

New reforms affecting child sexual abuse claims: Legal comment

07 February 2025  Sarah Erwin-Jones

The government has announced it will bring forward a new bill to remove the three-year time limit for victims to bring personal injury claims.

Its [proposed reforms to support victims of child sexual abuse](#), which follow recommendations from the Independent Inquiry into Child Sexual Abuse, will remove the burden of proof that currently rests with victims to prove it is possible for a fair trial to go ahead.

Sarah Erwin-Jones, Partner specialising in abuse and assault claims at UK and Ireland law firm Brown Jacobson, says this will have significant consequences for a broad range of organisations.

These include local authorities, state and independent schools, private health and social care providers, faith groups, and amateur and professional sports clubs, as well as insurers of these organisations.

Responding to the announcement yesterday (5 February), Sarah said: "It's absolutely right that victims of crime receive justice and can claim for damages, which they can via the Criminal Injuries Compensation Authority and civil courts.

"In recent years, we have seen an increase in claimants pursuing organisations that are deemed to be vicariously responsible for sexual and violent abuse, particularly where alleged perpetrators have not been convicted and deny any offence.

"What difference the government's proposal to remove the three-year time limit for claimants to sue for damages will have on successful claims remains to be seen, given that the existing legislation already gives courts the discretion to allow a claim to proceed out of time.

"In my experience, the Limitation Act 1980 is not used by employers and insurers as a desperate last line of defence, but where there is a real risk of prejudice to defendants. This is often due to a genuine evidence gap that links a victim with the setting and perpetrator where alleged historical abuse has taken place.

"This argument is reflected in data from the Insurance and Reinsurance Legacy Association, which shows that out of 1,336 claims received by insurers in the past five years, only 14 cases were taken to trial on issues that included time limitation. The limitation defence then successful in 11 of these cases.

"By changing the law regarding this time limit, we may see a rise in claims from people who have previously been denied in their claims, which means organisations of all shapes and sizes should ensure they are adequately prepared.

"Given that many claims go back many decades, it's imperative that local authorities, schools, private health and social care providers, faith groups, and amateur and professional sports clubs can plot their insurance history from this time.

"They should understand whether their historic and existing policies cover potential abuse claims, and any limits of indemnity or excesses year on year.

"They may need to review document retention policies regarding employees and volunteers in case claims come forward many years after the events in question, or whether they need to be concerned that previously repudiated cases will come back to life."

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