

## **CABINET MEMBER DELEGATED DECISION**

**Report title:** Lambeth Children's Homes Redress Scheme Update

**Wards:** All

**Portfolio:** Councillor Jack Hopkins – Leader of the Council

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### **Report summary**

This report provides an update on the performance of the Lambeth Children's Homes Redress Scheme (the Scheme) as at 30 June 2020. The Scheme has been operating since 2 January 2018 and is open to the receipt of new applications until 1 January 2022.

A total of 1,617 applications have been made to the Scheme as at 30 June 2020. More than 66% of the applications received have been processed through to conclusion with a total of £47.9 million having been paid in redress compensation directly to applicants as at this date. This is comprised of £11.9 million paid in Harm's Way Payments, £27.9 million paid in further Individual Redress payments and £8.1 million on applications over the Scheme limit.

### **Finance summary**

The total Scheme expenditure to 30 June 2020 is c£66.1 million, comprising:

- £47.9 million paid in redress compensation directly to applicants,
- £6.4 million in respect of applicants' legal costs,
- £3.3 million for the council's own legal costs in processing applications,
- £4.2 million on applicant expenses, instruction of medical experts and social records chronology,
- £4.3 million on administrative & staffing costs.

The estimated outstanding costs as at the end of June 2020 (i.e. those estimated redress payments, legal and associated disbursement costs that have not yet been paid in respect of applications received at this date) is c£26.8 million plus a further estimated £2.5 million for Scheme administration and staffing. This means that the total estimated cost of the Scheme based on applications made as at 30 June 2020 is c£95.4 million (£66.1 million paid + £26.8 million outstanding + £2.5 million estimated administration).

The total estimated cost of the Scheme including further applications still to be received until the closing date is forecast between £100-125 million (including those applications exceeding the Scheme limit). The council has already secured a capitalisation direction from the Government to borrow up to £100 million needed to fund the Scheme.

## Recommendations

1. This report is for information only.

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## 1. CONTEXT

- 1.1 This report follows the previous six-monthly updates that have been published and provides the latest position on the operation and performance of the Scheme as at June 2020. Links to the previous reports can be found in the background information section on the last page of this report.
- 1.2 The Scheme opened to applications on 2 January 2018 with new applications able to be made through to 1 January 2022. The Scheme provides survivors of physical and/or sexual and/or psychological abuse (whilst resident in a Lambeth Children's Home) with an alternative dispute mechanism for obtaining compensation without having to go through the Courts. The Scheme covers all Children's Homes which were run by Lambeth Council and applies to all residents dating back to the 1930s until the Homes were closed in the 1980 and 90s.
- 1.3 In addition to financial compensation, eligible applicants to the Scheme are also entitled to receive a formal letter of apology from the council, a meeting with a senior officer, access to advisory services and the provision of personalised counselling support. In addition to counselling support available under the Scheme, the council has a free specialist and dedicated independent counselling support service for all survivors available through Oxleas NHS Trust.
- 1.4 Applicants to the Scheme are not required to obtain a copy of their social care records before making a redress application. However, all applicants are reminded that they are entitled to apply for a copy of their records at any time if they have not already done so. This can be done by completing the relevant form which can be found by visiting the Lambeth Council website [www.lambeth.gov.uk](http://www.lambeth.gov.uk) and searching for 'Subject Access Request'.
- 1.5 A summary of the redress available under the Scheme and a list of those children's homes that were run by Lambeth or its predecessor authority is attached at Appendix A.

## 2. PROPOSAL AND REASONS

### Applications received

- 2.1 A total of 1,617 applications have been received since the Scheme opened on 2 January 2018. A breakdown of the application types by year received (January to December) is shown in the following table:

| Application type                       | No. of applications |            |                   |              |
|--|---------------------|------------|-------------------|--------------|
|  | 2018                | 2019       | 2020<br>(to date) | Total        |
| Both Harm's Way and Individual Redress | 824                 | 357        | 105               | 1,286        |
| Harm's Way Only                        | 156                 | 93         | 23                | 272          |
| Individual Redress Only*               | 23                  | 26         | 10                | 59           |
| <b>Total</b>                           | <b>1,003</b>        | <b>476</b> | <b>138</b>        | <b>1,617</b> |

Table 1 – application numbers

\*Individual Redress only applications relate to applicants who are either deceased or were a visitor to a Lambeth Children's Home.

2.2 A total of 138 new applications have been received in the year to date since January 2020 which is an average of 23 applications a month. Details of the numbers of applications received each month since the start of the year are shown in the following table:

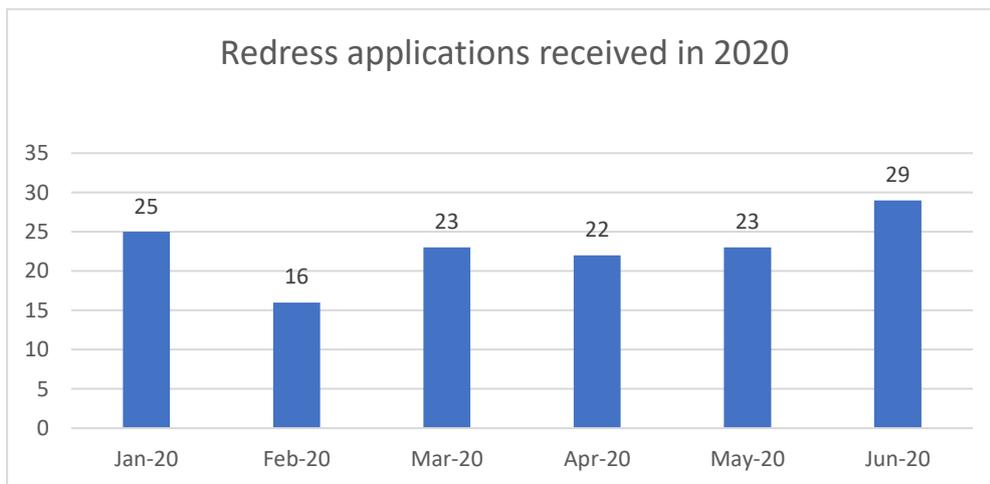


Table 2 – Redress applications in 2020

2.3 The number of applications received has continued to slowly reduce following the peak shortly after the Scheme launch. The following chart shows the numbers of new applications received over time:

