instance in the High Court, and by the Court of Appeal.

The Supreme Court in their landmark decision decided that it is fair, just and reasonable to extend the doctrine of vicarious liability, on the part of a local authority, to cover the acts (even deliberate and intentional acts) of foster parents towards foster children placed in their care, even in the absence of any negligence on the part of the local authority.

The Supreme Court did say that the decision was peculiar to the statues that prevailed at the time of the allegations – Children and Young Persons Act 1969, the Child Care Act 1980, and the Boarding-Out of Children Regulations 1955. We were addressed at the very well attended AGM in Manchester by Philip Davy from the Ropewalk Chambers in Nottingham shortly after the judgement was handed down. He commented that later cases in time were likely to produce the same result in that child care statutes had become more comprehensive rather than less in terms of the local authorities' obligations to children.

Whilst on the one hand, the law seems to be extending in foster care, it is shrinking in failure to care cases. Hopefully the Supreme Court will clarify the position soon for us all.

Miscellaneous

Many congratulations to David Greenwood for winning Solicitor of the Year at the Personal Injury Awards. His team also took home the Personal Injury Team of the year, so congratulations must also go to them. Their Trophy cabinet must be bulging by now. Apologies to anyone else who has won an award, and I have not mentioned them.
Please remember that you can register your Twitter handle by amending your profile whereupon your tweets will appeal on the Association Website news feed. Also, do not forget to post your cases on our Institutions database to find other solicitors with cases at the institution in question.

We must not forget the Child Abuse Conference, which is currently being planned. No details yet appear on the APIL website save to say that it is provisionally listed for 12th July 2018 in London, venue tbc. So, keep an eye out for the programme as it goes online, and book fast because it always popular. Rebecca should also post details on our events page.
I think that is enough from me for now, so until next time, take care, and keep fighting for the rights of victims.

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Charity being sued for “negligent” handling of compensation claim

When people choose to pursue a legal case relating to abuse suffered at any point in their life, it is always a huge decision and one which they hope will bring them the justice they seek.

In that regard it was disappointing to read recently how a man who was a victim of child abuse is now having to take action against a charity which actually supported him in a claim for compensation to the Criminal Injuries Compensation Authority (CICA). The charity was instructed by the victim after approaching him directly.

The charity involved had approached the man with regard to making a claim after he gave evidence at court in 2011. He had been sexually and physically abused by his mother, who was sentenced to five years’ imprisonment as a result.

Having agreed for the charity to represent him, he was not informed about being potentially eligible to claim for loss of earnings, and as such a claim on his behalf was made for “permanent mental illness and physical abuse suffered as a child” only.

The man only became aware that he could, and should have claimed for loss of earnings when he discovered his brother, who had also suffered abuse, had received a substantially higher damages award.

Whilst we know that such cases are, rarely, if ever, motivated by money, but having had the courage to speak out during a trial, then agreed to go through the civil legal process only to be let down by representatives who were employed to look after his best interests, must have been devastating.

Thankfully, a court has now ruled that the charity owed the man “a duty to exercise reasonable skill and care” in acting as his representative, and that it was a “basic component” of that representation to inform him of his potential claim for wage loss.

That has seen him now launch legal action against the charity, alleging ‘negligent’ handling of his case and he is seeking further compensation as a result.

This extended legal process and stress should have been avoided completely.

Full judgment: https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2017scedin85.pdf?sfvrsn=0

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Armes v Nottinghamshire County Council

The Supreme Court gave a much-awaited judgement in the case of Armes (NA) -v- Nottinghamshire County Council finding that local authorities are vicariously liable for the actions of foster parents.

The claimant, Natasha Armes, was placed in the care of Nottinghamshire County Council during her childhood. During her time in care, she was placed with two sets of foster parents, Mr and Mrs Allison between March 1985 and March 1986, and Mr and Mrs Blakely between October 1987 and February 1988. During her time in these placements, Armes was physically abused by Mrs Glenys Allison and sexually abused by Mr Mark Blakely.

It was Armes' case that the abuse had occurred through the negligence of the local authority or in the alternative that Nottinghamshire County Council were liable for the abuse under the legal principles of vicarious liability and/or the principle of a non-delegable duty of care.

The matter came before the Honorable Mr Justice Males in the High Court in November 2014 (Armes v Nottinghamshire County Council [2014] EWHC 4005 (QB)).

The Judge dealt with the issues of liability and limitation, leaving causation and quantum to be dealt with later. In relation to limitation, he disapplied the limitation period pursuant to section 33 of the Limitation Act 1980.

In respect of liability, Mr Justice Males found that Armes had been abused by her foster parents – physically by Mrs Allison, and sexually by Mr Blakely.

Turning then to liability the Judge held that Nottinghamshire County Council were not negligent in their selection or supervision of the respective foster parents. He also rejected the argument that Nottinghamshire County Council were liable under the legal principles of vicarious liability or non-delegable duty for that abuse. The provision of family life, which a foster arrangement sought to reflect, in the judges view militated against such a finding of liability, both vicarious and non-delegable, the latter creating a tension in respect of abuse committed by parents where a child was returned home whilst remaining under a care order.

Armes appealed to the Court of Appeal on the basis that Nottinghamshire County Council should have been liable for the foster parents under the principles of vicarious liability or non-delegable duty.

The matter came before the Court of Appeal in 2015 (Armes v Nottinghamshire County Council [2015] EWCA Civ 1139). The Court of Appeal affirmed the decision of the High Court Judge, citing the level of control exercised by the local authority, decried to be on a "Macro level" against the day to day control of the foster parents on a micro-management level. Armes appealed.
The matter was heard before the Supreme Court on February 8-9, 2017.

