

SCHEME PROPOSAL AND SCHEME PROPOSAL MAP

1. Introduction

1.1 A scheme to provide financial support for eligible survivors of non-recent abuse suffered when in the care of LBI children's services.

1.2 It forms part of a wider support scheme which encompasses counselling, care support and specialist advice in certain fields.

1.3 The scheme's objective is to facilitate a support payment to eligible survivors through a process that is as straightforward and quick to access as possible, and minimises the need to re-live past trauma, or the risk of further trauma or harm.

1.4 The scheme offers a fixed payment to eligible survivors. It is not a compensation scheme and does not seek to evaluate in financial terms the consequences of abuse suffered in the way that a claim for civil compensation would.

1.5 LBI wishes to make a fixed payment available to eligible applicants who satisfy the criteria of the scheme without the level of investigation and analysis, or evidential standard of proof, required in a civil compensation claim. The scheme does not involve the same process of investigation and analysis as civil compensation claims and it does not seek to and will not determine any issue of fault, negligence or legal liability.

1.6 The scheme's focus is determining if the applicant is a survivor of abuse that falls within the parameters of the scheme, rather than an analysis of the intimate details of the abuse.

1.7 It avoids the need for survivors to undergo expert medical examination or provide lengthy statements, with the 're-living' that would result.

1.8 The scheme is not an alternative, but a supplement, to any civil compensation claim. LBI has substantial insurance with MMI and the scheme is designed not to prejudice this or LBI's position in relation to, or its ability to defend, any civil compensation claims in the future or already in progress.

1.9 An applicant will be required to give credit for any civil compensation claim payment already received, or agreed, against a payment under the scheme, with the fixed scheme payment being reduced by the amount of any such civil compensation claim payment(s).

1.10 An applicant will be required to agree contractually that a payment made under the scheme will be offset against, and deducted from, any related future civil compensation claim payment or agreement to make such a payment.

1.11 The comparatively straightforward nature of the scheme and the fact of the fixed payment mean survivors can access it without the need for legal representation. The scheme does not, therefore, allow for payments of fees to survivors' legal or other representatives.

1.12 It is agreed that there should be a facility to review the scheme and to revise aspects, such as its scope and duration, once and whilst it is operational.

2. DWP

2.1 The receipt of a support payment could potentially affect a survivor's entitlement to social security benefits. LBI is therefore seeking an agreement with the DWP that a payment made under the scheme is to be disregarded for the purposes of any assessment of a person's eligibility for a social security benefit entitlement that depends on any form of means test.

3. Independent identity

3.1 A need for the scheme to have an identity independent from LBI generally, in all its correspondence and dealings, has been identified. Any external organisations or individuals that may be involved in the administration of the scheme should share and operate under this independent identity.

4. Hidden and historic

4.1 The scheme acknowledges and seeks to address the particular features of information or material - or the lack of - relating to abuse, summed up by the phrase 'hidden and historic'. Whilst contemporaneous information or material may establish that a survivor was in care or at a given children's home, it will seldom contain any indication or record of abuse. The survivor's own account will be the key material in relation to this.

5. Duration

5.1 It has been agreed that the scheme will be open for applications for a period of 2 years initially.

6. Scope

6.1 The scheme is to facilitate a support payment to a survivor who:

- was placed by LBI in a LBI run children's home
- between 1966 and 1995
- suffered emotional (sometime referred to as psychological) abuse, physical abuse and/or sexual abuse there, other than any purely 'peer on peer' abuse.

6.2 A list of children's homes run by LBI has been compiled. It may be necessary in the course of running the scheme to add homes into, or exclude them from, this list.

6.3 Ongoing review of the scheme may determine that the agreed time period 1966 to 1995 be varied.

7. Information and Material

7.1 The standard of proof applied in civil litigation is that of 'the balance of probabilities'. This can also be described as 'more likely than not' or '51%+ likely'.

7.2 The scheme wishes to facilitate support payments rather than present 'obstacles to be overcome' through a non adversarial process. It does not require or adopt such a standard of proof. It requires only that there be credible information and/or material of an applicant's eligibility.

8. Application threshold

8.1 Where there is credible information and/or material that the applicant was

- placed by LBI in a LBI childrens' home
- during the relevant period and
- suffered qualifying abuse during the placement

8.2 then the threshold to make a support payment is met.