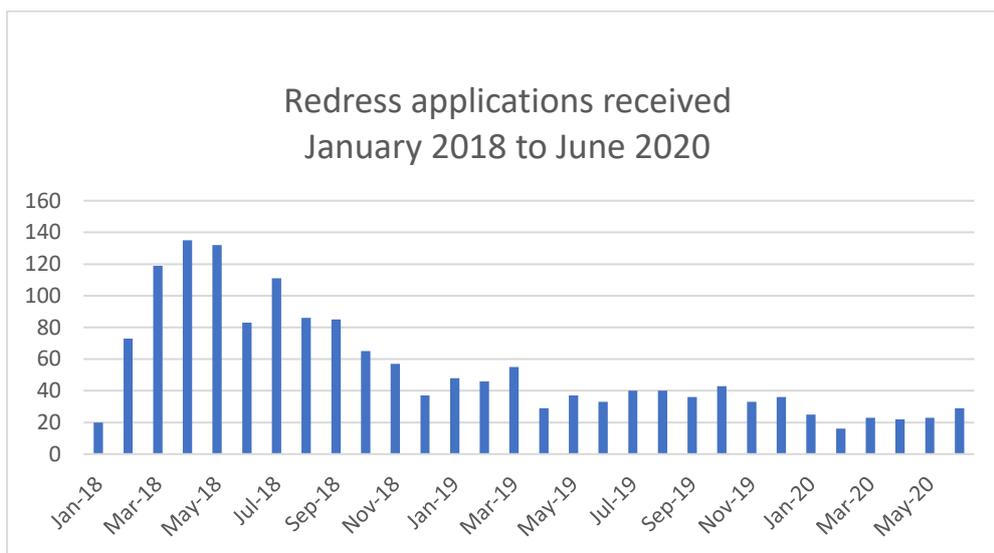


Table 3 – Redress applications since Scheme start

2.4 Most applicants reside within the United Kingdom (94%) with more than 57% of applicants residing in the greater London area. There have been a total of 320 applications (20% of the total) from applicants residing within the borough of Lambeth.

2.5 Applications continue to be received from applicants residing in various countries around the world including Europe (2%), United States & Canada (2%), and Australia & New Zealand (1%).

2.6 The number of applicants electing to directly handle their own application is just under 16% which has increased by 4% over the past year. The remainder of applicants (84%) have appointed a legal representative to deal with their application on their behalf.

## Application processing

2.7 Applications are processed in two stages, the first is the determination of eligibility under the Scheme which is known as verification and the calculation and payment of the Harm's Way payment to eligible applicants. The second stage is determining the value of any Individual Redress payment that is due to an applicant to reflect the abuse and psychological injury suffered whilst as a child in a Lambeth Children's home.

### 2.8 Stage 1 – Verification of application and Harm's Way Payment

The verification and Harm's Way process includes:

- Receiving & setting up new applications
- Verification & confirmation of an applicant's placement in a Lambeth Children's home
- Determination of eligibility for a Harm's Way Payment
- Making the Harm's Way Payment to eligible applicants
- Payment of fixed legal costs to an applicant's legal representative

The current average processing time from the receipt of an application through to the point that the Harm's Way Payment is paid to the applicant is two months (44 working days). The average processing time has remained consistent throughout the operation of the Scheme.

Over 84% of stage 1 applications are processed in three months or less. Where information is missing from an application or further information is required to enable verification the processing time can take longer. In some cases, particularly for placements pre 1965 it is necessary for records to be obtained from archives held elsewhere to enable verification.

Processing times for completed stage 1 applications are shown in the table below:

| Stage 1 Verification and Harm's Way Payment processing |          |            |            |            |            |            |           |
|--|----------|------------|------------|------------|------------|------------|-----------|
| Processing time  | <1 month | 1-2 months | 2-3 months | 3-4 months | 4-5 months | 5-6 months | >6 months |
| % of applications                                      | 32%      | 33%        | 19%        | 6%         | 4%         | 1%         | 5%        |
| No. of applications                                    | 464      | 471        | 266        | 90         | 60         | 18         | 67        |

Table 4 – Stage 1 processing times

### 2.9 Stage 2 – Individual Redress Payment

The processing of Individual Redress Payments includes:

- Review of relevant documentation, evidence, medical records & care records
- Sourcing of care records & preparation of social care records chronology
- Assessment of injury & appropriate compensation to be paid to reflect the severity of abuse and/or injury
- Assessment of any consequential hurt, fear and humiliation and eligible applicant has experienced and the lifetime consequences the abuse has caused
- Liaison with applicant or their legal representatives
- Arrangement of medical assessment & consideration of expert medical report
- Making interim redress payments to eligible applicants

- Making final redress payment and finalising applicant legal costs
- Offer of non-financial redress

The current average processing time from the end of stage 1 (Harm's Way payment) to the Individual Redress payment being made to an applicant is just over 12 months. Over 47% of stage 2 applications within the Scheme have been processed in 12 months or less.

Processing times for stage 2 applications within the Scheme are shown in the table below:

| <b>Stage 2 Individual Redress processing (within Scheme)</b> |                   |                   |                   |                    |                     |                     |                      |
|--|-------------------|-------------------|-------------------|--------------------|---------------------|---------------------|----------------------|
| <b>Processing time</b>                                       | <b>1-3 months</b> | <b>3-6 months</b> | <b>6-9 months</b> | <b>9-12 months</b> | <b>12-15 months</b> | <b>15-18 months</b> | <b>&gt;18 months</b> |
| % of applications  | 5%                | 8%                | 14%               | 20%                | 23%                 | 16%                 | 14%                  |
| No. of applications  | 30                | 47                | 86                | 125                | 145                 | 101                 | 89                   |

Table 5 – Stage 2 processing times

2.10 The processing of Individual Redress applications is more complex than for Harm's Way and requires a more detailed assessment of records and input from medical experts. Whilst determination of each case is not to the same level that would be required in a civil case, it is important that details of the nature of the abuse and the effect that it has had on the applicant is carefully assessed to ensure that the correct level of compensation is payable to each individual. In this respect no two applications will be identical and will take different timescales to conclude.

2.11 The Scheme provides compensation up to a maximum of £125,000, however some complex cases where special damages for aspects such as loss of earnings result in higher awards of compensation require a more detailed analysis of expert information. These cases over £125,000 are handled in the spirit of the Scheme but naturally take much longer to process.

Processing times for Individual Redress payments over the Scheme limit are shown in the table below:

| <b>Stage 2 Individual Redress over £125,000 processing times</b> |                   |                   |                   |                    |                     |                     |                      |
|--|-------------------|-------------------|-------------------|--------------------|---------------------|---------------------|----------------------|
| <b>Processing time</b>   | <b>1-3 months</b> | <b>3-6 months</b> | <b>6-9 months</b> | <b>9-12 months</b> | <b>12-15 months</b> | <b>15-18 months</b> | <b>&gt;18 months</b> |
| % of applications  | 0%                | 0%                | 14%               | 14%                | 20%                 | 28%                 | 24%                  |
| No. of applications  | 0                 | 0                 | 7                 | 7                  | 10                  | 15                  | 12                   |

Table 6 – Over £125,000 processing times

2.12 The overall average processing time for Scheme applications from receipt of an application through to final payment of the Individual Redress payment is c14 months (2 months for HWP and 12 months for IRP). For applications exceeding the Scheme limit the overall processing time is c17 months.