Today, the Supreme Court bench, consisting of Lady Hale, Lord Kerr, Lord Clarke, Lord Reed and Lord Hughes (dissenting), handed down judgment in favour of the claimant Armes, finding that the local authority are vicariously liable for the actions of their foster parents.

In deliberating whether the local authority could be liable in either principle of vicarious liability or non-delegable duty, the Supreme Court Justices first considered the statutes which applied to a local authority and children in their care, namely the Children and Young Persons Act 1969 and the Child Care Act 1980, which applied before the Children Act 1989.

The Justices disagreed with Males J and found that while the local authority did not exercise day-to-day control, they nevertheless, through the Regulations, had powers and duties of approval, inspection, supervision and removal without any parallel in ordinary family life.

Non-delegable duty - The Justices in their discussions first considered whether a local authority could be liable for foster parents under a non-delegable duty. They found that if a non-delegable duty was imposed, then it would render the local authority strictly liable for the tortious acts of the child's own parents or relatives if a care order was in place and thus create a form of state insurance. They therefore reached the conclusion that a non-delegable duty would be too broad and would fix upon the local authority a responsibility which would be too demanding.
Vicarious liability

They then considered whether the local authority was vicariously liable for the torts committed by foster parents against children. When deliberating, the Justices considered the approach adopted in Cox -v- Ministry of Justice which recently reviewed the imposition of vicarious liability. In Cox, reference was made to five factors of the relationship between employer and employee which had been identified by Lord Philips in the Christian Brothers case as usually making it fair, just and reasonable to impose vicarious liability and which could properly give rise to vicarious liability. The Justices considered the five factors present in Cox in the context of this case.

They found:

- That foster parents could not be regarded as carrying on an independent business of their own; when looking at the responsibilities of the local authority and those of the foster parent, the court concluded that it was simply not possible to draw a sharp line between the two.
- The torts committed against a child in a foster placement were committed by foster parents in the course of an activity carried on for the benefit of the local authority.
- The local authority's placement of a child in the care of foster parents creates a relationship of authority and trust between the foster parents and the child. Through its own choice of placement, the local authority renders a child particularly at risk to abuse and that it is therefore fair that the local authority should compensate that child should the risk materialise
- The local authority exercised powers of approval, inspection, supervision and removal without any parallel in ordinary family life. By virtue of those powers, the local authority exercised a siginifcant degree of control over both what the foster parents did and how they did it, in order to ensure a child's needs are met. Whereas the foster parent exercised a control over the child on a day to day basis, real control over the placement, supervision and management of the foster placement remained with the local authority. It was the local authority who controlled the child's movements in the greater sense, so that a foster parent cold not for example remove the child from the jurisdiction, it was the local authority who would controlled any medical treatment and consent to such treatment and it was the Local authority who could end the placement, "reflecting the fact that it was the local authority, not the foster parents, which possessed parental powers in relation to the child."
- The local authority has the ability to satisfy an award for damages

After they considered the Court of Appeal's analysis, the Justices accordingly held that the local authority are vicariously liable for the torts committed by the foster parents.

This Judgment provides welcome relief for those claimants who have been abused in a foster care placement by their foster parents, and has now provided further and clear clarity as to the imposition of vicarious liability.

The full judgement can be read at https://www.supremecourt.uk/cases/docs/uksc-2016-0004-judgment.pdf

Christopher Ratcliffe, Uppal Taylor Solicitors

Lambeth's Redress Scheme , Malcolm Johnson, Hudgell Solicitors

I act for a number of survivors of abuse, who are presenting claims to the London Borough of Lambeth's Redress Scheme.

I wrote this article in the course of studying the Scheme so that I could present my own clients' claims properly. However, I decided to set out my initial thoughts on the Scheme, in the hope that these are helpful to others, who are making claims.

As time goes on, I will be publishing further articles on the Redress Scheme, and inviting others to make comments. The purpose of this article is to start a conversation between those who are presenting claims, so that in the future we can share information for the benefit of survivors.

As with any compensation scheme, there is bound to be a dispute about what it means. I'm afraid that my article can't provide legal advice. Also I haven't covered all the issues that are bound to arise in the course of making a claim.

There is no substitute for reading what the Scheme and its associated literature actually says.

The Scheme has now been up and running from 2 January 2018. It is the result of the sterling work done by the Shirley Oaks Survivors Association (SOSA), and their negotiations with Lambeth. This resulted in Lambeth setting up a multi-million pound fund to compensate survivors of abuse, who had been in their children's homes over the years.

What's new about this Scheme?

In my view, Lambeth's Scheme is something of an innovation, at least in England. It is described by Lambeth's Council Leader as the "first of its kind in the England."

We do have the Criminal Injuries Compensation Scheme, but its draconian time limits, over-reliance on the work of the police and the criminal courts and the almost complete absence of costs provisions, make it very difficult for many survivors of abuse to obtain compensation.

There was a fund set up by the BBC, the NHS and the estate of Jimmy Saville to compensate the survivors of his prolific abuse. There are also schemes set up in Northern Ireland, Jersey and other jurisdictions.

Finally, many group claims, which are pursued through the civil courts against local authorities, have taken on the look of a redress scheme. Typically as soon as claims are received, the local authorities and their insurers are very quick to settle the claims and it's quite common for multiple claims to be settled in the course of a day of negotiation. .

The Lambeth Scheme is new because it sets out precisely what will be paid in specific circumstances, it provides for lawyers' costs and it doesn't have any kind of limitation bar. By way of example, this is what its Guidance says by way of Question and Answer:-

"The abuse happened a long time ago, am I too late to bring my claim?

No, we will not say that your claim has been brought too late whilst it is being dealt with in the Scheme."

That is a strikingly different stance to the one taken by Defendants in child abuse civil litigation claims brought through the courts, where limitation is nearly always the first hurdle.

This means that people in Lambeth homes from far flung decades such as the 1940's and 1950's, can make claims under the Scheme.

