

**Appendix C - Established Historic Child Abuse Compensation Schemes**

It should be noted that whereas the Lambeth Scheme is operated by the Local Authority, the other Schemes were Government backed/led schemes. As such, the Lambeth Scheme is the only Local Authority scheme listed below.

Scheme Entry	Lambeth Scheme	Republic of Ireland Scheme	Jersey Scheme	Northern Ireland Historical Abuse Inquiry (HIA) – <u>Recommendations only – not a Redress Scheme as yet</u>	Canada – Nova Scotia	<u>Differences</u>
<b>1. Period of Operation</b>	2 years	3 years	6 months	Not applicable as this was an Inquiry – not a Redress Scheme as yet	3 years, 9 months	Republic of Ireland & Nova Scotia Schemes open 1 year longer than Lambeth’s Scheme
<b>2. Who funded the Scheme</b>	Lambeth Council	Public funds with contributions from religious organisations and insurers	State of Jersey	Not applicable as this was an Inquiry	Nova Scotia Province	Two of these schemes are Government funded. One other was funded by public funds but with contributions from other organisations. The Lambeth Scheme is funded solely by Lambeth Council

Scheme Entry	Lambeth Scheme	Republic of Ireland Scheme	Jersey Scheme	Northern Ireland Historical Abuse Inquiry (HIA) – <u>Recommendations only – not a Redress Scheme as yet</u>	Canada – Nova Scotia	<u>Differences</u>
<b>3. Remit of Compensation Payments</b>	Compensation paid for:- <ul style="list-style-type: none"> <li>• Former residents of Lambeth children’s homes who suffered abuse at those homes, perpetrated by someone who Lambeth would be vicariously liable for</li> <li>• Former residents of Lambeth children’s homes who were directly placed into foster care and abused by the foster carers(s).</li> <li>• Former residents in a Lambeth specialist children’s unit as a child</li> </ul>	Compensation paid for people who: <ul style="list-style-type: none"> <li>• were abused while resident at a relevant institution; and</li> <li>• could show they suffered abuse and resulting injury</li> </ul>	Compensation paid for people who:- <ul style="list-style-type: none"> <li>• were in full time residential care (not foster care) between 1945 and 1994</li> </ul>	Recommends compensation for:- <ul style="list-style-type: none"> <li>• People who suffered abuse between 1922 and 1995; and</li> <li>• Were residents in a residential institution in NI; and</li> <li>• Was under 18 at the time</li> </ul>	Compensation Paid to:- <ul style="list-style-type: none"> <li>• survivors of physical and sexual abuse in three institutions</li> </ul>	Lambeth Scheme goes further in :- <ul style="list-style-type: none"> <li>• offering Harm’s Way Payment; and</li> <li>• compensating those who were abused by foster carer(s) where previously placed in a children’s home</li> </ul>

Scheme Entry	Lambeth Scheme	Republic of Ireland Scheme	Jersey Scheme	Northern Ireland Historical Abuse Inquiry (HIA) – <u>Recommendations only – not a Redress Scheme as yet</u>	Canada – Nova Scotia	<u>Differences</u>
	<ul style="list-style-type: none"> <li>Harm's Way Payment – criteria listed below</li> </ul>					
<b>4. Compensation for Abuse by Foster Carers</b>	Former residents of Lambeth children's homes who were directly placed into foster care and abused by the foster carer(s).	No compensation for abuse by foster carers	No compensation for abuse by foster carers	No express compensation recommended for abuse by foster carers but subject to further consideration	Silent on foster carers	Lambeth's scheme does include compensation for those abused by foster carers were they were formerly in a Lambeth children's home
<b>5. Harm's Way Payment</b>	<p>Stepped Harm's Way Payment paid to Eligible Applicants of up to £10,000 where they were resident at a Lambeth children's home and lived in a harsh environment; OR</p> <p>A Harm's Way Payment of £10,000 where they were resident at one of</p>	No Harm's Way Payment	No Harm's Way Payment	<p>Standard payment of £7,500 to:</p> <ul style="list-style-type: none"> <li>anyone abused including those who experienced a harsh environment or witnessed abuse</li> </ul>	No Harm's Way Payment	Lambeth goes beyond all these other schemes in offering a Harm's Way Payment of up to £10,000 which no other scheme offered

Scheme Entry	Lambeth Scheme	Republic of Ireland Scheme	Jersey Scheme	Northern Ireland Historical Abuse Inquiry (HIA) – <u>Recommendations only – not a Redress Scheme as yet</u>	Canada – Nova Scotia	<u>Differences</u>
	Lambeth’s specialist children’s units as a child; there is no requirement to demonstrate a harsh environment					
<b>6. Review</b>	<p>An independent, multi-disciplinary Appeal Panel chaired by a retired Judge.</p> <p>An Applicant will be referred to the Appeal Panel where the Council and the Applicant’s representatives have been unable to reach agreement as to whether the Applicant is accepted into the Scheme and/or settlement of the claim.</p> <p>The Appeal Panel can increase or decrease awards.</p>	Review board for Applicants unhappy with their awards	<p>Review by an impartial QC Barrister where applicant unhappy with award</p> <p>Where award is adjusted to 20%+ the original offer, the Scheme will cover the costs of review. The Claimant will cover the costs otherwise</p>	A person dissatisfied with a decision of the Board can appeal to a Panel	Disputes could be referred for a file review procedure	The Lambeth Scheme goes as far as the other Schemes in providing an appeal process.

