
Historic abuse claim damages award exceeds £1 million

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The High Court has given a powerful illustration of the potential impact of historic abuse claims in its recent reported judgment in the very sad case of *FZO v Adams and Haringey London Borough Council (2019)*.

The First Defendant was the Claimant's school PE teacher and abused the Claimant over eight years from 1980 when the Claimant was aged 13; the Second Defendant local authority was vicariously liable for the First Defendant's actions.

Taking into account the fact that the abuse was degrading to the Claimant, the deliberate instilling of fear in the Claimant by the First Defendant, the impact of the abuse on the Claimant's relationship with his parents, the longstanding mental health issues suffered by the Claimant, the fact that the First Defendant abused a position of trust and the Claimant's breakdown in 2011, damages for pain, suffering and loss of amenity were awarded in the sum of £85,000.

The Claimant's claim for past loss of earnings took into account his breakdown in 2011, but, whilst he had worked in a number of short-term positions throughout his working career, the Court did not accept that, absent the abuse, he would have secured longer-term positions in the past. Insofar as future loss of earnings was concerned, the Court assessed damages on a traditional multiplier-multiplicand approach, allowing a substantial annual diminution in earnings; past lost earnings were allowed in the sum of £130,000 and future lost earnings £423,000.

The total award, including a subrogated claim and claims for significant levels of past and future treatment, was £1,112,000, plus interest. The level of damages payable, despite the Claimant having had long periods in employment prior to his breakdown, is a salutary reminder of the potential cost of historic abuse claims.

Our Specialist Liability team deals with cases like this on a regular basis. For more information or advice, please contact one of our experts.

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