## Impact of Covid-19 on application processing

2.13 Redress applications have continued to be processed since the impact of Covid-19 with minimal impact for most applications on processing time and payments. In March several measures were put in place to protect applicants, minimise disruption and ensure continuity of service. The following provides an update on how this has impacted redress applications to date:

- **Application processing** – The redress team and the Scheme solicitors have been working remotely since the end of March and have been able to continue processing existing and new applications as normal.
- **Payments** – Payments have continued to be processed as normal. Applicants that have required access to funds before their Individual Redress application has been fully concluded have been able to request an interim payment. Requests have been considered on a case by case basis and several interim payments have been paid to applicants during this period. Applicants can continue to request an interim payment.
- **Medical experts** – Appointments with medical experts have been offered via video link whilst face to face meetings were not possible. A few applicants have opted to wait until they are able to have a face to face meeting with the expert and these applicants are being contacted once the expert has been able to re-start in person meetings. Where an applicant doesn't have video facilities, they are offered the opportunity of speaking with the medical expert via telephone instead.
- **Appeals** – The Independent appeal panel has continued to consider appeals utilising video conferencing capabilities between panel members. There has been no impact to the appeals process.
- **Apology letter & meetings** – There was some delay in the processing and distribution of apology letters due to the restrictions imposed during the current health crisis, however as of the time of this report apology letters are now being processed as normal. All requests for meetings with a senior officer from the Council were suspended to protect applicants from the risk of Covid-19. Those applicants that have requested a meeting in person will be contacted when it is considered safe to resume these again.
- **Subject Access requests** – Our Subject Access team have continued to process applications from people wishing to access their care records.
- **External factors** – All of the external partners involved with various aspects of the Scheme operation have continued to operate as normal over the past few months. A small number of applicants seeking information or records from other external organisations such as national archives or GP surgeries have not been able to obtain these due to a closure of these services. Applications affected by this or where an applicant has advised of other Covid related issues are placed on hold until they are able to be processed again.

Any further updates affecting the Scheme operation will be posted on the Redress Scheme website at: <https://www.lambeth.gov.uk/redress>

## Application status

2.14 As at the end of June 2020 the processing status of all applications received is shown in the table below:

| Application Status   | Total No. of applications | Applications as a % |
|--|---------------------------|---------------------|
| <b>Stage 1</b><br>Verification & Harm's Way Payment (applications still being determined)  | 35                        | 2.2%                |
| <b>Stage 2</b><br>Individual Redress payment<br>(HWP paid where applicable IRP still being determined)   | 408                       | 25.2%               |
| <b>Stage 3</b><br>All HWP and IRP paid to applicants<br>(Finalising legal costs & costs appeals where applicable)  | 109                       | 6.8%                |
| <b>Closed applications</b><br>Finalised and closed<br>(All redress and legal costs paid)   | 998                       | 61.7%               |
| <b>Over Scheme limit applications</b><br>Open applications – still being processed<br>Closed applications – all redress & costs paid<br>(Applications that have exceeded £125,000) | 67                        | 4.1%                |
| <b>Totals</b>  | <b>1,617</b>              | <b>100.0%</b>       |

Table 7 – Application status

2.15 Over 61% of all applications received since the Scheme opened have now been processed through to conclusion.

2.16 There has been a total of 73 applications that have not been accepted into the Scheme due to not meeting the relevant Scheme criteria. The reason for applications not being accepted is shown in the table below:

| Reason redress application not accepted into Scheme | Total number of applications |
|---|------------------------------|
| Unable to verify applicant                          | 37                           |
| Not placed in a Lambeth children's home             | 29                           |
| Threshold not met for Harm's Way                    | 5                            |
| Abuse occurred whilst in foster care*               | 2                            |
| <b>Total</b>  | <b>73</b>                    |

Table 8 – Applications declined

\*In circumstances which do not fall to be considered under the Scheme

2.17 In all cases where applicants have been notified that their application has not met the relevant criteria the applicant is reminded of their right to appeal the council's decision. Applicants are also reminded of their right to seek legal advice (if not already represented) and are assisted with signposting to other organisations that may be able to assist them in locating records.

## Periods of residency

2.18 As at June 2020 the largest proportion of applications to the Scheme (39%) relate to applicants where they first entered (were resident for the first time) a Lambeth children's home prior to 1965 (these are homes for which Lambeth assumed responsibility in 1965 from London County Council).

2.19 Continuing the trend noted in the previous update the newer applications received to the Scheme during the past six months primarily relate to later periods of residency during the eighties and nineties. The following table details the years that applicants were first placed at a Lambeth children's home and any change from the previous data reported:

| Year of residency in a Lambeth Children's Home |          |         |        |        |        |       |
|--|----------|---------|--------|--------|--------|-------|
| Period   | Pre 1965 | 1960's* | 1970's | 1980's | 1990's | Total |
| Number of applications                         | 631      | 250     | 497    | 163    | 76     | 1,617 |
| Year of residency as a %                       | 39.0%    | 15.4%   | 30.7%  | 10.2%  | 4.7%   | 100%  |
| Change since last report                       | 2.3% ↓   | ↔       | 0.2% ↑ | 1.1% ↑ | 1.0% ↑ |       |

Table 9 – Year of residency

\*From 01/04/1965

2.20 In line with the increase in newer applications across later years there has also been a corresponding decrease in applications where Shirley Oaks has been named as the primary Children's home (Shirley Oaks closed in 1983). As at June 2020 just over 50% of applications relate to admissions to children's homes within Shirley Oaks (down from 52.5% as at the last report).

## Specialist units

2.21 There were four former children's homes for children with disabilities that were managed by the council. These homes were open for varying lengths of time between 1976 and 2000 and were often referred to by different names. The four homes for children with disabilities are:

- Ivy House / Warham Road / Rose House ('Ivy House')
- Monkton Street Children's Home ('Monkton Street')
- Leigham Court Road Children's Home ('Leigham Court Road')
- Chestnut Road / Robson Road Children's Home ('Chestnut Road')

2.22 Eligible applicants confirmed as being resident as a child at one of the above homes for children with disabilities is not required to provide written evidence in support of their application for a Harm's Way Payment but are still required to complete an application form. Upon verification of their placement these applicants receive a £10,000 HWP regardless of the length of time they were resident in the home.

2.23 As at the date of this report we have received a total of 39 applications from applicants that were resident in one of the above specialist units. A total of 33 applicants have each received the £10,000 payment. The other applicants are currently being processed with some having been made an offer and some finalising legal arrangements.

## Harm's Way Payments

2.24 As at June 2020 a total of 1,368 Harm's Way payments have been made to applicants totalling £11.9 million. The breakdown of these payments is shown in the table below:

| Harm's Way payments                      | No. of verified payments | Total amount paid (£) |
|--|--------------------------|-----------------------|
| £1,000 - less than 1 week                | 9                        | 9,000                 |
| £2,500 - more than 1 week up to 3 months | 153                      | 382,500               |
| £5,000 - between 3 and 6 months          | 108                      | 540,000               |
| £10,000 - more than 6 months             | 1,098                    | 10,980,000            |
| <b>Total Harm's Way payments</b>         | <b>1,368</b>             | <b>11,911,500</b>     |

Table 10 – Harm's Way payments

2.25 Just over 92% of applicants making a Harm's Way application have received the maximum payment of £10,000 as they were resident in a Lambeth Children's home for more than six months.

