

Child Abuse Inquiry – latest recommendations in the Accountability and Reparations investigation

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And watch out for the November hearings

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Two further issues have arisen which about which the inquiry will hear more evidence in November this year. Those issues are:

- whether the law on limitation should be reformed to make it easier for victims and survivors to bring claims in respect of non-recent child sexual abuse; and
- the potential for a redress scheme.

In the meantime, the report focused on claims for compensation from “*an institution which has legal responsibility for the perpetrator*”. As yet, the inquiry does not appear to have turned its mind to those cases which are not based on vicarious liability, but instead based on breach of duty of care, or a failing under the Human Rights Act 1998.

Focusing on those vicarious liability claims, and taking into account the availability of compensation to claimants through criminal justice system and the CICA, the IICSA has come up with a number of key recommendations including:

- that the Ministry of Justice should revise the Victims’ Code to make it clear that complainants of sexual abuse can seek compensation through the civil courts, and be signposted to specialist lawyers.
- On conviction of abusers, victims should be supported to routinely apply for orders of criminal compensation and signposted to organisations supporting victims of sexual abuse.
- The Local Government Association and the ABI should produce codes of practice for responding to civil claims for child sexual abuse to ensure that they are able to access the therapy and support they need as soon as possible.
- The next recommendation is that the Government should include a revision to the Compensation Act 2006 facilitating apologies or offers of treatment.
- The ABI should introduce a national register of Public Liability Insurance Policies and the Financial Conduct Authority should make the necessary regulatory changes to compel insurers that provide public liability insurance to retain and publish details for current policies, as well as listing policies against which a (historical) claim has already been made.
- The Judicial College Guidelines should be revised to have a freestanding section on damages and child sexual abuse cases.

It remains to be seen how quickly the Government will respond to this interim report. Given that an additional set of hearings is likely to take place in November, the Government may wait until the second report is published before making comment.



Sarah Erwin-Jones

Partner

Sarah.Erwin-Jones@brownejacobson.com

+44 (0)115 976 6136

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