Moreover the personal representatives of a deceased person, who was resident in a Lambeth children's home, can make a claim. Sadly, some people who are in the care system take their own lives, or succumb to addiction. Their relatives may be able to bring claims through the Scheme.

The London Borough of Lambeth was created in 1965. Prior to that time, Shirley Oaks and other homes in Lambeth, were run by London County Council. Under the Redress Scheme, the change in the public authority is not an issue.

The Scheme covers all children's homes in Lambeth. Although the focus of the Shirley Oaks Survivors Association's campaign was on that particular home and its Primary School, other homes in Lambeth will be covered.

Where to find the Scheme and the Guidance to the Scheme

Regrettably, the way in which the Scheme has been published, is something of a mess. To my mind, this is unacceptable particularly as the Scheme envisages claims being made by unrepresented survivors. I am baffled as to why Lambeth could not put the Scheme and the Tariff information together in one document, and make all the relevant documents accessible through one website page.

This inadequate state of affairs needs to be remedied immediately.

I wouldn't advise anyone to make a claim without studying all of the relevant documents very carefully indeed. The Guidance to the Scheme advises survivors to put forward their own assessment of damages, but in order to do that, you need to pull all the documents together.

The main part of the Scheme and its Guidance can be found on Lambeth's website at :-

https://www.lambeth.gov.uk/redress

The initial page has a number of sections, which explain how the Scheme works. This is part of what I would call, the Guidance to the Scheme. In other words, it's not the Scheme itself, but it tries to explain what the Scheme means.

There's then at the bottom of the same website page, an Adobe document entitled "*Redress Scheme application guide*", which pretty much repeats what is in the sections on the front page. This is the other part of the Guidance.

The main part of the Scheme is contained in the Adobe document entitled "*Lambeth Children's Home Redress Scheme*".

There are then Appendices to which the Scheme refers. These set out the way in which an Individual Redress Payment is calculated. These Appendices are not attached to the Scheme, but they can be found on the minutes of the council meeting that ratified the Scheme, and which took place on the 18th December 2017.

The relevant page on Lambeth's website is :-

https://moderngov.lambeth.gov.uk/ieListDocuments.aspx?CId=225&MId=10406

On that page, you can find Appendix A, which contains the Scheme.

There is then another Appendix A, which is the Application Form to be used by survivors.

There then the Appendices that set out the means of calculating the Individual Redress Payments. They are entitled :-

"Appendix B – Lambeth Redress Scheme – Compensation Tariff"
"Appendix B – Lambeth Redress Scheme – Compensation Band"

Appendix C is a comparison of the Scheme with other Schemes in other jurisdictions, such as Northern Ireland and Jersey.

There are then Appendices D, E and F, which relate to the process by which the Scheme came into being. These can be seen at :-

https://moderngov.lambeth.gov.uk/mgAi.aspx?ID=34833#mgDocuments

These documents and the negotiations between the council and SOSA that brought the Scheme into being could be important, insofar as they could show the intention of the Scheme itself.

Reading both the Scheme and the Guidance

It's important to realise that before the survivor puts forward their claim, they or their lawyers need to read both the **Scheme** (and the Appendices referred to above) and the **Guidance** to the Scheme**.**

In the course of this Article, I refer to the Scheme, but I've mostly used the wording from the Guidance, because it's simpler and shorter.

The Criminal Injuries Compensation Scheme has a similar system. It has a Scheme and then a Guide to that Scheme, but by law, it's the Criminal Injuries Compensation Scheme that takes precedence when it comes to deciding what the wording means.

At this point, I haven't had time to consider how the law would interpret Lambeth's Scheme and its Guidance, but there are well known cases about the interpretation of the Motor Insurers Bureau's Agreements, which compensate victims of uninsured and untraced drivers. What these cases sometimes show is that, where the meaning of the words is plain, that's the meaning that the law takes regardless of what the author of the words intended. This can have surprising results for some people, who are victims of injury.

There are also cases about the interpretation of the Criminal Injuries Compensation Scheme. Again, sometimes the courts have interpreted the wording of that Scheme in favour of victims.

At present, I'd say that it's best to read both Lambeth's Scheme and its Guidance, because :-

- The wording in the Scheme differs from that in the Guidance
- There are some points that occur in the Guidance, which do not appear in the Scheme and *vice versa*.

Those differences could have an impact on the amount of compensation that a survivor gets.

It may well be in the survivor's interest to argue that both the Scheme and Guidance should be used, when deciding what the wording means. However, I think that Lambeth will use the Scheme first of all and that they may well argue that the Scheme takes precedence over the Guidance.

Money received from other types of compensation claim

The Scheme says that if a person has already received compensation, either from Lambeth in a civil litigation claim or the Criminal Injuries Compensation Scheme, then that compensation can be taken into account, when making an award under the Scheme.

So let's assume that a survivor has already received £10,000 from Lambeth in a civil litigation claim for abuse by a particular perpetrator. That £10,000 would be deducted from any compensation that they receive under the Scheme for abuse by the same perpetrator.

Similarly if they received compensation from the Criminal Injuries Compensation Authority (CICA) before making an application under the Scheme, then they would have to pay that compensation back to the CICA, if they got an award from the Redress Scheme.

On that point, Lambeth say that they will write to the CICA notifying them that a settlement has been made. So there's no question of anyone getting double recovery, by keep quiet about their Lambeth Redress Scheme payment.

However, there's an important point here and it's made by the Scheme itself. Many survivors will have been abused by multiple perpetrators in different homes/placements. Their compensation awards, whether it be from civil litigation or the CICA may reflect those different situations. This needs to be fully considered and explained in any application, because otherwise the survivor may miss out on compensation that is rightfully theirs, and for which they have never claimed or been awarded compensation.