## Individual Redress Payments

2.26 As at June 2020 a total of 1,038 Individual Redress Payments have been made totalling £27.8 million (this figure includes several interim payments where the final redress payment has not yet been concluded and rehabilitation and therapy awards that have been paid to applicants in addition to redress). These payments are in addition to the total Harm's Way Payments. A breakdown of the Individual Redress Payments made is shown in the table below:

| Individual Redress payments              | No. of verified payments | Total amount paid (£) |
|--|--------------------------|-----------------------|
| Applicant Rehabilitation / Therapy       | 264                      | 1,209,179             |
| Interim Individual Redress Payment       | 134                      | 1,262,300             |
| Band 1                                   | 126                      | 1,139,450             |
| Band 2                                   | 141                      | 2,935,000             |
| Band 3                                   | 68                       | 3,531,143             |
| Band 1 (Plus Band 4)                     | 17                       | 260,800               |
| Band 2 (Plus Band 4)                     | 104                      | 3,843,950             |
| Band 3 (Plus Band 4)                     | 184                      | 13,687,015            |
| <b>Total Individual Redress payments</b> | <b>1,038</b>             | <b>27,868,836</b>     |

Table 11 – Individual redress payments

2.27 In addition to the above total, a further £8.1 million has been paid for both final and interim payments in respect of 68 applications that have exceed the Scheme limit (over £125,000).

2.28 Of the total paid in redress compensation and associated legal costs to date over 77% has gone directly to the applicants as shown in the table below:

| <b>Payment type</b>   | <b>Amount Paid (£)</b> | <b>Percentage %</b> |
|---|------------------------|---------------------|
| <b>Paid to applicants</b>   |                        |                     |
| Harm's Way Payments   | 11,911,500             | 19.3%               |
| Individual Redress payments   | 27,868,836             | 45.0%               |
| Payments over £125k   | 8,121,225              | 13.1%               |
| <b>Total Paid to applicants (A)</b>                                       | <b>47,901,561</b>      | <b>77.4%</b>        |
| <b>Legal &amp; Disbursement costs</b>                                     |                        |                     |
| Applicant's Legal costs (paid to solicitors)                              | 6,423,715              | 10.4%               |
| Council's Legal costs (for processing of IRP)                             | 3,327,826              | 5.4%                |
| Disbursements for medical experts/reports, Social care records chronology | 4,220,360              | 6.8%                |
| <b>Total Legal &amp; Disbursement costs (B)</b>                           | <b>13,971,901</b>      | <b>22.6%</b>        |
| <b>Grand Total (A+B)</b>  | <b>61,873,462</b>      | <b>100.0%</b>       |

Table 12 – Total Scheme payments

### Legal costs

2.29 Legal costs in respect of both applicant's and the council are incurred in the processing of applications. In setting up the Scheme one of the aims was to ensure that most of the total spend went directly to applicants in compensation rather than being swallowed up in legal costs. A fixed fee of £450 plus VAT is paid to applicants' legal representatives for dealing with successful Harm's Way applications and the Scheme allows for the payment of reasonable costs incurred in dealing with a successful Individual Redress application.

2.30 Most legal representatives have embraced the spirit of the Scheme and submitted reasonable costs for the handling of concluded Individual Redress applications. Attempts are made to agree costs where there is scope to do so, however this has not always been possible and a few cases have proceeded to appeal for determination.

2.31 The Council is aware from feedback from survivors that one firm of solicitors are withholding some of an applicant's compensation until such time as their legal costs are resolved. Unfortunately, the firm in question has submitted cost schedules that the Council considers to be grossly excessive and not in keeping with one of the principle objectives of the scheme to ensure that most of the total spend is directed to applicants rather than solicitors. In the circumstances the Council has previously written to the solicitor firm in question to express concern about their conduct and request that compensation payments are released as soon as possible.

2.32 Despite the excessive level of costs being claimed by this firm the Council has made an offer of reasonable interim payments on account of their costs to allow them to release the remaining compensation to their clients. These offers of costs are in keeping with the average level of costs seen across the other solicitor firms however in some cases this has still not been able to resolve the situation and the firm continues to take these unresolved cost matters to appeal.

2.33 As at June 2020 the total paid to applicant's legal representatives in costs has been £6.4m which is 10.4% of the total Scheme cost to date. The total paid to the Council's Scheme solicitors for the processing of Individual Redress payments has been £3.3m (5.4% of total Scheme costs).

2.34 The following table highlights the total and average legal costs paid in respect of Individual Redress settlements within the Scheme (excluding settled applications exceeding the Scheme limit), on closed applications where all legal costs have been concluded:

| Applicant's Legal Representative  | No. of IRP settlements | IRP Settlement Paid (£) | IRP Legal Cost Paid (£) | Costs as a % of IRP settlement | Average IRP Paid (£) | Average Legal Costs (£) |
|-----------------------------------|------------------------|-------------------------|-------------------------|--------------------------------|----------------------|-------------------------|
| Bolt Burdon Kemp Solicitors       | 19                     | 1,280,017               | 305,662                 | 24%                            | 67,369               | 16,087                  |
| Robson Shaw Solicitors            | 5                      | 487,699                 | 70,500                  | 14%                            | 97,540               | 14,100                  |
| Irwin Mitchell Solicitors         | 18                     | 1,315,415               | 237,431                 | 18%                            | 73,079               | 13,191                  |
| Imran Khan and Partners           | 18                     | 1,322,440               | 205,805                 | 16%                            | 73,469               | 11,434                  |
| BL Claims Solicitors              | 3                      | 97,500                  | 30,431                  | 31%                            | 32,500               | 10,144                  |
| AO Advocates                      | 10                     | 505,400                 | 93,560                  | 19%                            | 50,540               | 9,356                   |
| Hudgell Solicitors                | 29                     | 1,784,525               | 266,750                 | 15%                            | 61,535               | 9,198                   |
| Switalskis Solicitors             | 172                    | 8,484,432               | 1,565,369               | 18%                            | 49,328               | 9,103                   |
| Leigh Day & Co                    | 10                     | 464,500                 | 88,587                  | 19%                            | 46,450               | 8,859                   |
| Others*                           | 12                     | 532,800                 | 97,654                  | 18%                            | 44,400               | 8,138                   |
| Verisona Law                      | 102                    | 4,422,565               | 777,021                 | 18%                            | 43,358               | 7,618                   |
| Birnberg Peirce Limited           | 89                     | 3,486,422               | 638,288                 | 18%                            | 39,173               | 7,172                   |
| Slater & Gordon Lawyers           | 33                     | 1,543,150               | 171,638                 | 11%                            | 46,762               | 5,201                   |
| <b>Total Applicant Solicitors</b> | <b>520</b>             | <b>25,726,865</b>       | <b>4,548,966</b>        | <b>18%</b>                     | <b>49,475</b>        | <b>8,748</b>            |
| <b>Kennedys Solicitors</b>        | <b>520</b>             | <b>25,726,865</b>       | <b>1,745,663</b>        | <b>7%</b>                      | <b>49,475</b>        | <b>3,357</b>            |

Table 13 – Average legal costs

\*Some solicitors firms have been grouped together as 'others' as numbers are too low to list separately

2.35 The data in the above table represents only those Individual Redress applications that have been finalised and where all legal costs have been paid and excludes any fixed costs payable for the processing of Harm's Way applications. It does not include any redress payments made to applicants that did not have any legal representation.

2.36 For those applications that have settled above the Scheme limit the average legal costs of applicant's representatives was £18,215 per case with the average of the Council's legal costs (Kennedys Solicitors) at £5,209 per case.