8.3 These are the threshold criteria.

9. Adverse issues

9.1 The scheme does not exclude applicants with criminal convictions. LBI does, however, reserve its right to decline an application where there is evidence that the applicant has/had links to a terrorist organisation, organised crime, murder, manslaughter or paedophilia, which are referred to collectively as adverse issues and it would in all the circumstances be unconscionable for LBI to make a payment under the scheme .

10. 4 Stages

10.1 The proposed scheme has 4 stages:

- A. completion and submission of an application form by the survivor, with support;
- B. confirmation checks to corroborate the identity of the survivor and to check for forgery and any adverse issues;
- C. assessment of the application;
- D. automatic review by an independent review panel ['IRP'] in the event that the threshold to make a support payment has not been met at stage 3 or that adverse issues are identified.

11. Administration

11.1 A need for the assessment of applications to be carried out by an independent body has been identified. The assessment of the applications will require the analysis of information and material. It will also, therefore, need to be carried out by individuals with appropriate professional expertise. It is therefore proposed that an independent service provider ['ISP'] with the necessary professional expertise, for example a law firm, be engaged to administer parts of the scheme.

11.2 The IRP members will also need the appropriate knowledge and expertise to carry out their role. It is therefore proposed that the panel comprise barristers/judges, senior or expert social workers and individuals from relevant charitable organisations with appropriate expertise.

11.3 The administration of the scheme will also require input from LBI staff in relation to the processing of application forms, the provision of information and records and confirmation checks.

11.4 It is proposed, therefore, that a team comprising an ISP, an IRP and LBI staff administer the scheme. It is proposed that the collective team be known as the 'support team'.

12. Data protection

12.1 The ISP must have rigorous data protection systems that meet the requirements of LBI. An internal 'lock-down' with only specific agreed individuals having access to scheme data would be required.

12.2 The transfer of all scheme data between LBI, the ISP and the IRP/IRP members must be by secure, encrypted means.

13. Support for the support team

13.1 It is recognised that working within the support team could have adverse health consequences. Counselling and support services will in turn, therefore, be provided for the support team.

14. The 4 stages

Stage A completion and submission of an application form by the survivor/applicant

14.1 The survivor applies for the support payment by submitting an application form together with specified documents. Details of the children's home(s) and abuse are specified in the form.

14.2 The application form will be available online or in paper form. Assistance will be provided with the completion of form. It is proposed that this assistance is provided by designated LBI staff.

14.3 On receipt of an application LBI will check for/obtain any social services records relating to the survivor.

Stage B confirmatory checks

14.4 To corroborate the identity of the applicant and to check for forgery and any adverse issues.

14.5 It is proposed these are carried out in part by LBI staff, in part by the ISP: see scheme map.

14.6 Findings from checks are then forwarded to/collated by the ISP.

Stage C assessment

14.7 It is proposed that this is carried out by the ISP.

14.8 The application form/material, any records found and the confirmatory checks will be assessed by the ISP.

14.9 The ISP will consider any adverse confirmation checks and their impact on the application.

14.10 The ISP will consider and assess if the children's home(s) identified are covered by the scheme, if the applicant can be placed there within the relevant time period and if the applicant suffered qualifying abuse in the placement(s).

14.11 The ISP will request further information or material if this is considered necessary to assess the application.

14.12 The ISP will consider if there are any adverse issues. If any are identified, the application will be referred to the IRP to assess.

14.13 If the ISP concludes the threshold is satisfied, a support payment will be made.

Stage D automatic review

14.14 If the ISP concludes the threshold is not satisfied, the ISP will refer the application, information and material to the IRP who will consider it.

14.15 If the ISP identifies any adverse issues, the ISP will automatically refer the application to the IRP to consider these and if the application should be declined due to these.

14.16 The ISP will notify the applicant of a referral to the IRP and of any threshold criteria not met or adverse issues identified. The ISP will invite the applicant to make any written representations in relation to this and/or submit any further information or material that they may wish to within 28 days, for the IRP to consider.

14.17 It is proposed that each application be considered by 3 IRP members: 1 legal, 1 social worker and 1 charity organisation member.