Scheme Entry	Lambeth Scheme	Republic of Ireland Scheme	Jersey Scheme	Northern Ireland Historical Abuse Inquiry (HIA) – <u>Recommendations only – not a Redress Scheme as yet</u>	Canada – Nova Scotia	<u>Differences</u>
	The cost of the Appeal Panel will be met by Lambeth					
<b>7. Limitation defences</b>	No limitation defence will be raised for any application under the Scheme	Silent on limitation	Silent on limitation	Applicants should still be able to seek redress where they brought civil proceedings previously and the claim was defended on grounds of limitation	No specific reference but this was a no fault scheme	The Lambeth Scheme goes further than other schemes.  Where an application is accepted into the Scheme, Lambeth will not raise a limitation defence
<b>8. Maximum award</b>	£125,000 including Harm's Way Payment  The Lambeth Scheme deals with claims where the applicant values their claim up to £125,000. As such, claims valued in excess of £125,000 would be dealt with outside of the Scheme but in the spirit of the Scheme	300,000 euros (approx £263,000)  It should be noted that the Republic of Ireland jurisdiction is more generous in the compensation awards for damages	£60,000  £3,000 for medical (past or future) costs	£100,000 including a CEP	\$120,000 (approx £92,760)	The Lambeth Scheme provides a higher maximum award than most other schemes, aside from the Republic of Ireland Scheme which is a foreign country with a different legal framework

<b>Scheme Entry</b>	<b>Lambeth Scheme</b>	<b>Republic of Ireland Scheme</b>	<b>Jersey Scheme</b>	<b>Northern Ireland Historical Abuse Inquiry (HIA) – Recommendations only – not a Redress Scheme as yet</b>	<b>Canada – Nova Scotia</b>	<b>Differences</b>
<b>9. Applications from the Estates of those who are now deceased</b>	The Estate can apply for an Individual Redress Payment for someone who would have been an Eligible Applicant (but not a Harm's Way Payment)	Applications from the Estate of the Deceased accepted where they died after 11 May 1999; or  where they died after making an application but before determination of their application	No compensation where deceased	Where a person died after 29 September 2011 their spouse or children should be able to recover 75% of the award that would have been made	Silent	Lambeth's Scheme goes beyond those other schemes where an Applicant is deceased as it has fewer constraints around the eligibility for an award
<b>10. Number of Applicants</b>	Unknown currently, a total median of 3000 has been used for forecasting	16,750	132	Not applicable as not a scheme	1,260	N/A
<b>11. Apology</b>	Lambeth have already made a public apology to survivors of abuse in their care  A written and personal apology is offered to all Eligible Applicants under the provisions of the Scheme.	Generic apology on behalf of the State given but not individual apologies	Generic apology given by the Chief Minister but not individual apologies	Recommends the NI Executive and those responsible for the institutions where systemic failings were found, should apologise publicly	No apology offered	The Lambeth Scheme goes further than all the other schemes
<b>12. Psychiatric assessment</b>	Where a psychiatric assessment is required, the parties will agree a joint expert	Medical Report provided by the Board's medical advisors	Presumption that expert evidence will be required for claims for more severe abuse.	Silent	Consideration of medical records	Lambeth Scheme is in line with other Schemes in that consideration of

Scheme Entry	Lambeth Scheme	Republic of Ireland Scheme	Jersey Scheme	Northern Ireland Historical Abuse Inquiry (HIA) – <u>Recommendations only – not a Redress Scheme as yet</u>	Canada – Nova Scotia	<u>Differences</u>
	and the Council will cover the associated costs		Where less severe cases the necessity of this will be assessed  Where the Claimant does not cooperate, their application may be rejected or their award reduced		relating to the applicant	medical records / evidence is required
<b>13. Counselling and rehabilitation services</b>	There is a free independent counselling service offered which is currently in place and being utilised by survivors – this is an unrestricted service available to all survivors  Specialist advice re: housing/benefits/ further education/ employment also offered to Eligible Applicants	Advice on financial management of the award given	None detailed	Specialist funds available for ten years to cover cost of general counselling and practical help re literacy, numeracy, education, employment, housing and benefits advice	Investment Advice could be requested - cost of advisors not covered	The Lambeth Scheme goes beyond other schemes in the advice offered.  It is in line with the HIA recommendations

Scheme Entry	Lambeth Scheme	Republic of Ireland Scheme	Jersey Scheme	Northern Ireland Historical Abuse Inquiry (HIA) – <u>Recommendations only – not a Redress Scheme as yet</u>	Canada – Nova Scotia	<u>Differences</u>
<p><b>14. Previously compensated for the same abuse</b></p>	<p>Applicant will repay payments from the Criminal Injuries Compensation Authority (CICA) for same abuse. Where an award is made under the Scheme and the applicant is known to have previously received a CICA award for the same abuse, Lambeth will notify the CICA of the settlement reached. It will then be for the Applicant to liaise with the CICA in repaying any monies requested.</p> <p>Where previous payments made by the council or third parties in relation to the same abuse the amount will be deducted from any award under the Scheme. If a previous award exceeded Scheme award, no</p>	<p>Applicants who had previously received damages could not apply for redress</p>	<p>Silent to this</p>	<p>Where a person has received compensation through civil proceedings they should not be entitled to a payment from the HIA Redress Board</p>	<p>Silent</p>	<p>The Lambeth Scheme allows applications even where compensation for the same abuse has previously been received</p>



Scheme Entry	Lambeth Scheme	Republic of Ireland Scheme	Jersey Scheme	Northern Ireland Historical Abuse Inquiry (HIA) – <u>Recommendations only – not a Redress Scheme as yet</u>	Canada – Nova Scotia	<u>Differences</u>
	further payment will be made.					