2.37 The following table details the position with regards to Individual Redress applications across the different solicitors representing applicants (excludes individual solicitor firms with fewer than three applications):

| Applicant solicitor     | Total number of IRP applications | Number of Open applications | Number of Settled applications | Average time taken to settle (months) | Percentage of settled IRP applications |
|-------------------------|----------------------------------|-----------------------------|--------------------------------|---------------------------------------|--|
| BL Claims Solicitors    | 5                                | 0                           | 5                              | 18+                                   | 100%                                   |
| Farleys                 | 3                                | 0                           | 3                              | 6-9                                   | 100%                                   |
| Birnberg Peirce Limited | 124                              | 14                          | 110                            | 12-15                                 | 89%                                    |
| Slater & Gordon Lawyers | 64                               | 13                          | 51                             | 12-15                                 | 80%                                    |

| Applicant solicitor         | Total number of IRP applications | Number of Open applications | Number of Settled applications | Average time taken to settle (months) | Percentage of settled IRP applications |
|-----------------------------|----------------------------------|-----------------------------|--------------------------------|---------------------------------------|--|
| Switalskis Solicitors       | 332                              | 117                         | 215                            | 15-18                                 | 65%                                    |
| Verisona Law                | 198                              | 73                          | 125                            | 12-15                                 | 63%                                    |
| Leigh Day & Co              | 24                               | 11                          | 13                             | 15-18                                 | 54%                                    |
| Irwin Mitchell              | 49                               | 23                          | 26                             | 15-18                                 | 53%                                    |
| Hudgell Solicitors          | 77                               | 39                          | 38                             | 15-18                                 | 49%                                    |
| Bolt Burdon Kemp Solicitors | 78                               | 47                          | 31                             | 12-15                                 | 40%                                    |
| Ao Advocates                | 69                               | 44                          | 25                             | 6-9                                   | 36%                                    |
| Imran Khan & Partners       | 78                               | 50                          | 28                             | 12-15                                 | 36%                                    |
| Cunningham Blake Solicitors | 3                                | 2                           | 1                              | 9-12                                  | 33%                                    |
| Robsonshaw Solicitors       | 30                               | 21                          | 9                              | 12-15                                 | 30%                                    |
| Remedy Law                  | 23                               | 20                          | 3                              | 12-15                                 | 13%                                    |
| Mw Solicitors               | 16                               | 14                          | 2                              | 12-15                                 | 13%                                    |
| Crosby & Woods Solicitors   | 4                                | 4                           | 0                              | n/a                                   | 0%                                     |
| Simpson Millar LLP          | 4                                | 4                           | 0                              | n/a                                   | 0%                                     |
| <b>Total</b>                | <b>1,181</b>                     | <b>496</b>                  | <b>685</b>                     | <b>12-15</b>                          | <b>-</b>                               |
| Applicants in Person        | 147                              | 59                          | 88                             | 6-9                                   | 60%                                    |

Table 14 – Application position by solicitor

2.38 Details of anonymised redress settlements and costs are periodically published under the Council's transparency and open data section on the website.

### Scheme appeals

2.39 As at 30 June 2020 a total of 55 appeals have been received. The table below details the numbers of appeals that have been received in each category and the status of these:

| Appeal category                | Number of Appeals | Percentage of Appeals | Appeals allowed (successful) | Appeals dismissed (unsuccessful) | Appeals withdrawn | Appeals pending |
|--------------------------------|-------------------|-----------------------|------------------------------|----------------------------------|-------------------|-----------------|
| Eligibility                    | 14                | 25%                   | 2                            | 8                                | 3                 | 1               |
| Level of Harm's Way Payment    | 1                 | 2%                    | 0                            | 0                                | 1                 | 0               |
| Level of Redress Payment       | 13                | 24%                   | 8                            | 4                                | 0                 | 1               |
| Level of applicant Legal Costs | 27                | 49%                   | 1                            | 5                                | 0                 | 21              |
| <b>Total number of appeals</b> | <b>55</b>         | <b>100%</b>           | <b>11</b>                    | <b>17</b>                        | <b>4</b>          | <b>23</b>       |

Table 15 – Appeals cases

2.40 Almost half of all appeals received have been in relation to the level of applicant legal costs where it has not been possible to reach agreement on the level of costs claimed. There have been 27 cost appeals received from 6 different legal representative firms, of which 66% of cost appeals are from a single legal firm as shown in the table below:

| <b>Applicant Solicitor</b>  | <b>No. of Cost appeals lodged</b> |
|-----------------------------|-----------------------------------|
| Bolt Burdon Kemp Solicitors | 18                                |
| Switalskis Solicitors       | 4                                 |
| Birnberg Peirce Limited     | 2                                 |
| Blake Morgan                | 1                                 |
| Hudgell Solicitors          | 1                                 |
| Slater & Gordon Lawyers     | 1                                 |
| <b>Total</b>                | <b>27</b>                         |

Table 16 – Cost appeals

### **Non-financial redress**

- 2.41 The Scheme offers applicants the opportunity to access a number of non-financial redress benefits such as a letter of apology, a meeting with a senior representative of the council, access to a counselling service and access to specialist advice and help with issues including housing, welfare, benefits, further education and employment.
- 2.42 As at June 2020 a total of 349 letters of apology have been requested, prepared and sent to applicants. A total of 32 applicants have requested and had a meeting with a senior representative of the council.
- 2.43 The table below details the numbers of referrals that have been made in respect of applicants that have requested access to the specialist advisory services:

| <b>Specialist advisory service area</b> | <b>Number of applicant referrals</b> |
|---|--------------------------------------|
| Housing                                 | 85                                   |
| Further Education                       | 22                                   |
| Employment                              | 17                                   |
| Welfare & Benefits                      | 15                                   |
| <b>Total referrals</b>                  | <b>139</b>                           |

Table 17 – Advisory service referrals

### **Counselling service**

- 2.44 The council funds a free specialist and dedicated independent counselling support service for all survivors for the duration of the Scheme. The service continues to be used and valued, with 108 regular users currently active, including a significant proportion of BAME clients and has been operating largely remotely operating during the Covid-19 pandemic. There are a further cohort of individuals who have more intermittent contact with the service as and when they need support. Activity has been broadly steady including whilst during the appearance of the Council before the IICSA enquiry. Regular contract monitoring generates significant insights in terms of clients' overall experience of redress scheme and service continues to be valued by service beneficiaries, many of whom have not previously disclosed to anyone else the experiences that they went through whilst in the care of the Council.
- 2.45 In addition to the above offer and to ensure that applicants have more flexible access to services the council will also fund private counselling from a professionally qualified and registered counsellor or therapist providing this has been recommended by an applicant's GP or other appropriately qualified clinician and is required due to an individual's abusive experiences in a Lambeth Children's Home.

