

APIL CHILD ABUSE SPECIAL INTEREST GROUP

Thursday 20 September 2012

5.30 – 7.30 at The Renaissance, Manchester

Paul Durkin, Co-ordinator

Tracey Storey, Secretary

Paul Durkin opened the meeting by explaining that we had 3 speakers tonight rather than 4 as Tracey Emmott was unfortunately unable to attend. Paul explained that Neil Sugarman from the APIL EC would speak first giving the EC update. He would then be followed by David McClenaghan from Bolt Burden & Kemp, speaking about criminal convictions and compensation claims followed by Justin Levinson of 1 Crown Office Row speaking about direct claims against abusers.

Neil Sugarman then delivered the EC update. There had been big changes at the Ministry of Justice but that personal injury lawyers continued to face a number of challenges. There had been a government change of mind regarding criminal injuries compensation. There was a consultation ongoing about the extension horizontally and vertically regarding the Ministry of Justice Portal. It appeared that the government had ignored their own research and it was envisaged that Portal fees would be reduced.

Neil then spoke about the whiplash campaign. There had been extensive lobbying by the insurance industry making out a case that because fraud was so rampant, that they should in fact pay everyone less, whether they had a genuine claim or not. There was also some developments in relation to the small claims limit.

The recent Court of Appeal case which increased general damages by 10% is being challenged by the MIB. In relation to the discount rate, APIL had set up a judicial review which had resulted in a government consultation. News regarding the discount rates is expected. There had been some success regarding the employer's liability compulsory insurance scheme in relation to mesothelioma.

Neil then focussed on the reform of criminal injuries compensation. A government consultation had concluded in April and a draft scheme was due to be introduced in October. Substantial reductions to loss of earnings claims and loss of earning capacity claims were envisaged and if a person had made no report to the police it was proposed that they could not claim at all. Interest groups such as trade unions and APIL had lobbied hard and a committee had sat a few weeks ago and the scheme had been withdrawn. A further announcement is expected on this during the week beginning 22 October. It was a huge achievement on the part of APIL to get the revised scheme thrown out. APIL is still looking for good case studies regarding this.

David McClenaghan then presented on criminal convictions in compensation claims, using a particular case study to illustrate the point. Please see David's presentation. Following this, Justin presented on bringing claims against abusers themselves and Justin's notes are also available.

The meeting concluded with questions and answers and a general discussion regarding child abuse work.

Tracey Storey
04 October 2012