

Historic abuse compensation claims – helping survivors of non-accidental injuries

We understand it can be very difficult for people to contact a solicitor and speak about abuse they suffered. In some cases it may have taken years, even decades, for a survivor to come to terms with what happened before communicating about their suffering.

At Digby Brown our Non-Accidental Team specialises in helping people affected by these traumatic and life-changing incidents. Not just to help them secure compensation but to help them access the best support and services to take back control of their lives.

We are committed to providing the best possible independent legal advice so survivors are empowered by choice and can make informed decisions.

Although “historic abuse” is a commonly used term we understand there’s nothing historic about the suffering that continues to affect a survivor. That’s why we also refer to “non-accidental abuse” because this reflects the deliberate behaviour of perpetrators and it is also where the Non-Accidental Team gets its name.

What counts as abuse?

Abuse relates to any physical, sexual or emotional attacks inflicted on a person. These attacks may have taken place at a single incident or repeated over a period of time.

In our experience, we have found that abuse has most commonly occurred when the abusers occupy positions of power such as:

- School staff attacking pupils
- Young people abused in children’s homes
- Foster families, step-parents or guardians attacking children in their care
- Football coaches preying on children in their coaching teams
- Youth group leaders singling out children (often on trips away from home)
- Religious staff attacking children
- Spouses, former partners, relatives or wider family members
- Other individuals who engage in campaigns of stalking or harassment

It can be upsetting to think of these situations but the unfortunate reality is they are more common and affect more people than the general public may be aware of.

This is why national spotlights like the Scottish Child Abuse Inquiry or the SFA Inquiry are so vital. By investigating and shedding light on atrocities of the past they can provide answers, hold perpetrators accountable, give survivors the recognition they deserve and help prevent future abuse.

0333 060 5422

Monday to Friday: 8am - 7pm

Saturday and Sunday: 12pm - 4pm

(Please note, local rate, even from mobile)

Email [enquiry form](#)

<https://www.digbybrown.co.uk/personal-injury-enquiry-form>

Complete our enquiry form and we will strive to reply within 24 hours

What is the abuse compensation claim process?

We know each client is unique so that means each case and the service we provide is unique because it's tailored to suit a client's individual needs.

However there are a few key steps and milestones each case shares so below is an idea of what you can expect when you come to Digby Brown for help.

The first step is getting in touch with our Legal Enquiries Team whether by the enquiry form or phone number listed at the top of this page.

A legal advisor can then note down the key information relating to you and your case – but don't worry, you will only need to share what you feel comfortable at this early stage. They will also explain to you how our no win, no fee funding model works. Then if you're happy to proceed they will put you in touch with our Non-Accidental Team.

One of our specialist abuse lawyers will then contact you to discuss your case and our services in more detail so we have an idea of what the best route may be for your claim.

After confirming signing the paperwork that confirms us as your solicitors we will then set to work immediately. The first step is usually an in-depth phone call or face-to-face meeting to discuss the particulars of your case. If you wish you may also have a friend, relative or partner with you for moral support if you worry you may become overwhelmed – whatever makes you comfortable.

From there we will liaise with experts and the authorities to gather any evidence relevant to building your legal case, such as:

- Police reports
- Court documents
- Medical reports
- Witness statements
- Any other relevant evidence like social work reports, historical records, etc

We do appreciate that in some cases there may be limited reports available to access however this does not mean your case cannot proceed – we will just look elsewhere for supporting evidence.

We will continue to keep you updated on your case every step of the way and when we do it will be done jargon-free and in plain English so you know exactly what's happening.

We then conduct any negotiations with the defenders on your behalf.

There is no fixed time on how long it will be before your claim settles. It is an important and thorough investigation that needs to be done methodically and to a high standard. But this is the best way to help you make informed decisions about the progress of your claim.

Understandably, many clients can be anxious at the thought of the case going to court. But going to court only happens on rare occasions as most claims actually settle by negotiations.

What experience does Digby Brown have with abuse cases?

We don't think it's fair for survivors to spend years coming to terms with what happened only to be met with silence or inaction.

This is why we do everything we can to make sure you get the compensation and recognition you deserve.

[We helped three siblings](#) secure £1million in compensation against the Church of Scotland – thought to be the highest sum ever paid out by a religious group in Scotland.

<https://www.dailyrecord.co.uk/news/scottish-news/siblings-robbed-childhood-twisted-paedo-14969693>

[A "significant sum" was secured from Celtic FC](#) after a youth player was abused by Jim McCafferty.

<https://www.thescottishsun.co.uk/news/4614596/celtic-child-abuse-jim-mccafferty/>

The legal action of [three sisters against Glasgow City Council](#) where they were abused while in foster care was also widely reported.

<https://www.heraldsotland.com/news/15671730.fostered-sisters-taking-legal-action-glasgow-city-council-abuse-claims/>

The BBC highlighted the legal action of [our client who is suing the Catholic Church](#) in relation to the abuse he suffered as an altar boy.

<https://www.bbc.co.uk/news/uk-scotland-46487627>

And we also recovered a £240,000 settlement for [a survivor who was abused by Sister Alphonso](#) at Nazareth House.

<https://www.thescottishsun.co.uk/news/6282948/scots-abuse-victim-nazareth-house-paul-dallas/>

This proven track record is why hundreds of survivors continually seek Digby Brown's help every year. Many of which are survivors who come to us after losing faith in the abilities of the firm they previously signed up to.

