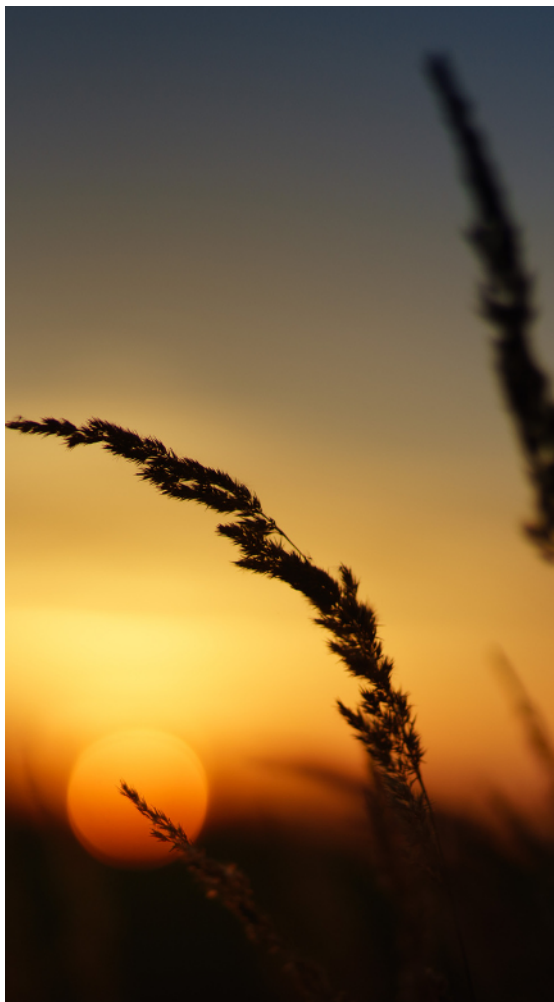




Making a civil claim



This leaflet applies to civil claims which are brought in England and Wales – the law in Scotland is different and you will need to speak to a Scottish Solicitor if your claim relates to abuse which happened in Scotland.

Making a civil claim

If you've experienced abuse and sustained a physical or psychological injury as a result, you may be able to bring a claim for the harm you have suffered through the civil courts.

Whilst it is possible to bring a claim yourself as a litigant in person, it is advisable to instruct a specialist Abuse Solicitor to support you throughout the process of claiming compensation.

When to make a claim

You'll have three years from when the abuse took place to start Court proceedings or three years from your 18th birthday if you were a child when you were abused.

If this time limit has passed, this will have an impact on your claim. This is a point that will be raised by those you are bringing the claim against, though you can also raise arguments to counter this.

The Court will take many factors in to account when looking at a claim that has been brought out of time, and understand that survivors of childhood abuse may struggle to speak about their experience for many years.



Who can you claim against?

If you've been abused, you could make a civil claim against the abuser if they have enough money to pay compensation to you.

If you were abused whilst that person was employed or working as a volunteer, for example, if they were a teacher in a school, a member of a religious organisation or coach in a sports club then you could bring a claim against their employer.

If you were in care and you were abused due to failures to properly safeguard you, then you may be able to bring a claim against the Local Authority.

Once it's established who the claim is against (the Defendant), a formal Letter of Claim will be sent to them which they will respond to either admitting or denying liability.

The process of making a civil claim

1 Your Solicitor will investigate your claim and obtain your medical records as well as your police statement. They will also arrange for you to have a medical assessment, usually from a psychiatrist, who will prepare a report on any injuries you have from the abuse, the impact the abuse has had on you, and any recommendations for treatment.

Your claim will then be valued based on the medical report, which may include a claim for loss of earnings and cost of treatment. At this stage, your Solicitor might ask a specialist Barrister if they think any additional evidence is needed.

2 The evidence is submitted to the Defendant's representatives, and negotiations may begin at this point. If the Defendant disagrees with the medical expert's report on the nature or extent of your psychiatric injuries, they may arrange for another medical expert to assess you.

3 If your claim hasn't settled and the claim is strong enough, Court proceedings will begin. The Court will set a timetable which will include exchanging documents and witness statements as well as having experts on both sides set out where they agree and disagree in their assessments.

4 Throughout this process, more evidence will come to light which may strengthen or weaken your position. Either side can try to settle your claim at any point. If your claim still hasn't settled, and your claim continues to have a strong chance of success, it will go to trial.

The Court will consider measures to make the trial process as comfortable as possible for you, such as arranging for you to give evidence via video link. Courts now must take in to account the individual vulnerabilities of claimants and witnesses in the way any hearings are conducted. There's no jury in a civil claim, so the Judge will decide whether the Defendant is liable and if so, how much compensation you'll get.

Why is it important to use a Specialist Abuse Solicitor?

Abuse is a complex area of law and claims can often become complicated. By instructing an experienced Abuse Solicitor, you can have peace of mind that there is an expert on your side to guide you through the process.

The prospect of taking legal action after suffering any kind of abuse can feel extremely daunting. A specialist will have good knowledge of this fast-changing and developing area of law and will understand the sensitivities of your claim. They will also be able to support you if any issues arise throughout the legal process.

Paying for a solicitor

Many people are concerned over the costs that can arise when instructing a solicitor.

You should ask a solicitor about what options are available to fund a claim when you first speak to them. Most firms will fund claims on a no win no fee basis, and some firms can also offer to fund the claim by legal aid.

A solicitor will be happy to talk through the options with you and advise the best option for you before you decide to instruct them.



napac

The National Association for
People Abused in Childhood



SIMPSON
MILLAR

[napac.org.uk/law-firms](https://www.napac.org.uk/law-firms)

Support line **0808 801 0331**

Free from landlines and mobiles

Charity No 1069802

Scottish charity No SC049296

Company No 3565696