## Advertising & engagement

2.46 Since the launch of the Scheme the council has continued to run various advertising campaigns to raise awareness of and promote the Scheme to potential applicants. National advertising has been undertaken in several UK newspapers with further adverts placed in specialist and professional publications as well as in a few international publications. Adverts have been placed in the following publications from early 2018 to date:

|                         |                          |
|-------------------------|--------------------------|
| Metro                   | The Sun                  |
| Evening Standard        | The Sunday Sun           |
| South London Press      | The Times                |
| Brighton Sussex Argus   | Kent Messenger Group     |
| The Big Issue           | Croydon Advertiser       |
| The Inside Times        | The Voice UK             |
| The Law Society Gazette | Sunday Gleaner (Jamaica) |
| Nigerian Watch          | Lambeth Talk             |

Table 18 – Scheme advertising

2.47 In addition to advertising the Council has also written on a couple of occasions to Commonwealth consulates asking them to share the details of the Scheme for people who may have previously resided in the UK, and at a Lambeth Children’s home.

2.48 The Council has also written to more than 50 charities and third sector groups outlining details of the Scheme, sharing the application form and associated information guide. These groups have been asked to share and promote the information with relevant parties to ensure they are made aware of the Scheme.

2.49 Some applicants may also become aware of the Scheme as a result of media coverage particularly the public hearings in the national Independent Inquiry into Child Sexual Abuse (IICSA) in respect of children in the care of Lambeth Council that recently took place. This may lead to further applicants coming forward in the coming months, and again when the final report is published. There are also some applicant solicitor firms that promote the scheme through their own channels.

2.50 The overall proportion of applicants to the scheme from people of Black, Asian Minority Ethnic heritage has remained broadly stable since the inception of the scheme. The Council continues to make every effort to raise awareness of the scheme amongst Black and Minority Ethnic Communities particularly those from African Caribbean or mixed black and white Caribbean and African heritage. To this end the council has embarked on a pilot project with the national charity Voice 4 Change and our local partnership Black Thrive. The project aims are to facilitate specific channels for communication and engagement with BME communities and thereby increase visibility of and applications to the Lambeth Redress Scheme. The key elements of the communications plan led by this partnership include:

- Launch of a new national microsite with clear and concise information using vernacular designed for the target audience to clarify common concerns and address barriers BME people may have when applying.
- Supporting national social media campaign including a short 30 second video providing key information.
- A column promoting the project and signposting individuals to the support available on the microsite in the July edition of Lambeth Talk.

- Ongoing radio campaign both national and regional including a live interview on BBC London with Dotun Adebayo.
- An advertorial in The Voice newspaper outlining the partnership work, offering support and advocacy and encouraging individuals to come forward in a safe and confidential space.
- Circulating information through their extensive database of partners including community centres, churches and other BME organisations in London and other key cities including Birmingham and Manchester.

The launch of the campaign was originally intended for spring 2020 but this was delayed due to the Covid-19 epidemic. The microsite was inaugurated in time for the Council's appearance at the public hearings for IICSA at the end of June 2020, with full roll out of the programme of activities starting at the end of July 2020. We will be monitoring of the project to assess impact including whether this activity translates into increased applications from BME individuals. If this is successful, the partnership will pilot a navigator model to support and guide potential applicants through the process.

### **Application audit**

- 2.51 Following the previous audit of concluded redress applications that was undertaken last year as reported in the 16 September 2019 Cabinet report, a further review of concluded applications has been undertaken by a barrister. The barrister selected a total of a further 76 concluded applications to review the approach taken by the Scheme solicitors (Kennedys) and the Council on the processing of applications and the relevance of the financial redress offers made on these. A copy of the executive summary of the audit is attached at Appendix B.
- 2.52 The findings from this recent audit are consistent with those from the earlier audit reported in the 16 September 2019 cabinet report.

### **Access to care records**

- 2.53 The council continues to run a large specialist team of 45 staff responding to requests from former children in the care of Lambeth for their council care files (known as subject access requests under the Data Protection Act 2018). Over 1,400 requests for historical care records have been received since January 2017 which is an unprecedented number and equates to over 43,000 volumes of files provided to requestors.
- 2.54 The council has invested more than £3.5million in providing this service. Whilst applicants to the Lambeth Children's Homes Redress Scheme are not required to make a Subject Access Request (SAR) feedback from survivors who have received their records from the council indicate that for some having their care file can help them understand issues they experienced in their childhood.
- 2.55 Processing of requests has been impacted by changes in work practices due to Covid-19. In March 2020 the Information Commissioner's Office issued guidance recognising the pandemic would impact on organisations' ability to comply with statutory timescales. Between April and June 2020, the majority of the SAR team were redeployed to assist in the council's emergency response to the pandemic. Some work processes were also temporarily halted whilst new processes have been developed and implemented to enable access to and scanning of files off site and for records to be despatched electronically via secure email. New arrangements were put in place to enable requests to be received and processed pending provision of signed consents from requestors who could not provide this remotely. We expect timeliness to improve over the next quarter and return to previous performance levels by the end of 2020/21. The council continues to provide updates to the Information Commissioner's Office on progress with the SAR project.

## Independent Inquiry into Child Sexual Abuse

- 2.56 The public hearings in the national Independent Inquiry into Child Sexual Abuse (IICSA) in respect of children in the care of Lambeth Council took place over four weeks between 29 June - 10 July and 20 – 31 July 2020.
- 2.57 The focus of IICSA's investigation was on children living in residential care and foster homes. It considered the experience of victims and survivors and examined the scale and nature of the abuse that took place under Lambeth's care. It sought to investigate whether there were child protection failures by the Council, the police, and other public authorities. It has also examined the extent to which particular vulnerabilities of any children who were subject to sexual abuse put them at risk and whether this may have shaped how public authorities responded to them.
- 2.58 A shocking number of survivors have been identified during the Inquiry and the council acknowledged the brave and often chilling written and oral evidence of survivors and victims who gave evidence throughout the course of the hearing.
- 2.59 Evidence was submitted by the Council in nine witness statements totalling over 1,000 pages and 12,000 pages of exhibits. Annie Hudson (previously Strategic Director, Children's Services) gave evidence over two days in the first and third week and Councillor Ed Davie (current Lead Member for Children's Services) was also called to give evidence in the final week of the hearings.
- 2.60 The Council was clear in its written and oral evidence that there was a systemic and sustained failure on the part of Lambeth to protect children in its care during the period of time that the Inquiry has explored. The extent and scale of the abuse, which took place over many decades, remains deeply shocking.
- 2.61 Whilst the Council has taken steps to set up a compensation scheme and has provided counselling and other support to victims and survivors it is acknowledged that there is much more to be done. Ms Hudson and Cllr Davie gave evidence of the Council's commitment to continue to improve and its desire to ensure that learning from the Inquiry translates into positive action which improves the quality of corporate parenting provided to children in its care.
- 2.62 At the conclusion of the hearing the Chair announced that the report into the Lambeth investigation would be published in summer 2021.