Clients we have helped

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[Image](#)



<https://www.digbybrown.co.uk/clients-we-have-helped/specialist-solicitors-secure-500000-for-childhood-abuse-survivor>

[Specialist solicitors secure £500,000 for childhood abuse survivor](#)

[Abuse victim awarded over 20 times more from CICA with expert legal advice](#)

<https://www.digbybrown.co.uk/clients-we-have-helped/abuse-victim-awarded-over-20-times-more-from-cica-with-expert-legal-advice>

Who can Digby Brown take action against?

We will investigate any individual or organisation who has either perpetrated abuse or failed to protect people in their care.

It doesn't matter if they are a high-profile individual, a public authority or a powerful organisation. You deserve justice and recognition and we will do what we can to make this possible.

It doesn't matter how long ago it happened. The passage of time should not dilute the suffering of survivors or prevent perpetrators from being held accountable.

During the legal process, any individual or groups we take action against are known as "defenders" and to date we have already successfully secured compensation against:

- Local authorities
- Public bodies
- Religious organisations
- Charities and welfare groups
- Football clubs
- Businesses
- Private schools
- Youth clubs
- Care homes and children's homes

In the cases where we take action against an organisation we use a legal argument called "vicarious liability". This is when an employer can be held accountable for the actions of an abuser if the abuser used their job to groom, attack or abuse a victim. This, for example, is why football clubs can be held liable for staff or the Church can be liable for the acts of a priest.

In cases where there is no organisation to sue we may seek to recover damages from the abuser's own assets. For example, if the abuser is a wealthy individual who owns lots of properties or bank accounts with large cash deposits then we can seek court orders to freeze his money so that it can be used to compensate you for your suffering and losses.

In cases where there are no organisations to sue and no individual to claim against, we may instead be able to obtain damages through the [Criminal Injuries Compensation Authority \(CICA\)](#) or the Redress Scotland scheme. These government-led processes can be difficult to navigate but we have the experience and reputation needed to overcome the obstacles.

What our clients say about us

We put our clients at the centre of everything we do and are committed to providing the very best service. The hundreds of five star reviews we have received on Trustpilot is a reflection of this approach.

<https://uk.trustpilot.com>

Rated Excellent

based on 1,911 reviews

Showing our 4 and 5 star reviews on our website can be viewed here:

<https://www.digbybrown.co.uk/abuse-claims-physical-mental-or-sexual>

Meet the Non-Accidental Team

The Non-Accidental Team is led by Partner [Kim Leslie](#). She has successfully secured compensation, landmark sums, in high profile legal actions. As well as being accredited as a specialist by the Law Society of Scotland she is recognised by the Association of Personal Injury Lawyers (APIL) as a Senior Litigator. Kim is also Executive Officer of the Association of Child Abuse Lawyers (ACAL).

The rest of the team includes:

[Richard Pitts](#), Associate

Richard specialises in legal cases against public bodies like the Ministry of Defence and local authorities. He has a reputation for winning even the most difficult of cases (including cases where other firms previously thought a claim wasn't even possible).

[Bernadette Sensoz](#), Paralegal

Bernadette has over 25 years of experience of working with abuse survivors in relation to the civil court and compensation schemes. With previous positions at the Scottish Government and Ministry of Justice she specialises in helping people navigate the Criminal Injuries Compensation Authority (CICA) process.

[Colin Moffat](#), Associate

Colin is experienced in civil litigation and pursuing claims in Sheriff Courts and the Court of Session – the highest court in Scotland – to help survivors of life-changing trauma.

[Catherine Hammond](#), Senior Solicitor

Catherine's whole career has been focused on litigation and after also previously holding a position on the Children's Panel she can use her experience to help non-accidental victims.

[Michelle Young](#), Senior Solicitor

Michelle joined Digby Brown after working as a prosecutor with the Crown meaning she brings a wealth of knowledge from criminal law that can help survivors in civil actions.

[Rachel Brown](#), Paralegal

Rachel has worked in the CICA so knows how to help survivors navigate the scheme and acts in an advocacy role on behalf of clients at tribunals to challenge CICA decisions if we think they have not awarded clients enough compensation.

Digby Brown campaigning for survivors rights

For years we have fought alongside charities and campaigners to amend improper, unfair or inappropriate legislation that prevented people from accessing justice.

[Abolition of the "same roof rule"](#) - between 1964 and 1979 the CICA frequently refused compensation to abuse victims if they still lived in the same house with their abuser (such as a spouse or relative). The CICA claimed the reason for refusing such claims would prevent the abuser from trying to steal the compensation for themselves. This meant lots of survivors were left without damages which sadly would have been the very tool that could have helped them escape their abuser and set up a safe home elsewhere. Thankfully this rule has also now been abolished. This means if you were previously refused a CICA compensation claim between 1964 and 1979 you now have the right to re-claim and we have the expertise to help you do so.

[The Limitation Act \(no more time limits\)](#) - In October 2017 the Scottish Government brought in a new law called the Limitation (Childhood Abuse) (Scotland) Act meaning anyone who was emotionally, physically or sexually abused after 1964 can now make a claim. More information on the new limitation laws can be found our complete advice page.

Redress Payments – These payments are made to survivors who can prove they were abused as a child while in care in Scotland. However for a person to be eligible the Scottish Government demands they must agree to waive their legal right to taking future legal action. We do not believe 'cash for silence' waivers are fair and do not reflect justice, and do not reflect the values of a compassionate and democratic society. Our campaign to fix the Redress scheme has been extensively reported in the national media including [The Scottish Sun](#) and [The Times](#) and we have taken part in several committee meetings at Holyrood to try and improve this process.

The reason for campaigning on these issues is simple: access denied is justice denied.

So long as there are obstacles in the way then we will continue to try and right any wrongs, close the loopholes that allow perpetrators to escape and improve the quality of justice that survivors expect, deserve and rely on.