

# Foreword to the Third Edition

Child abuse invariably not just affects lives, but it ruins lives. Lawyers can make some difference but, as this guide makes clear, any effective lawyer involved in this work needs a wider knowledge of both the law and agencies (and their duties), above and beyond standard personal injury work. The areas in which these agencies operate include adoption, fostering, care, education, social services, religion, crime; the prison system and health. A lawyer requires skills and sensitivities, and sometimes a hard-faced determination, beyond that needed in the work that many of us ordinarily undertake.

The guide impressively, and helpfully, takes the reader through the history and background, charting the way that the law, attitudes and even language have changed around child abuse. Particular legal issues, present at the outset of many child abuse cases, are carefully addressed including identifying both a cause of action and the potential defendant(s) - and bringing the law on vicarious liability up to date with the Supreme Court decision in *Various Claimants v Barclays Bank* [2020] UKSC 13. Going beyond the common law, the statutory duties of the agencies and organisations are then set out. As you would expect, limitation issues are covered in detail in the chapter on defences.

The chapter on damages contains very useful case summaries for general damages. As an illustration of the thoroughness of the guide, there is a section on exemplary damages tailored to this area of work, and whole chapters devoted to claims under Scottish law and Criminal Injury Compensation claims.

The guide does not ignore practical advice either. Funding and the recovery of damages awarded are addressed, as is media coverage and anonymity. Gathering evidence, including agency documents, is again tailored to this type of work. How often do most personal injury practitioners have to contend with the public interest immunity doctrine on seeking disclosure?

I was honoured to be asked to prepare a foreword to this guide, in my capacity as President of the Association of Personal Injury Lawyers. Many members of APIL are involved in abuse work, and APIL were one of a number of organisations asked to give evidence to the Independent Inquiry into Child Sexual Abuse (IICSA), whose final report is due in 2021. The guide has a resonance for me personally, as I used to undertake abuse work and acted for one of the five lead Claimants at the High Court stage of *Lister v Hesley Hall*.

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The IICSA has already made some blunt interim recommendations. We can expect more of the same when the final report is published. Let us hope that those recommendations are adopted and, frankly, that lawyers have to undertake far less abuse work in the future. For now, this guide is essential.

Sam Elsby

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