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The Final Report of the Independent Inquiry into Child Sexual Abuse

Today the Independent Inquiry into Child Sexual Abuse (IICSA) published its final report. 20 key recommendations have been made. These are in addition to the 87 recommendations made as interim reports were published.

In addressing matters related to the justice system the recommendations are

- Compliance with the Victims' Code
- Further changes to the Criminal Injuries Compensation Scheme
- Removal of the three-year limitation period for personal injury claims brought by victims and survivors of child sexual abuse. The recommendation includes that there be the express protection of the right to a fair trial with the burden falling on defendants to show that a fair trial is not possible. These provisions are recommended to apply whether or not the current three-year limitation period has already started to run or has expired except where claims have been dismissed by a court or settled by agreement. These changes will not apply to claims brought on behalf of victims and survivors' estates.
- A tiered redress scheme – it is recommended that this includes a fixed flat-rate recognition payment with the option to apply for a second-tier payment. It will apply to any victim and survivor of abuse and exploitation by an adult or another child that occurred in England & Wales where there is a clear connection to a state or non-state institution. Applicants who have previously brought civil claims which have been rejected by the court, save where due to limitation, cannot apply to the scheme. The scheme should run for five years and be funded by central and local government with voluntary contributions sought from non-State institutions.

The Report acknowledges that the Civil Justice Council is currently considering whether there should be a specific pre-action protocol for abuse claims. A specific recommendation that this should be introduced has not, somewhat surprisingly, been included.

Many of the recommendations will require significant government involvement including the establishment of Child Protection Authorities for England and Wales, a cabinet level Minister and the amendment of the Children Act 1989.

Other recommendations may be assumed to have already been in place such as the registration of care staff in children's' homes and of those in care roles in young offender institutions and secure training centres.

The Disclosure & Barring Service (DBS) is the subject of a number of recommendations including for there to be greater use of its barred list, improvements to compliance with statutory duties for referral of concerns to the DBS and for the disclosure regime to be extended to cover those working with children overseas.

As the Online Safety Bill continues its challenging progress IICSA recommends the introduction of pre-screening for illegal images of children and age verification in relation to online services and social media platforms.

Other recommendations focus on data and documentation, greater public awareness and the availability of specialist therapeutic support for child victims.

This summary was prepared by **Paula Jefferson** of **Clyde & Co**, a member of the FOIL Abuse Claims Practice Procedure SFT.

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