

Lambeth Children's Homes Redress Scheme

Summary of Redress available under the Scheme

The Scheme provides two types of financial redress that are available:-

Harm's Way Payment ("HWP")

This is a payment made for applicants who were resident at a Lambeth Children's Home and feared that they would be physically and/or sexually abused, and/or who were neglected and/or suffered cruelty whilst resident at a Lambeth Children's Home where specified criteria is met. A Harm's Way Payment of up to £10,000 is available to eligible applicants.

All former residents of a Lambeth Children's Home who were living in and subjected to a harsh environment are eligible to receive a Harm's Way Payment of up to £10,000. Payments are stepped based on time spent in a Lambeth Children's home as follows:

- More than 6 months – Harm's Way Payment of £10,000
- Between 3 and 6 months – Harm's Way Payment of £5,000
- More than 1 week and up to 3 months – Harm's Way Payment of £2,500
- Less than 1 week – Harm's Way Payment of £1,000

A harsh environment is one which caused former residents to fear or apprehend that they would be subject to immediate physical abuse, and mistreatment or sexual abuse and/or neglect and/or cruelty. Where a Harm's Way Payment is paid and the person also applies for an Individual Redress Payment the Harm's Way Payment will be treated as an interim payment for redress

Individual Redress Payment ("IRP")

This is a payment made for applicants who suffered sexual abuse and/or physical abuse and/or psychological injury at a Lambeth Children's Home and/or Shirley Oaks Primary School where specified criteria are met.

The Scheme provides for an Individual Redress Payment up to a maximum sum of £125,000 for every child who has been physically, sexually or psychologically abused by staff, house parent, social uncle or aunt, or any other third party for whom the council has vicarious liability in relation to a Lambeth Children's Home and including Shirley Oaks Primary School.

More complex cases where compensation for loss of earnings could result in a higher award of compensation over £125,000 will be dealt with outside of the Scheme as these cases involve a more detailed forensic analysis of expert evidence to assess and ensure the appropriate level of compensation is made to applicants. However, these cases will be handled in the spirit of the Scheme.

Once an assessment of Individual Redress compensation has been completed an offer will be provided to the applicant for them to consider. The council recognises that many applicants will wish to take the time to carefully consider and consult on the offer that has been made and for some this may be a difficult decision for them to make.

Appendix A

Offers of Individual Redress are made based upon consideration of all of the information and evidence that is made available at that time. In some cases subsequent information or evidence including medical evidence may be presented by the applicant at a later stage which upon evaluation may result in an increase in the level of compensation offered.

Compensation for any harm/consequence as a result of abuse suffered is calculated by reference to the tariff which forms part of the Scheme. The tariff contains four compensation tariff bands. Bands 1-3 are designed to compensate for pain, suffering and loss of amenity, including psychiatric/psychological injuries. In addition to damages for pain/suffering and loss of amenity Band 4 is designed to award additional compensation for loss of opportunity arising from the abuse and its effects.

Maximum available payment

The Scheme provides for total compensation of up to £125,000, however complex cases where special damages could result in a higher award of compensation will be dealt with outside of the Scheme but still in the spirit of the Scheme as these cases involve a more detailed forensic analysis of expert evidence and will take longer to process.

Application process

Anyone applying for compensation is required to complete an application form with as much information as possible. A more detailed account or statement is required for those applying for an Individual Redress payment. Completed applications are then verified against the information and records held by the council to determine whether the applicant meets the Scheme criteria and is accepted into the Scheme.

Appeals process

An Independent Appeal Panel has been established to deal with appeals made by applicants. The appeal panel is chaired by a single retired judge who is supported by a pool of 7 barristers and 5 other experts. A full appeal panel comprising of the chair, a barrister and other experts adjudicates on disputes arising concerning the amount of any Harm's Way Payment, the amount of any Individual Redress Payment and the amount of any legal costs and expenses claimed. Matters relating to eligibility under the Scheme are adjudicated on by one panel member only, the panel chair.

Appeals that are submitted by applicants are dealt with in the first instance by a 'point of contact' (a pupil barrister) appointed by the panel chair who will determine in conjunction with the panel chair the type of appeal that has been submitted and whether this requires a full panel of three to be established or whether the appeal is primarily an eligibility matter to be determined by the chair only in the first instance. The point of contact will then liaise as necessary between all parties to ensure all information is collated and presented to the chair/appeal panel for determination. This approach ensures that the appeal panel operates independently of the council.