People reading this article are either well aware, or they should be aware that many former residents of Lambeth children's homes have brought successful claims against Lambeth in the civil courts. I myself, have dealt with three such claims.

How does the Scheme work?

The Lambeth Redress Scheme is expressed to be "open" until 1 January 2020. Lambeth says that all application forms must be submitted by 1 January 2020 at 5 pm. That is the cut-off time and date.

There's a 30 day turn around, in other words 30 days after you make an application you should receive a decision on an award. This is a great deal faster than in a civil litigation or CICA claim, which can take years.

The Scheme doesn't just pay out money. A survivor can get :-

- A written apology (if requested).
- A meeting with a Senior Representative of the Council (if requested).
- Access to counselling service (if requested)
- Access to specialist advice and help for things like housing, welfare benefits, education and employment (if requested).

The Scheme deals with applications for compensation payments to people who, as children, were abused or "feared abuse" at a Lambeth Children's Home and/or Shirley Oaks Primary School (which was part of Shirley Oaks Children's Home).

The two types of payment under the Scheme

According to the Guidance, there are two types of payment under the Scheme.

- **A Harm's Way Payment - this is a payment made for Applicants who were resident at a Lambeth Children's Home and feared that they would be physically and/or sexually abused, and/or who were neglected and/or suffered cruelty whilst resident at a Lambeth Children's Home where specified criteria is met**

  The criteria are :-

  "You can apply for a Harm's Way Payment if you can answer yes to both of the following questions:- Did you live in a Lambeth Children's Home and fear that you would be physically and/or sexually abused; and/or were neglected and/or suffered cruelty? Did your experience have a negative impact on your childhood?"

  The award depends on the length of time spent in the home.

- More than 6 months - £10,000;
- 3-6 months - £5,000;
- More than 1 week and up to 3 months - £2,500;
- Less than 1 week - £1,000.

  The award for being in a Specialist Unit is £10,000 regardless of the time spent there. The Scheme says that a Specialist Unit is a "Lambeth specialist unit for children with disabilities."

- **An Individual Redress Payment - this is a payment made for Applicants who suffered sexual abuse and/or physical abuse and/or psychological injury at a Lambeth Children's Home and/or Shirley Oaks Primary School where specified criteria is met.**

  The criteria are :-

  "You can apply for an Individual Redress Payment if you can answer yes to both of the following questions:- Did you live in or visit a Lambeth Children's Home or attend Shirley Oaks Primary School as a child and suffer sexual abuse and/or physical abuse there? Was the abuse committed by a member of staff at the Lambeth Children's Home and/or Shirley Oaks Primary School?"

  The Scheme and the Guide says that the Individual Redress Payment is calculated using a tariff. Awards "*are aligned with common law compensation awards for similar abuse / harm suffered*." In addition, a survivor can make a claim for "special damages" which could include loss of earnings caused by the abuse.

The survivor can claim both types of payment. The Guidance says :-

"Can I apply for a Harm's Way Payment and an Individual Redress Payment?
Yes, you can apply for both. If you are eligible, the Harm's Way Payment will be included in your overall compensation amount."

How does the tariff system work?

This took a bit of understanding.

The Scheme says that each application for an Individual Redress Payment will be considered on the basis that it consists of **three components.**

Those components are:-

- the severity of the abuse itself and any aggravating factors - for example issues of race or sexual orientation.
- the extent to which the survivor has suffered physical injury or any recognised medical or psychiatric condition as a consequence of the abuse; and
- the loss of opportunity arising from the abuse and its effects which the survivor has suffered.

So far, so good.

The Scheme then says that awards will be calculated by reference to the **Tariff.**

The Tariff is comprised of 4 Schedules or "Compensation Bands."

Bands 1-3 are designed to compensate for a survivor's "pain, suffering and loss of amenity, including psychiatric/psychological injuries." In civil litigation claims, "pain, suffering and loss of amenity" is generally speaking the main award, after which the Claimant can claim for loss of earnings and other elements of loss.

What Bands 1 to 3 do, is describe various descriptions of abuse, each more serious than the last. Each description is like a "pigeon hole". I hope that survivors will forgive me for using that term, but I am trying to explain a concept that would be strange to any non-lawyer.

So, the first description in Band 1 is :-

"A single incident of a deliberate physical act causing physical injury which does not require medical intervention."

That means that if you come within this description, you get a point score of 1 to 3, with each point meaning £1,000 of compensation. So 3 points = £3,000.

Contrast that with the last description in Band 3, which is :-

"Serious sexual assault or physical injury with serious psychiatric illness."

That means a point score of 20 to 50, with each point meaning £2,000 of compensation. So 50 points = £100,000.

So the idea is for the survivor to look at each Band, and each description within that Band, and try to fit their experience into a particular description/pigeon hole.

The number of points for each description/pigeon hole, reflects the severity of the abuse.

Band 4 is intended to award additional points for "loss of opportunity arising from the abuse and its effects." Each point under this Band is worth £1,000.

"Loss of educational opportunity" attracts 1 to 10 point. "Impairment of earning capacity" attracts 1-15 points and "Significant handicap on the labour market including periods of unemployment" attracts 1-25 points.

The maximum payable under the Scheme is £125,000. So, a survivor who qualified for an award under Band 3, the very last description, with the most serious points award for "Significant handicap etc." under Band 4, would get £125,000.

Presenting the claim

As stated above, I can't give legal advice, but here are some ideas as to how to present a claim under the Scheme :-

- The Scheme says that an application for a Harm's Way Payment needs to be supported by evidence. To get a Harm's Way Payment, the Scheme says that the survivor needs to provide a signed statement to Lambeth. That statement could be supported by signed statements from other people – for instance those abused by the same perpetrator. The wording of the statement should reflect the wording of what the Scheme is looking for, when establishing whether a survivor is eligible for an award.

