

# The Legal Response to Child Sexual Abuse and the Process of Obtaining Justice and Support for Victims

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As a solicitor who [specialises in acting for the survivors of child sexual abuse](#), whether adults or children, I have come to learn over the years how profound and long lasting the effects of such assaults can be. Fortunately, it does not have to be that way in every case, as help is at hand to support and treat those who have the mental strength to talk about what has happened to them.

It was once the case that child sexual abuse was ignored, with adults either turning a blind eye, or reprimanding children for telling lies about their abusers. It is shameful that earlier generations, including very recent generations, have been prepared to deny and hide such iniquitous behaviour, covering up wide scale abuse, to protect themselves and the abusers.

## **Victims of child abuse are being listened to**

Much work has been done in the last 20 years or so, to acknowledge abuse, sometimes on an industrial scale, and to protect children from the predatory paedophiles who seek to exploit the most vulnerable in our society. The first large scale disclosures came from victims of abusers in the Catholic Church. It was not too long before others had the strength to come forward, with disclosures concerning celebrities, like Jimmy Savile, Rolf Harris and Max Clifford. The unfortunately reality is that paedophiles will be found wherever there are children and thus the schools and sports clubs have all proved a haven for abusers. In November 2016 revelations about child abuse in football were came to the public attention. Sadly, it will not be last of such revelations.

It took brave men and women to come forward, to enable the first prosecutions for child sexual abuse to take place. Their fortitude has given strength to many others, to speak out and tell their story to the police.

## **Police and specialist abuse training**

In many cases a [report to the police](#) will not have been the first time they have told their story, but the first time they have been able to tell their story to someone who, from the start, believes their account of events from their childhood. The police are impartial in their investigations, as they have to be, but all those officers I deal with in my work, from across the country, are specialists, dedicated to rooting out abusers and building a case of evidence to enable the Crown Prosecution Service to secure a conviction at trial, which will result in the abuser being locked up and removed from the possibility of causing further harm.

Deprivation of liberty may be considered by some as an insufficient punishment for years of abuse, but the law has been seen to develop to keep paedophiles behind bars for many

years. For some abusers this means they will never be released, which can provide some comfort to their victims.

Survivors who are strong enough to speak about their abuse, want to be heard and for there to be justice. By reporting the child sexual abuse to the police such disclosure can meet both objectives. If a criminal trial brings about a prison sentence, then a sense of justice and vindication can be enjoyed by the survivor.

## **Support is available for victims of abuse**

However, not all victims feel able or even want to talk to the police, or at least, not in the first instance. Those survivors will not be sure who they can turn to, or what they want to do, once they have revealed childhood abuse. Speaking to health professionals is an alternative safe haven to disclose abuse, in a confidential setting. From there a referral may be made to provide therapy or counselling.

Unfortunately, the NHS is overwhelmed with demand for mental health services and thus it is critical that other organisations, such as Hillingdon Mind, are able to continue their support for child abuse survivors. Hillingdon Mind are not funded by the Government, but rely on organisations and individuals to donate large and small SUMS. I am proud to give my time to raise money for Hillingdon Mind.

Many of my clients, over the years, have spoken to me, as a Solicitor, before speaking to anyone else. It has been said to me, on many occasions, that I am the first person they have spoken to about the abuse suffered. Their reasons for speaking to me are varied, but includes obtaining free advice on what they can they do or should do about the fact they have been abused. Some want to know how to go about reporting abuse to the police. Others want to know whether there is any legal redress for them as victims of abuse, as they feel the focus is too heavily weighted towards the abusers, with insufficient support for the survivors.

## **Specialist treatment and the process of recovery and healing**

The legal remedy for a survivor of abuse is compensation. Of course, no amount of money can compensate someone for the pain and suffering experienced at the time of abuse, and years after, the impact on their lives, including capacity for work. Nevertheless, money can help in assisting someone to get [their life back on track](#), in order to:

- Address the mental health issues arising from the abuse including access to specialist abuse psychologists, counsellors and other professionals
- Address the physical health issues arising from the abuse
- Obtaining training (in some cases) to enable them to gain qualifications and skills to reach their employment potential.

The law recognises the significant harm caused by abuse and that such harm does not stop when the abuse stops; but continues for many years, impacting on every aspect of life. Therefore, compensation for child sexual abuse can be substantial.

If a compensation claim for child sexual abuse is made, it is important the survivor speaks to a solicitor who is both experienced and who is prepared to spend time meeting them, getting

to know them and gaining trust. I cannot speak for others, but I do not expect a survivor contacting me for the first time, to reveal the full details of the past. Such information can wait, unless of course the survivor is keen to speak openly at an early stage.

If a survivor wishes to bring a compensation claim, then such a claim can be brought against the abuser, personally, and in many cases, against organisations who engaged the abuser, where the abuser gained access to a child through their work, whether paid or voluntary. Even in cases where the abuser has died, it may still be possible to bring a successful claim for compensation. Each case is different, as the circumstances of the abuse vary.

Understandably, people can be concerned about having to talk about the abuse, particularly the possibility of having to make a legal claim. However, the vast majority of claims for child abuse compensation are resolved **without having to go to court** and even in cases where it becomes necessary to commence legal action against those responsible for the abuse, the court are sympathetic to claimants who wish to protect their identity, by making an anonymity court order.

## Compensation for victims of child sexual abuse

A compensation claim may be made up of non-financial and financial losses and expenses, including medical treatment costs, such as counselling and therapy. Of course, the NHS is free at point of service but others may charge for their services. Even charities may seek payment or a donation to enable them to maintain their services, to provide support for others who have been abused. The cost of that treatment paid by the survivor can be recovered from the abuser or those responsible for the abusers actions. In fact, even where no payment has been made for the mental health counselling and therapy services, if the recipient of those services, by way of gratitude, wishes to make a payment to the charity or not for profit group, then they can claim the amount of the donation they may like to give, from the abuser or organisation.

As indicated, survivors of child abuse victims can often feel vindication and satisfaction when an abuser is found guilty and given a custodial sentence. However, such an outcome will not meet all the survivors' needs, ie financial compensation for the harm suffered. That can only properly be achieved by pursuing a claim for financial compensation. It is the right of everyone to seek and obtain a legal remedy for the harm they suffered at the hands of others. It is justice for the victim and survivor. It is the law.

If a survivor is [interested in making a compensation claim](#), then it is important not to delay taking action. This is because there are strict time limits for bringing a claim. The survivor does not have an open ended period of time to pursue a claim, even if they are the innocent victim.

Therefore, if a survivor wishes to make a claim, they should contact an experienced Solicitor as soon as possible. Indeed, even if the survivor has already reported the abuse to the police, they should not delay approaching a Solicitor. This is because police investigations and criminal prosecutions can take a long time and during that period, the time for making a compensation claim may have expired. Surely the worst outcome for a survivor is to report the abuse but not to receive any recognition and redress for the harm.

As to the cost of making a claim, these claims are frequently made under what is colloquially known as a no win, no fee agreement, where the person making the claim does not have to worry about having to pay any legal costs if they lose. Knowing this fact frequently removes one of the biggest worries about making a claim.

However, making a claim is only part of rebuilding a life, after abuse. Money on its own is of little value. It is what one does with the money that is important. Therefore, I strongly encourage all my clients to seek medical help and treatment and where the NHS is not able to meet all the survivors' needs then organisations like Hillingdon Mind are an excellent supporter of victims of childhood sexual abuse.

<https://www.youtube.com/watch?v=kUXJdqUjsII>

### **For more information**

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