

Child Abuse Claims

Child abuse can take many forms; it may be physical and emotional. It may be sexual. It may take the form of neglect. It can cause physical injuries and psychological harm, often with long term consequences.

Often those affected by it experience above all a strong sense of injustice.

Although the legal system has many imperfections, it can offer redress in many cases. Of course the law cannot put right the wrong that has happened. The criminal courts can punish the offender. The best the civil courts can do is to award compensation to the victim.

Generally, there are two possible routes to compensation:

- A claim to the Criminal Injuries Compensation Scheme (CICA). This is a government funded scheme, outside of the Court system, which exists to compensate victims of “crimes of violence” (see our separate article about CICA claims generally). Provided you qualify under the Scheme, compensation is awarded on the basis of a tariff published by the CICA. The amount depends upon factors such as the type of abuse suffered and any injury that resulted. The fact that violence may not have been involved in the abuse

need not be a bar to a successful claim. In some cases awards can also be made for other losses flowing from the abuse or injury, such as loss of earnings.

- A claim made through the civil courts. Such claims may be brought against a number of possible Defendants including the abuser him or herself, his or her employer (whether an individual or an organisation) or possibly a voluntary or statutory body that was under a duty to protect from harm. In any such case it is necessary to prove that you have suffered an injury, whether this is a physical injury or some recognised psychological or psychiatric harm.

In either case, important time limits apply, and the rules in relation to these can be very complicated.

If you think you may wish to pursue a claim, therefore, it is important to get professional advice straight away.

We are able to offer advice and representation in connection with claims for compensation arising out of child abuse. You may be eligible for legal aid or alternatively, we may consider the matter on a conditional fee basis. Contact our Civil litigation Department for an initial discussion.



Article author:

Richard Giles

Partner

*Dispute Resolution and
Litigation Partner*

Email:

richard.giles@hatten-wyatt.com

If you wish to discuss these matters further, please do not hesitate to contact Richard Giles on:

01474 351199 or alternatively
richard.giles@hatten-wyatt.com

Telephone: (01474) 351 199 www.hatten-wyatt.com

18/21 Wrotham Road, Gravesend, Kent, DA11 0PF

51/54 Windmill Street, Gravesend, Kent, DA12 1BD