- According to the Scheme, the truth of what the survivor is saying is judged according to the "balance of probabilities". It's not clear how Lambeth will deal with allegations brought from so many years back. Many survivors will have statements from others who corroborate their story, and some will have the evidence of criminal convictions secured

against their abusers. The records from the home may not actually be helpful if they say nothing adverse.

- In addition, there needs to be a statement (like a form of legal argument) setting out as precisely as possible what happened to the survivor, when the abuse happened, and as far as possible who the perpetrators were. That statement needs to quote directly from the Scheme and Guidance.

- The Guidance actually invites survivors to put forward their own ideas as to the kind of award that should be made. In my view, it's a good idea to do this. Ideally all survivors should be aiming to obtain both the Harm's Way Payment and the Individual Redress Payment.

- It's also very important that the solicitor or whoever presents the application for the survivor, is as clear as possible as to why a person will qualify for a particular award under the Scheme. This is because the person dealing with the application will find it easier to make an award, if they have a coherent argument before them.

- Solicitors need to explain to their clients, whether it is a good idea to get a medical expert's report. There are risks here, if the medical expert comes up with a report that isn't favourable, or reduces the award that the survivor wants.

Troublesome issues – the devil is in the detail

What I have done is consider the Scheme and its Guidance in the context of the allegations that I've seen thus far. It may well be that there are no problems at all, but it's my experience of handling many claims to the Criminal Compensation Authority and the Motor Insurers Bureau that problems do arise.

I set out below the kinds of situations, either where I think there might be problem, or where survivors need to be particularly careful about interpretation.

- A survivor may have suffered purely emotional abuse at the children's home, which could mean being belittled, being called names or being made to perform humiliating chores. The same survivor may have suffered no sexual abuse/hitting or threats of sexual abuse/hitting. I would argue that they should be able to receive a Harm's Way Payment and I think that this is the clear intention of the Scheme. Purely emotional abuse should qualify as cruelty. All the survivors, to whom I have spoken, describe incidents and events that would qualify as neglect or cruelty, and which had a negative impact on their childhood.

  Elsewhere in the Guidance, it says :-

  "You do not need to have suffered abuse to apply for a Harm's Way Payment."

- The Individual Redress Payment definition is rather confusing. It says that you can get an award for "psychological injury" but then (in the criteria in italics above) it says that the award can only be paid for sexual and/or physical abuse.

  Elsewhere in the Guidance, it says :-

  "To make an application for an Individual Redress Payment you need to establish that you have suffered physical, psychiatric or sexual abuse."

It's not clear what "psychological" or "psychiatric" abuse is. I would argue that the Individual Redress Payment would include an award for the "fear" of sexual or physical abuse as well as purely emotional abuse, since that is "psychiatric abuse."

- Note that for the Individual Redress Payment to apply, the abuse has to be committed by a "member of staff." The Scheme gives quite a detailed explanation as to what a member of staff is, and the definition goes quite wide. Volunteers are known to work at children's homes. I would argue that a member of staff would include a volunteer. Note also that foster carers are included in circumstances where the person was removed from a Lambeth Children's Home into a foster care placement. I look at this point again below.

- There's an issue that relates to abuse by other children at the home, and "visitors" to the home. I would say that the Harm's Way Payment must apply to abuse by these people. However, it would appear that an Individual Redress Payment would not apply to abuse by another child or a visitor, as these people are not members of staff or foster carers. The Guidance says :-

  "Can I apply if I was abused by a visitor to the Lambeth Children's Home? Or another child?

  The council will look at your application outside of the Scheme at first and if it is accepted that the council were at fault, you will be invited to transfer your claim to the Scheme."

  It's not clear what an "application outside of the Scheme" is. It may be a separate civil litigation claim or a claim to the CICA. Lambeth appear to be saying that if a survivor was abused by a visitor to the home or other children, then that survivor would need to establish that Lambeth were at fault in letting the abuse occur. So they might have known in some way that the abuse was occurring. The point is that an Individual Redress Payment might be available in those circumstances, but there has to be an element of fault.

- Children may have been resident at the home, but then sent to the homes of foster parents outside, who abused them. Section 7 "Other Questions" in the Guidance says :-

  "The Scheme will also seek to provide redress for Applicants who were placed in foster care directly from a Lambeth Children's Home."

- I would also argue that the threat of sexual and physical abuse would be covered by the Individual Redress Payment, particularly as under civil law, threatening someone with violence qualifies as an assault, for which you can make a claim against the person making that threat.

Costs

A survivor is not obliged to use a solicitor, but I anticipate that most will. There are a number of solicitors firms already acting for survivors.

If the award is a Harm's Way Payment, Lambeth say that they will pay fixed legal costs direct to the survivor's solicitor over and above the compensation award. This is £450 plus VAT. At the rates I've seen charged by most London solicitors, that would cover about an hour's work. I think that more will be required, but that's a matter for individual solicitors and their clients.

Alternatively, if an Individual Redress Payment is made, then the survivor's reasonable legal costs and expenses will be paid by Lambeth over and above any payment. We don't know what "reasonable" means, but any disputes in relation to costs will be considered by the Scheme's Independent Appeal Panel.

Lambeth express the hope that solicitors will not deduct any legal costs from damages. In other words, survivors should receive their money intact.

By way of aside, this is something that doesn't necessarily happen in a civil litigation claim, where a solicitor can make quite large deductions from compensation. In a CICA claim, the deduction could be 25% to 33%.

Lambeth also warn survivors of the possibility that a solicitor might take some of their compensation away from them. If a solicitor is going to do that, they have to explain that very clearly to the survivor, and provide an explanation as to how much it is likely to be.

A good solicitor is always up front about costs, and will give a rough estimate on costs and what it means for the client, at the beginning and throughout the case. Nasty surprises on costs are frequently the subject of complaints against members of the legal profession. We have been warned!

