Abuse at Boarding School: A Guide to Seeking Justice and Compensation

## Introduction

It is only in the relatively recent past that society has finally cknowledged the harm caused to those abused as a child. Understandably a lot of attention has been given over to improvements in safeguarding, so the mistakes of the past are not repeated. Many column inches have been devoted to abuse perpetuated by celebrities and the behaviour of institutions. However, the consequences of abuse, the harm caused as children while at boarding school, extending into adult life, has been afforded less attention.

The purpose of this guide is to provide some information about child abuse compensation claims for those who were assaulted at boarding school. Financial compensation on its own does not make up for years of suffering. However, that compensation can be put to good use, to obtain medical help on a private basis, which often becomes necessary as the NHS has limited resources to meet the demands of those with mental health challenges. The sexual abuse compensation can also be used as platform for a new start in life.

These are just two of the reasons that a victim may have for seeking compensation. There are likely to be other reasons too, why a victim of child abuse wishes to bring a child abuse claim. This guide is designed to provide some answers on how someone who attended boarding school can bring a child abuse compensation claim and how what an individual may expect.

## What to Do If You Have Been Abused

Whether the person now bringing a claim for compensation is an adult, who has suffered with the effects of child abuse for many years, or a parent who has recently discovered their child has been abused at boarding school, they will require support. They will, already, have shown tremendous courage, just to speak to someone about their experience.

If the victim of child abuse, or a parent of a minor, wishes to pursue sexual abuse compensation, they should approach a solicitor who has experience in acting for child abuse victims. The solicitor will have a detailed knowledge of the subject, beyond the letter of the law. They will also be empathetic.

1. **Dealing with your legal advisor**

An experienced child abuse solicitor will not ask you at a first (or even a second) meeting the precise details of what happened to you. An initial meeting will seek to understand the background, to when, where and how the assaults took place at boarding school. An experienced solicitor will recognise the difficulties around speaking of the assaults.

**2. Reporting the abuse to the police**

The child abuse solicitor will recommend that the victim, or the parents of the child, report the allegations of abuse to the police. This is necessary as a criminal offence has been committed and, accordingly, those assaults should be investigated. A report to the police is also important for the sexual abuse compensation, as the police investigation running parallel with the victim compensation claim, can assist, by improving chances of success.

The police are sensitive to the effects of child abuse and therefore will assign specially trained police officers to interview the victim of the abuse.

1. **Contact your doctor**

In addition to reporting the abuse to the police, the solicitor will recommend that the victim report the child abuse to their GP. It is important that irrespective of the claim for compensation, that medical help is sought to deal with the consequences of the abuse. It may well be that while at boarding school cries for help were not heeded and thus there is a reluctance to seek assistance.

Fortunately, that is no longer the case and a sympathetic ear awaits those who seek help. The effects of child abuse can be very harmful, over many years, and therefore medical support is essential if the victim is to cope in the longer term. The victim’s GP will not have the training to counsel the victim, but will have access to resources, to point the victim of child abuse in the direction of those support services, so counselling and other therapies are made available.

## Laying the Foundations: Dealing With Painful Memories Requires Emotional Support

It is understandable that some boarding school victims do not wish to speak about the harm done to them. Indeed, some victims never speak. Those who feel able to speak and seek help, will need time to reflect on the step that are about to take.

Having not spoken about the abuse for (in some cases) some years they will need to prepare themselves for talking about events that may trigger unpleasant emotions. Therefore, a consultation with their GP before a first appointment with the solicitor may assist.

## Preparing Your Case for Boarding School Abuse

**1. Prepare a file containing records**

Create a file containing records and dates of the abuse, the address of the institution and the name of the individuals involved.

Records can form part of the sexual abuse compensation claim, if only to demonstrate that an individual was a member of a club or attended a school between specific dates. All these investigations are carried out by a solicitor, not the victims of child abuse.

Some children are aware of others being abused at the same time. However, some are abused alone or without an awareness that others have also been assaulted. In any case, it will be necessary for the solicitor to track down those other victims, or others who attended the same boarding school (but were not abused). It is important that the victim **does not seek to make contact with old friends** as it may be suggested by those defending the compensation claim, that evidence has been “improved” by victims discussing their individual experiences.

Records from boarding school can also form part of the sexual abuse compensation claim, to demonstrate that an individual boarded at a particular school, received first aid or was member of a particular House at the school. Boarding school records will also record fellow boarders and teachers, as well as governors and the like. All these investigations are carried out by a solicitor, not the victims of child abuse.

1. **Obstacles and Issues to bear in mind**

Unfortunately, paedophiles rarely admit their actions and have little concern for the impact of their iniquitous ways.

Many abusers take advantage of children through their own employment or voluntary work. In those circumstances, the employer or charity may be legally responsible for the paedophiles actions. However, without cooperation from the alleged paedophile, they too may be slow to admit legal responsibility. Consequently, it may be necessary to commence legal proceedings against the paedophile and or their employer at the boarding school. However, that does not mean the victims of child abuse have to go to trial, to win compensation, as the vast majority of cases are compromised outside court.

When pursuing sexual abuse compensation various defences can be put up by the paedophile or their employer (or their insurers-who pay the compensation), arguing that the allegations have been brought too late, ie outside the normal three year time limit to bring such claims. However, the 3 year rule is flexible in child abuse cases, as the courts recognise the difficulties an individual may have in making allegations at the time of the assaults. However, delay is still an argument that victims have to overcome, to recover compensation for the harm done to them. They need to explain why the allegations of abuse were not made earlier. This could include:

* The mental and physical health of the victim in the years following the abuse
* Life events which may have prevented the victim from contacting the police and legal representatives
* Other personal issues which would have prevented the victim from making an earlier claim
1. **Keeping a long term view**

To tell others that you have been abused at boarding school requires great courage. It is a step that is never taken without considerable thought and even then, with some trepidation.

Bringing a victims compensation claim is not a mechanistic process; it requires skilled work undertaken by an experienced solicitor, to prove the abuser carried out the acts complained of, and/or that others in an organisation (for whom the abuser was engaged) has legal responsibility for the abuse. The solicitor will address the issue of delay, if it arises, and obtain medical evidence to demonstrate the effects of the harm done. The police will also undertake their own inquiries that can lead to a criminal prosecution of the paedophile.

All of this can cause the victim of abuse to become distressed. However, it is important to keep the long term objective in mind. That objective is to secure justice and compensation, to help you the victim, gain the support required to rebuild a life, without the abuse continuing to dominate all that you do.

**Author Bio**

Malcolm Underhill is a child abuse solicitor with experience of representing child victims and adult survivors of abuse at boarding school. For more information on obtaining justice and compensation for the abuse please visit http://www.ibblaw.co.uk/service/personal-injury-and-clinical-negligence/child-abuse.

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