

Case No: HQ9901416

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**

**NORTH WALES CHILDREN'S HOMES LITIGATION**

Royal Courts of Justice  
Strand, London WC2A 2LL

Date: 26 July 2000

**Before:**

**THE HON MR JUSTICE SCOTT BAKER**

**Between:**

**VARIOUS CLAIMANTS**

– v –

**FLINTSHIRE COUNTY COUNCIL**  
**(THE FORMER CLWYD COUNTY COUNCIL)**

**Mr R F Owen QC and Miss J Adams** (instructed by **Nelsons** for the claimants)  
**Mr S Maskrey QC and Mr A Nashashibi** (instructed by **Browne Jacobsen** for the defendants)

**JUDGMENT**

This is an official judgment of the court and I direct that no further note or transcript be made.

**Mr Justice Scott Baker:**

**GENERAL**

1. On 30 July 1998 I was assigned by the Lord Chief Justice to try the civil actions arising from claims by those who had been abused in children's homes in North Wales. The numerous claims have been divided into various tranches in order to make the litigation manageable. The first tranche or group of claims all concern the Flintshire County Council (formerly Clwyd County Council). In this tranche 65 claims were settled and 30 claims were withdrawn, discontinued or were otherwise not effective. I heard evidence in 11 claims in March and April 2000. Written submissions were subsequently handed in and I heard oral submissions on 6 June 2000. The cases of [Name Redacted] [Name Redacted] [Name Redacted] [Name Redacted] and [Name Redacted] for various reasons remain outstanding as do some 28 new claims that have been notified within the last few months. The progress of the litigation has been much assisted by the findings of the Tribunal of Enquiry headed by Sir Ronald Waterhouse. This has enabled the defendants to make a number of admissions and thus shorten the litigation.
  
2. At the conclusion of the hearing there remained the following issues on liability.

*B:* Whether the staff at [DPA] should have been aware she was being bullied. Whether there was sexual abuse by [Name Redacted] and if so the extent of it and whether the defendants are liable in law for what he did.

*D:* Whether she was physically abused on the one occasion alleged and whether it was followed by sexual abuse by [Name Redacted]

*G:* Whether the defendants are liable in law for the admitted abuse by [Name Redacted]

*M:* Whether he was sexually abused by [Name Redacted] and [Name Redacted] It was also a live issue whether this claim was statute barred.
  
3. In most of the cases I have tried, however, liability has been admitted for the abuse and the central issue has been the extent to which the abuse has caused or contributed to the misfortunes suffered in later life by the claimant. This has been no easy question to resolve. The fact that each of these claimants was for a time resident in one or more children's homes is itself an indication of the kind of difficulty they were likely to face in adolescence and as young adults, quite apart from the disgraceful way they were treated.
  
4. Then there has been the difficult question of putting into monetary terms compensation for the abuse that each individual has suffered and most particularly the affect it has had on him or her. That is assessing a figure for pain, suffering and loss of amenities. In some cases there has been an issue about loss of earnings or reduced earning capacity and in some cases an issue whether there is a proved claim for the cost of psychotherapy.