Some survivors will want to instruct a medical expert, who will normally be a psychiatrist. The Scheme allows for the medical expert to be paid, but it has to be a medical expert from Lambeth's panel and Lambeth get to see the report at the same time as it goes to the survivor. Lambeth also say that a medical report isn't necessary for a Harm's Way Payment, but might be needed for an Individual Redress Payment.

At present, there doesn't appear to be a published panel of expert, but I'm told that Lambeth have the list. I've asked for it.

The Independent Appeal Panel

If the survivor can't agree an award with Lambeth, then there is an Independent Appeal Panel. This consists of three individuals, at least one of whom is legally qualified. The Panel works on a paper basis – there's no facility for turning up to a hearing.

Also survivors need to be aware that an Independent Appeal Panel could make a decision that is less favourable than the award that is already on offer, i.e. reject it entirely.

The Panel will only consider the following issues :-

- Whether a survivor is eligible under the Scheme.
- The amount of compensation to be awarded
- The proposed medical expert and whether any additional expert evidence is required
- The amount of legal costs and expenses

Will the Scheme be used to stop claims for child abuse being pursued through the courts?

In a word – yes. The Guidance says :-

"You can transfer your claim to the Scheme if it satisfies the criteria. If your claim has already been issued through the Courts a joint Application will be made to stay the civil action."

This seems to be optional, and the joint application only applies if the survivor has decided to bring a claim through the Scheme in addition, to bringing a claim through the Scheme.

The Guidance says that no-one is stopped from issuing court proceedings. So anyone who has issued proceedings against Lambeth, can transfer into the Scheme if they want to. The Guidance also says that any claim above £125,000 should be brought through the courts, so a claim can transfer out.

However, it's the experience of solicitors acting for Defendants that very few child abuse claims are worth more than £125,000. This means that if Lambeth are facing a claim brought through the civil courts, they are bound to point out to the judge who manages the claim, that there is a Redress Scheme, which could provide the Claimant with fair compensation at far less cost and with no use of the court's own resources.

In any event, a solicitor acting for a survivor, where there's a risk of the claim being worth less than £125,000 or even failing completely, would have to think very seriously about making a claim under the Scheme.

This, I think is going to be a real problem for people with larger claims. Paragraph 18 of the Scheme requires careful reading.

I am co-ordinating a project, known as the "Historic Abuse Litigation Forum", which is intended to improve the way in which child abuse claims are handled by the courts. At present, many types of claims against hospitals, employers or road users are covered by a "Pre Action Protocol" which sets out the behaviour that is expected from both sides in litigation, before a Claimant rushes off to issue court proceedings. Child abuse doesn't have a protocol, but it's on its way.

Protocols are designed to save costs, and suffice it to say - courts do not like large bills. Their view is that if a case is only worth, £10,000, then the Claimant cannot run up a bill of £100,000 pursuing the claim. There are exceptions of course, but according to the Defendant lawyers who sit on the Historic Abuse Litigation Forum, many child abuse compensation claims far exceed the costs that are incurred by Claimant lawyers.

It is open to Lambeth and its lawyers, facing civil litigation from a survivor of abuse in one of their homes, to argue before a court that the claim could go through the Redress Scheme, and if that happened, the Claimant could get the same amount of compensation for a fraction of their lawyers' costs in the civil litigation. The issue of costs in civil litigation was specifically mentioned by Lambeth at a special meeting on the 18th December 2017, where it was said :-

"*This scheme was the right approach, not forcing survivors to go through the courts incurring large legal costs or to relive the trauma of their experiences, and was financially prudent."*

https://moderngov.lambeth.gov.uk/mgAi.aspx?ID=35548

The costs argument could delay a claim quite considerably, as the court could order the survivor and Lambeth to go off and negotiate. A court could even put a "stop" or "stay" on a case, if Lambeth could persuade the court that there is a better deal available under the Redress Scheme.

The costs of civil litigation claim can be high, if the Claimant's solicitor wants to do a proper job and get his/her client fair compensation. Those costs get bigger still, if the Defendant decides to drag its feet. Once the compensation is won, there is a bill of costs presented to the Defendant,

which typically is reduced on negotiation or a further court hearing. Lambeth could use their Redress Scheme to argue that if the claim had gone through the Scheme, costs would be far less, and so the costs on the bill should be cut.

Finally, the Redress Scheme could be used as a limitation weapon against future claims. Typically child abuse claims pursued through the courts are brought long past the statutory time limit, which is normally a person's 21st birthday. Courts have shown themselves willing to relax limitation time and time again, even though people are many years past the time limit. That reflects the "pernicious fruit" of abuse (as one learned judge put it), which is silence.

However, the rules that let a court relax limitation can operate against a Claimant, because they require the court to look at issues such as the Claimant's "conduct". Lambeth could argue against an out-of-time Claimant, that they should have been aware of their Redress Scheme, that the Scheme was a far quicker and better way to obtain compensation and that it was unreasonable for them to try and bring a civil claim through the courts after the expiry of the cut-off date i.e. the end of 2019. So, anyone who tries to pursue Lambeth for child abuse committed against them in one of their homes, could find themselves facing this kind of Defence.

Will we see Schemes being put in place by other local authorities?

Again, in a few words – I think we will.

Recently, Nottingham City Council, Nottinghamshire County Council and Nottinghamshire Police announced that they are looking into allegations of child abuse in Nottingham children's homes going back to the 1950s. .The Councils also say they have commissioned an independent private law firm to investigate all civil claims.

My understanding from the announcement on Nottingham City Council's website is that they are not thinking of setting up a redress scheme. However, the wording of the announcement is clearly attempting to be conciliatory towards survivors and provide information about their rights. It's possible that they may set up their own Scheme.