### 3. FINANCE

- 3.1 The total cost incurred in operating the Scheme (including compensation over the Scheme limit and administrative costs) as at 30 June 2020 is £66.1 million. These costs are cumulative running from the start of the Scheme on 2 January 2018 through to the end of June 2020. A breakdown of the expenditure is shown in the table below.
- 3.2 As at June 2020 the total projected cost of known applications received as at this date is c£95 million (actual payments and costs already paid plus estimated payments, costs and administrative costs in respect of those applications received at this date).

| <b>Expenditure type</b>                                 | <b>Expenditure amount (£)</b> |
|---|-------------------------------|
| <b>Redress applications within the Scheme</b>           |                               |
| <b>Paid to applicants - Harm's Way Payments</b>         | 11,911,500                    |
| <b>Paid to applicants - Individual Redress Payments</b> | 27,868,836                    |

|  |                   |
|--|-------------------|
| Paid to Applicant Solicitors – Applicant legal costs                   | 5,727,036         |
| Paid to Council’s Solicitors– Council’s legal costs                    | 3,012,278         |
| Application Disbursements (medicals, records chronology etc)           | 3,799,933         |
| <b>Sub Total Redress applications (A)</b>                              | <b>52,466,284</b> |
|  |                   |
| <b>Redress applications over Scheme limit (£125,000)</b>               |                   |
| <b>Paid to applicants – Individual Redress over Scheme limit</b>       | <b>8,121,225</b>  |
| Paid to Applicant Solicitors - Applicant legal costs over Scheme limit | 696,679           |
| Paid to Council’s Solicitors – Council’s legal costs over Scheme limit | 315,548           |
| Application Disbursements (medicals, records chronology etc)           | 420,427           |
| <b>Sub Total Redress over Scheme limit (B)</b>                         | <b>9,407,179</b>  |
|  |                   |
| <b>Redress applications total (A+B)</b>                                | <b>61,873,463</b> |
|  |                   |
| <b>Scheme administrative expenditure</b>                               |                   |
| Independent Appeal Panel costs   | 118,632           |
| Scheme administration advice & support (Legal, audit & advice)         | 434,404           |
| Staffing costs – Redress team  | 2,488,840         |
| Operational costs (advertising, post, ICT, training, actuarial)        | 282,703           |
| Counselling services   | 270,248           |
| Pre-Scheme legal advice & support                                      | 427,519           |
| Pre-Scheme Survivors association legal costs                           | 243,000           |
| <b>Sub Total Scheme administrative expenditure (C)</b>                 | <b>4,265,346</b>  |
|  |                   |
| <b>Total cost of Redress Scheme (A+B+C)</b>                            | <b>66,138,809</b> |

- 3.3 Independent actuarial advice was received prior to the launch of the Scheme with further actuarial reviews undertaken periodically during the first two years of operation.
- 3.4 An original estimate suggested that the possible number of applications to the Scheme could be 3,000, at an estimated cost to the Scheme of up to £100 million plus a further £40 million to deal with the more complex claims over the Scheme limit. The estimated number of applications was revised to 2,100 following a further review as at the end of the first year of the Scheme. The numbers of applications received have fallen from the peak in the first year and have reduced further into the third year of Scheme operation although have remained at a consistent level per month. Based upon the current level of applications received the forecast of 2,100 remains a reasonable assumption.
- 3.5 The council secured a capitalisation directive from the Government to borrow the up to £100 million needed to fund the Scheme. This was based on assumptions as the only basis upon which to determine the actual number of applications that would be made.
- 3.6 Although the numbers of applications are lower than originally forecast the number of applications where redress is assessed at the higher end of the tariff and those exceeding the Scheme limit are increasing. It is now estimated that the overall total cost of the Scheme is likely to be in a range of between c£100-£125 million with a best estimate of c£110 million (c£100m for Scheme applications and c£10m for those exceeding the Scheme limit). As noted in previous reports these figures are subject to many uncertainties although forecasting is monitored on a regular basis.

#### **4. LEGAL AND DEMOCRACY**

- 4.1 The council has a legal power to establish a redress Scheme under s.1 Localism Act 2011 which introduced a “general power of competence” (GPOC) which gives the local authority “the power to do anything that individuals generally may do” and which expressly includes the power to do something for the benefit of the authority, its area or persons resident or present in its area.
- 4.2 The GPOC in common with any other source of power must be exercised reasonably and properly. The Council must be mindful of its fiduciary duty to council taxpayers and, therefore, needs to balance the needs of survivors against its public duty to ensure that applications are appropriately validated and that payments are reasonable and lawful.
- 4.3 The council’s auditors have a statutory duty under the Local Audit and Accountability Act 2014 to be satisfied that “the authority has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources”.
- 4.4 The Scheme provides for the award of a Harm’s Way Payment of up to £10,000 where there is evidence that residents were subjected to a harsh environment as defined under the Scheme. It would not be lawful for the council to introduce a Scheme which simply allowed for payment of a Harm’s Way Payment without provision of a threshold based on some form of evidence in order to validate payment.
- 4.5 As a public body the council has a duty to exercise its powers properly and reasonably. In this context “properly” includes that legally irrelevant considerations are left out of account and all legally relevant considerations are taken into account. Importantly, where expenditure is involved, “reasonably” includes compliance with the fiduciary duty to council tax payers owed by a local authority and reaffirmed by the Court of Appeal in *Charles Terence Estates Ltd v Cornwall County Council [2013] 1 WLR 466*, at paragraphs 11 – 17. The fiduciary duty is a duty not to incur expenditure “thriftlessly” and to act “in a fairly business-like manner” with “due regard” for the interests of council tax payers and holding a balance between those who contribute funds and those who receive payment. It is considered reasonable in all the circumstances to extend the Scheme for a further two years given the likelihood of further claims coming forward during this period which will need to be responded to appropriately.
- 4.6 The council has taken advice from leading counsel in the development of the Scheme. The advice from counsel is that the Scheme delivers appropriate recompense for those who were subjected to abuse and that the Tariffs to be applied in assessing the level of award payable under the Scheme reflect the awards that the civil courts would make. There will be some complex cases which would not be suitable to deal with through the Scheme, however, as they require a much more detailed analysis of the loss of educational or employment opportunities these cases are better dealt with through the civil process.
- 4.7 All public authorities are required, in carrying out their functions, to have due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010 to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **5. CONSULTATION AND CO-PRODUCTION**

- 5.1 In developing the Scheme the council had many meetings with the Shirley Oaks Survivors Association and their legal advisors to try to reach agreement on the provisions to be included in the Scheme.
- 5.2 The council also consulted with other key stakeholders in relation to the development of the Scheme including the council's external auditors, insurers, and independent experts.
- 5.3 Since the launch of the Scheme the council has met with a number of applicant solicitor firms to discuss and clarify operational aspects of the Scheme.
- 5.4 The council is continuing to consult with a wide range of local voluntary sector, advocacy, and advice agencies as well as national organisations in relation to promoting access to the scheme.
- 5.5 The council has recently also commissioned a further piece of work from an independent consultant to obtain feedback from those who have been through the Scheme to enable them to provide any insight into their experience of the Scheme and to assess ways in which the Scheme can be made more accessible. Feedback from this piece of work has been delayed due to COVID19 but will be reported on in the next Update Report.

## **6. RISK MANAGEMENT**

- 6.1 There are no direct risk implications arising from this operational performance report. A risk register is maintained and regularly reviewed. As outlined earlier in this report arrangements have been made to ensure the continuity of service provided to applicants during the current Covid-19 situation. This is being regularly reviewed and arrangements updated as necessary.

