

Child abuse compensation claims

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BBK's abuse team

- Smaller case load
- Out of hours service
- In house solicitor advocate
- Interim payments
- Access to specialist experts
- Use of Intermediaries
- Referrals to other legal specialists if needed
- Anonymity / publicity
- Closure and justice
- Immediate needs assessments
- Benefit advice
- Personal injury trusts

Who are the Defendants?

- Suing an abuser in person directly
- Institutional Defendant;
 - Scout Association
 - Ministry of Defence
 - Church / religious orders
 - Sports / youth clubs
 - Schools
 - Salvation Army
 - Children's homes
 - Charitable organisations
 - National and private service organisations
 - Local authorities

Suing an abuser directly

- Difficulties
 - Locating them
 - Assets position

Institutional Defendants - How do we hold an organisation responsible?

- Principle of vicarious liability

Two stage test;

- Whether the relationship between the employer and employee is capable of giving rise to v/l
- Whether there is a sufficiently close connection between the wrongdoing and the employment, so that it would be fair and just to hold the employer vicariously liable for that wrongdoing

Negligence Claims

- Duty of care
- Breach of duty
- Harm suffered as a result

Essential elements of a claim

- 1) Need to prove the incident(s) occurred
- 2) Need to show the cause of the injuries suffered
- 3) Need to bring the claim in time or persuade the court to exercise its discretion if out of time

Why is a criminal conviction so important?

- Proving the abuse
- Civil Evidence Act 1968

Section 11(2):

- “(1) In any civil proceedings the fact that a person has been convicted...shall be admissible in evidence for the purpose of proving...that he committed that offence...
- (2) In any civil proceedings in which by virtue of this section a person is proved to have been convicted of an offence by or before any court...
 - (a) he shall be taken to have committed that offence unless the contrary is proved.”

Difficulties we have in bringing claims

- Limitation
- Vicarious liability
- Consent
- Documents
- Abusers in person

Limitation

- What does this mean?
- What is the time limits for bringing abuse claims?
- A v Hoare

Reasons for 'delay'

- Grooming & impact
- Vulnerability
- Profound internal conflict
- Guilt
- Shame

Reasons for 'delay'

- Procedures involved
- Impact of criminal process on survivor and their family
- Worsening of mental state
- Lack of support

Reasons for 'delay'

- Fear of not being believed
- Fear of career being curtailed
- Fear of others perception of them as a survivor of child abuse

Abuse in faith communities

- Not isolated to any one faith
 - Catholic Church
 - Church of England
 - Islam
 - Jehovah's Witnesses
 - Jesus Army
 - Hinduism
 - Sikhism

Abuse in faith communities

- 6 stages of grooming
 - Targeting the victim
 - Gaining the victim's (and often families, congregation and so on) trust
 - Filling a need
 - Isolating the victim
 - Sexualising the relationship
 - Maintaining control

Abuse in faith communities

- Denial by those in positions of power
- Covering up by the faith and those in positions of power
- Advising a victim's family they will not be believed
- Providing money to the victim and their family for their silence
- Advising a victim it was their fault

What can we do to help?

- Gain insight and engage with all communities
- Telling them their options
- Signposting to others with permission from survivor

Any questions?