It may happen in the future that other local authorities will look at the example of Lambeth, and decide to create a similar Scheme. They may be encouraged to do so, if the effect of that Scheme saves on damages and costs in the long run.

We also have to bear in mind today's news, the report produced from research carried out by the Local Government Information Unit and The Municipal Journal.

That research shows that nearly all local authorities in England are set to raise council tax and service charges amid concerns for their financial stability. 80% of councils fear for their balance sheets. Northamptonshire County Council has banned all new spending, saying that its financial future is "grave". The Times reports that Surrey County Council has a £100 million cash crisis.

There was a time when the Criminal Injuries Compensation Scheme was the main (if not the only) source of compensation for survivors of child abuse. Over the years, it has been cut down substantially to a shadow of its former self.

We now have a civil litigation system, which if properly used, can provide survivors of abuse with substantial compensation for life changing injuries. That system inevitably costs local authorities and insurance companies a great deal of money. In the context of flagging public resources, This is why I believe that Lambeth's Redress Scheme will be repeated in other local authorities.

Malcolm Johnson, Hudgell Solicitors

Rape Crises' Response to Met Decision to Review Sexual Offences Cases, Yvonne Traynor, CHIEF EXECUTIVE OFFICER

In December last year the media reported widely on two sexual offences trials that collapsed within a week of each other after evidence was disclosed late into proceedings that had the potential to 'undermine' the Prosecution's case. Disclosure rules mean that the police and the CPS have a duty to inform the defence if they find any evidence that "weakens" the Prosecution case or "strengthens" the Defence's. What followed was a wave of press coverage highlighting both the "systemic failures" of the Metropolitan Police and the experiences of those accused of rape. Former Justice Minister, Dominic Raab, said that the "basic principle of British justice" was at stake. Shortly after, the Metropolitan Police announced it was reviewing all sexual offences cases where there had been a decision to charge, with focus on those cases close to court proceedings.

What has been strikingly absent from all of the coverage is what this means for survivors. The media has been intently focused on providing a platform for the voices of those accused and those with extreme opinions on what can be done to 'fix' the system in the name of "justice". There has been no pause to consider the impact these decisions have on survivors of sexual violence and their experiences of the criminal justice system. For the talk of a "skewed" and "broken" system, there is a concerning lack of recognition of the reality. How could a system really be skewed towards survivors when only 16% of rape reports in 2016-17 made it to trial? Where are the voices of those who deserve to be heard, the survivors who have spoken out and told their truth?

They would paint a markedly different picture. One where they feel like they're the one on trial. A picture where they aren't kept informed, where their actions and responses to trauma are questioned. Police often ask survivors for access to their phones and their social media accounts, the places many of us hold so much of ourselves. Survivors are told that it doesn't matter if they have nothing "to hide". But there is a violation in the very act of asking for access to things that don't feel relevant to a sexual offence you have chosen to report. We must consider how it feels to have your privacy invaded, to have your most personal conversations read combed over by a police officer, for your thoughts and feelings to be examined in case of a discrepancy – in case it doesn't match the myths of what a "real victim" looks like.

For all the discussion that we live in an equal society the reality is that our criminal justice system uses myths and stereotypes about sexual violence and survivors to argue against a perpetrator's guilt. Prosecutors, jury members and us as individuals need to be braver and push back against the myths society holds about sexual violence. Consent is an ongoing process. A text message about sex does not equal consent. Messages that don't use the explicit language of violence do not mean what happened was not violent.

The news the Metropolitan Police are reviewing every case going to court is extremely concerning and the implications are wide ranging. Police investigations can sometimes take over two years. If there is a decision to charge, a trial may be set for another year later. The wait for progress in the criminal justice system can be agonising and many survivors are left waiting for such a long time. What does this mean for them? What does it mean for those who have reported and are awaiting an outcome of a police investigation? Who are waiting for the CPS to make a decision about whether a case will go to court or not? Do those cases get pushed to the back of the queue while all attention is directed elsewhere, in an already stretched Metropolitan Police Service? They do not have the resources or the funding to cope with the amount of sexual offences being reported. Survivors deserve to feel like they are being heard when they make the huge decision to report, and that their truth will be treated seriously and sensitively. The reason these cases in December have come to light may not be so much an issue of disclosure and a conscious disregard for procedure, but because there isn't an adequate response to sexual violence across institutions who are understaffed and under-resourced.

#MeToo and #TimesUp have shone a light on the scope and scale of sexual violence - that it exists in all industries and communities, from the home to Hollywood. What we need now is a response that is good enough. Institutions must reflect the shifts in society that have enabled some survivors to feel able to speak out and seek whatever justice means to them. The police, the CPS, the courts and the government must be well-equipped to handle and respond to sexual violence. The response must be long-term and it must be sustainable. The media must strive to do better, to think carefully about the language they use and the way they frame sexual violence. And specialist services need support now more than ever. We need practical support, from awareness-raising to funding, to ensure we are still here in the changes and shifts that are still to come.

Rape Crisis South London
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info@rasasc.org.uk

CASE REPORTS

CN & GN v Poole Borough Council by Malcolm Johnson, Hudgell Solicitors

In November of last year, the Court of Appeal gave judgment in **CN & GN v Poole Borough Council [2017] EWCA Civ 2185.** The Claimants were two children (one of whom was severely disabled) who alleged that the Defendant local authority had negligently failed to take appropriate and necessary steps to safeguard them. They were the target of prolonged abuse perpetrated by members of a family who lived on the estate on which they were housed by the Defendant between May 2006 and December 2011.

In **X (minors) v Bedfordshire County Council [1995] 2 AC 633** the House of Lords decided that a local authority owed no common law duty of care towards children whom they failed to take into care. The reasoning was that it was not fair, just and reasonable to impose this kind of duty on a hard pressed local authority, dealing as it was with a difficult decision making process involving a number of different disciplines. There was a statutory scheme in place for child protection, but that scheme did not provide for anyone whom the system failed to make a legal claim against the local authority.