## **7. EQUALITIES IMPACT ASSESSMENT**

- 7.1 The council has undertaken a brief update of the Equalities Impact Assessment (EIA) of the Redress Scheme completed in March 2019. The objective of the EIA was to:
  - i) Contribute to the ongoing operational review of the Redress Scheme including implementation of recommendations arising from the previous EIAs.
  - ii) Provide some equalities analysis of applications and payments under the Redress Scheme up until the end of June 2020 to inform the targeting of the communications and engagement activities.
- 7.2 Maximising uptake of the Redress Scheme by on behalf of individuals who may be eligible remains a key priority for the Scheme. To this end the council has maintained a regular programme of general and targeted communications to key groups including people from Black and Minority Ethnic (BME) communities; people with physical or mental health conditions; and people who may be now living abroad. In addition, the Redress Scheme is working with colleagues in Adult Social Care to identify and facilitate claims from people who may have resided in one of Lambeth's specialist units for children with physical and/or learning disabilities or other specific needs.
- 7.3 The key finding from the EIA is that applications to the scheme remain steady as does the overall proportion of applicants from key equalities groups – such as ethnicity, age, disability, and health status. In light of this the council recognises the need to redouble engagement efforts to ensure potential applicants are aware of the scheme, including:

- Continue efforts to ensure potentially eligible applicants are aware of the scheme including dissemination of information to partners and stakeholders.
- Seek regular feedback as to the process to make it as straightforward as possible given the multiple reasons that may deter individuals from making an application.

7.4 As outlined in section 2.50 above as part of our ongoing commitment to maximising uptake of the scheme amongst form Black and Minority Ethnic communities the Council has engaged with Vocie4 Change and Black Thrive to deliver a targeted communications and engagement programme. Through use of trusted networks and media channels for communication and engagement with BME communities the intention is to increase the visibility of and access to the Lambeth Redress Scheme. A key part of this initiative is not just increasing engagement opportunities but also utilising the experience, expertise and networks and community connections of both organisations to get feedback on Black and Minority Ethnic individuals' access to the scheme.

7.5 Due to the Covid-19 pandemic there has been some delay in the start-up of the project which has had to largely focus on virtual communications and engagement channels especially online and social media, print, radio and other media rather than in person engagement. The council expects to start to get full data to evidence the impact of this partnership work in late quarter 3 2020/21.

7.6 Following evaluation this will inform any future longer-term engagement and commissioning strategy for this piece of work.

## **8. COMMUNITY SAFETY**

8.1 There are not considered to be any implications under s.17 of the Crime and Disorder Act 1998.

## **9. ORGANISATIONAL IMPLICATIONS**

### **Environmental**

9.1 None.

### **Health**

9.2 The long-term mental and physical health effects of childhood abuse are well documented, and we know from the stories that people have told us that their experiences have remained with them their entire lives. Nothing can fully compensate people for those experiences but it is important for survivors that the abuse that happened to them is recognised and acknowledged, and that they receive an apology. Survivors of abuse also wish to know that children today will be better protected. It is also the case that because of the adversarial nature of the court process survivors of abuse can be re-victimised by having to recount their experiences. The aim of the Redress Scheme is to prevent re-victimisation whilst providing a range of reparations that hopefully will enable people to move on with their lives.

### **Corporate Parenting**

9.3 None directly arising from this report but see para 2.63 above.

### **Staffing and accommodation**

9.4 The Scheme is administered by the Redress Team in conjunction with the council's external solicitors – Kennedys LLP. All existing members of the team have received training from the National Association for People Abused in Childhood (NAPAC) with any new team members being trained as soon as is reasonably practical. In addition, staff have undergone conflict checks to ensure they have not had previous dealings with any council matters relevant to the applications. Resourcing

requirements are regularly monitored, and additional staffing has been put in place in order to ensure that redress applications are effectively processed.

### **Responsible Procurement**

- 9.5 The council has commissioned Oxleas Mental Health NHS Trust to provide independent counselling to survivors for the duration of the Scheme. Under the Scheme applicants will be able to access the specialist and dedicated confidential counselling support service. This service will be funded by the council for the duration of the Scheme. Oxleas will advise if some individuals will require ongoing support and how this support could best be provided. The Scheme solicitors were commissioned following a previous contract variation waiver to the existing insurance legal services framework. The independent appeal panel members were commissioned at the time the Scheme was launched although they operate completely independently of the council when determining appeals submitted under the remit of the Scheme.

## **10. TIMETABLE FOR IMPLEMENTATION**

- 10.1 Not applicable.

| <b>Audit Trail</b>  |  |                  |                      |                               |
|---|--|------------------|----------------------|-------------------------------|
| <b>Consultation</b>   |  |                  |                      |                               |
| <b>Name/Position</b>  | <b>Lambeth directorate / department or partner</b>   | <b>Date Sent</b> | <b>Date Received</b> | <b>Comments in paragraph:</b> |
| Andrew Travers – Chief Executive  | Chief Executive  |                  |                      |                               |
| Christina Thompson, Director Finance & Property                         | Finance & Investment   | 30/09/20         | 01/10/20             | Throughout                    |
| Fiona Connolly, Executive Director, Adults and Health                   | Adults and Health  | 21/09/20         | 25/09/20             | Throughout                    |
| Fateha Salim, Acting Assistant Director Inquiry Legal Team              | Legal & Governance   | 21/09/20         | 25/09/20             | 2.53 – 2.63                   |
| Alison McKane, Director of Legal & Governance                           | Legal & Governance   | 21/09/20         | 25/09/20             | Throughout                    |
| Paul Bates, Director of Strategy & Communications                       | Strategy & Communications  | 30/09/20         | 04/10/20             |                               |
| Andrew Pavlou, Principal Lawyer Governance, Legal Services              | Legal & Governance   | 30/09/20         | 01/10/20             | 4.1 – 4.8                     |
| Nisar Visram, Assistant Director, Corporate Finance                     | Finance & Investment   | 30/09/20         | 05/10/20             | 3.1 – 3.6                     |
| David Orekoya, Lead Commissioner Health Improvement                     | Adults and Health  | 21/09/20         | 25/09/20             | 7.1 – 7.6                     |
| <b>Report History</b>   |  |                  |                      |                               |
| <b>Original discussion with Cabinet Member</b>                          | Ongoing  |                  |                      |                               |
| <b>Report deadline</b>  |  |                  |                      |                               |
| <b>Date final report sent</b>   |  |                  |                      |                               |
| <b>Part II Exempt from Disclosure/confidential accompanying report?</b> | No   |                  |                      |                               |
| <b>Key decision report</b>  | No   |                  |                      |                               |
| <b>Date first appeared on forward plan</b>                              | n/a  |                  |                      |                               |
| <b>Key decision reasons</b>   | n/a  |                  |                      |                               |
| <b>Background information</b>   | <a href="#">Council Report July 2015</a><br><a href="#">Cabinet report June 2016</a><br><a href="#">Financial Planning and Medium Term Strategy Report 2017/18 to 2019/20 – Cabinet July 2017</a><br><a href="#">Council report July 2017</a><br><a href="#">Cabinet Report December 2017</a><br><a href="#">Appeal Panel ODDR</a> |                  |                      |                               |
| <b>Appendices</b>   | A – Summary of Redress available<br>B – Redress June performance dashboard<br>C - List of Lambeth Children’s Homes<br>D – Audit of applications<br>E - Equality Impact Assessment  |                  |                      |                               |