14.18 The IRP members will consider the application, information and material and decide whether in their view the threshold criteria are satisfied.

14.19 Where adverse issues have been identified they will also decide whether the application should be declined due to these.

14.20 In the process of reaching their decision the panel members may request further information or material either from the applicant or the ISP to assist in reaching their decision.

14.21 If they decide the threshold has been met and any adverse issues are not such that the application should be declined, a support payment will be made.

14.22 If they decide either that the threshold criteria have not been met, or that the adverse issues are such that they should reach this conclusion, the application will be declined and the applicant will be notified of any threshold criteria that have not been met and/or the adverse issues that have led to the application being declined.

14.23 The IRP's decision will be final.

Communicating the outcome

14.24 Any and all communication to the applicant confirming the decisions made will be limited to stating either that a support payment will be made, that the application has been referred to the IRP, or that the application has been declined, and in the latter two cases the reason(s) why.

15. Database

15.1 It is proposed that a database containing information as to known perpetrators, LBI homes, specific homes where abuse is believed to have taken place, previous allegations and other information relevant to the assessment of applications, as well as prior claimants and applicants, be compiled both during the establishment and duration of the scheme.

Scheme Process Map

'LBI': London Borough of Islington

'AP': applicant/survivor

'ISP': independent service provider

'IRP': independent review panel

1. Application form completed by AP.
2. Face to face meeting between AP and LBI representative offered to assist with completing the application.
3. Application submitted to LBI.
4. Application checked by LBI for any missing mandatory entries, information or material documents or whether information or material required re any change of name. LBI request any missing information/material.
5. LBI locate any files/records for AP. Forward application and any files/records to ISP.
6. Confirmation checks by LBI
 - Council tax base
 - Housing benefits
 - Housing records
 - Electoral role
 - Direct payments
 - LBI sanction check
7. Confirmation checks by ISP
 - Marriage records
 - Address verification
 - Bank account linked to address
 - Bank account not submitted previously
 - Fake/forged material
 - Media checks adverse information
 - HM Treasury Sanctions check
 - Intelligence data base adverse information
 - Representative checks, power of attorney, court order, appointed carer

Findings submitted to/collated by ISP

8. Assessment of application by ISP

Where there is credible information and/or material that the applicant was

- placed by LBI in a LBI childrens' home
- during the relevant period and
- suffered qualifying abuse during the placement

then the threshold is met and a support payment will be made.

- A. Consider if home(s) identified is covered by scheme
 - Check list to confirm home(s) identified covered by scheme
 - B. Consider if placement(s) are within relevant period
 - Check application form details
 - C. Consider if AP was placed by LBI in children's home(s) covered by scheme
 - Check material/records for evidence of placement(s); if none consider:
 - Medical/other records
 - Corroboration by third parties/other victims
 - D. Consider if AP suffered qualifying abuse in the placement(s)
 - Account from AP; consider overall impression; also consider
 - Any record of alleged abuser [databank]
 - Any 'similar fact' accounts from other survivors [databank]
 - Any relevant investigations or prosecutions [databank]
 - Any corroboration third parties
 - E. Consider whether any further confirmation checks are appropriate
 - Social media
 - Further information/material from AP
 - F. Consider whether there are any adverse issues.
 - G. Assessment of the information and material, make decision, complete report.
9. Application accepted
 - ISP notifies AP that a payment will be made
 - Payment by LBI via ISP [BACS where possible]
 - Capacity issues – payment to trust.
 10. Application not accepted by ISP/adverse issues identified
 - Automatic referral to IRP

- ISP notifies AP of this
- ISP notifies AP of any threshold criteria not met and any adverse issues identified.
- ISP invites AP to make written representations and/or submit further information or material within 28 days for the IRP to consider.

11. IRP review of application.

- Review by 3 members :1 legal, 1 social worker, 1 charity organisation
- Consider all information and material
- Request further information and/or material from AP or ISP if/as appropriate
- Determine if threshold met/consideration of adverse issues and impact on application

12. IRP accepts application

- As 9 above

13. IRP declines application

- ISP notifies AP that application declined
- ISP notifies AP of the threshold criteria that have not been met and/or the adverse issues that have led to the application being declined.
- ISP notifies AP of right to pursue civil claim
- Final decision