X went to the European Court of Human Rights as **Z v United Kingdom [2001] 34 EHRR3** and the ECHR awarded the children human rights damages. A subsequent Court of Appeal authority **D v East Berkshire NHS Trust & Others [2004] QB** established the proposition that a duty of care at common law could be owed by a local authority to children residing in its geographical area to protect them from harm, including personal injury. That new duty of care was then applied in subsequent cases including **Pierce v Doncaster MBC [2007] EWHC 2968** and **NXS v London Borough of Camden [2009] EWHC 1786**.

Early on in the progress of CN and GN through the courts, an attempt was made by the Defendant to persuade the court that the judgment of the Court of Appeal in D v East Berkshire had been implicitly overruled by two subsequent decisions of the House of Lords, **Mitchell v Glasgow Council [2009] 1 AC 874** and 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 person. Accordingly it would not be fair, just or reasonable to impose a common law duty of care. 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 for failing to prioritise a call from a victim who was then killed by her partner. By a 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 particular, the Supreme Court said that the advent of human rights legislation did not necessarily mean that there should be an extension of common law liability.

So, in CN & GN, the existence of a duty of care was called into question by the Defendant local authority, as was the reasoning of the Court of Appeal in D v East Berkshire. 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. The Defendant local authority appealed to the Court of Appeal.

Lord Justice Irwin gave the lead judgment. He considered the arguments from both sides and the judgment of Slade J. In Irwin J's analysis, applying the conventional principles of common law, and in the absence of an assumption of legal liability, there was no liability on the local authority in this case. The heart of the claim was that these Claimants had been placed in housing and not moved, despite the prospect and then the actuality of significant harassment. No-one was saying that the Claimants were at risk of harm from their mother or indeed any family member. It could not be seriously argued that the local authority had a duty under the Children Act to remove the Claimants from their single parent mother because of harassment by their neighbours. Irwin LJ then said that the Defendant local authority was entitled to rely on the principles set out in X (minors) v Bedfordshire. In other words, that judgment and the principles that it set out were not dead. In relation to the reasoning of the Court of Appeal in D v East Berkshire, Irwin LJ said that their decision could not stand with the subsequent decisions of the Supreme Court in Mitchell and in Michael. The two other members of the Court of Appeal, Lady Justice King and Lord Justice Davies agreed.

Unsurprisingly Defendant local authorities (and indeed other types of statutory agency) are now using this decision as best they can, when dealing with claims of this nature. Permission has been sought from the Court of Appeal to take this case to the UK Supreme Court, who could adopt a very different reasoning. However a decision from the UKSC could take another two years to come through.

However, Irwin LJ did not say that no duty of care could ever exist in these kinds of claims. Earlier in his judgment, he referred to two recognised situations, where a duty of care might exist. First, where the Defendant had control over the person causing the abuse and it was foreseeable damage might ensue unless care was exercised in that control. Secondly, where the Defendant had assumed a responsibility to safeguard the claimant. It is this "assumption of responsibility" concept that may be crucial to future claims.

We now need to see how the reasoning of the Court of Appeal will be applied to what might be termed a more "conventional" type of failure to take into care claim, such as the case of the child, whose family is monitored by social services for years, and where there are multiple warnings of abuse but no action is taken to remove that child.

Malcolm Johnson, Hudgell Solicitors

OF INTEREST

Literature Review on the outcomes for survivors of child maltreatment in residential care or birth families

This is a Literature Review on the outcomes for survivors of child maltreatment in residential care or birth families. It was commissioned for The Scottish Child Abuse Inquiry and prepared by Professor Alan Carr, Head of the School of Psychology, University College, Dublin. It focuses on abuse in birth families, structural neglect (where there is a failure to meet childrens basic physical, developmental, and emotional needs due to inadequate and unstable staffing, and limited physical resources and it focuses upon survivors of child abuse in long-term care. The report concludes that survivors of child maltreatment have adverse outcomes across the lifespan in the domains of physical health, mental health and psychosocial adjustment. The severity of adverse outcomes may be partly influenced by the number of different types of maltreatment as well as the duration and severity of these, and the presence of protective factors such as supportive relationships and personal strengths.

Full text: https://www.childabuseinquiry.scot/media/1490/literature-review-on-the-outcomes-for-survivors-of-child-maltreatment-in-residential.pdf

Kim Leslie, Partner
Digby Brown LLP

Training and Courses

Abuse Compensation Claims - The Essential Guide

16th April, Manchester / 22nd May, Bristol

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- How to identify a cause of action
- How to tackle causation and damage
- Limitation - which cases are likely to get past the limitation rules?
- How to obtain and prepare evidence, and choose and instruct experts
- Handling a trial
- Particular types of Defendants and how to sue them
- How to enforce judgments against individuals
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Confirmed Speakers: Martha Cover – Barrister & Co-Chair, Association of Lawyers for Children, Professor Johanna Sköld – Child Studies, Department of Thematic Studies, Linköping University, Sweden, Dr Julia Brophy – Senior Researcher & Policy Offier, Association of Lawyers for Children, Peter Garsden – President, Association of Child Abuse Lawyers, Professor Louise Jackson – Professor of Modern Social History at University of Edinburgh, Dr Chris Millard – Lecturer & Researcher at University of Sheffield, Philip King – Expert Social Worker in Child Protection & Abuse Claims, Iain O'Donnell – Child Abuse Compensation Lawyer, Professor Anna Gupta – Department of Social Work, Royal Holloway

DIARY DATE

Please note the following:

12 July 2018:

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http://www.apil.org.uk/training/2913/apil-abuse-conference-2018

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.

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