

Supreme Court rules on compensation to Catholic child abuse victims

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The Supreme Court has today ruled on a dispute between two Catholic organisations about who is responsible for paying compensation to over 170 victims of alleged physical and sexual abuse at a Yorkshire children's home.

The case involves the Catholic diocese of Middlesbrough and the Catholic De La Salle Brothers order, in respect of alleged systematic abuse of children going back more than fifty years at the St William's children's care home and school at Market Weighton. It was ruled that the De La Salle Brothers were "vicariously" (financially) liable for wrongdoing of the members of the Order, even though they are not employees, despite the Order's attempts to evade responsibility for this reason.

The case has huge implications, potentially beyond the UK, but particularly for the Catholic Church, where many of those responsible for child abuse – such as "brothers" are not, technically, employees. This decision is likely to finally resolve another recent similar case involving the Catholic diocese of Portsmouth, where the appeal court ruled on vicarious liability in the same direction as the Supreme Court has done today.

St William's took emotionally and behaviourally disturbed boys, aged 10 to 16, referred by councils largely from Yorkshire and the North East. The former headmaster James Carragher has twice been convicted of a series of indecent assaults, buggery and taking photographs of young boys. In 2004 he was sentenced to 14 years in prison, having already served a seven-year sentence imposed in 1993. The institution was closed down in 1992.

Lawyers for the victims have accused the Catholic church of delaying, or attempting to avoid, compensation payments.

Keith Porteous Wood, executive director of the National Secular Society, said: "This case lays bare the shameless and continuing evasion by the hierarchy of the Catholic Church of paying compensation for the horrendous abuse for which those acting in its name have been responsible, and compounds the abuse suffered by victims. This case has taken so long to resolve that some victims have died, relieving the Church of paying them compensation. Even for those remaining, it goes nowhere near repairing the lives ruined by this brutal abuse carried out on an industrial scale by clerics on youngsters supposedly in their care."

"I am told by a Yorkshire solicitor acting for many of these victims that in every case the Church has fought, and continues to fight, tooth and nail, to evade every penny of compensation. This case is essentially a battle between two departments of the Catholic Church. The Church has demonstrated by its actions that it does not care one iota for the victims, nor for being seen to have acted with compassion, far less decently. Otherwise it would have resolved the case many years ago by paying the compensation centrally from the Church's vast wealth and deciding in Rome how the cost was to be apportioned.

"The Church's failure, clearly with the complicity — if not the direct instructions — of Rome, to minimise compensation (as in this case), and also to protect clerical abusers from the criminal

courts, as demonstrated most clearly in Ireland, demonstrates that the only way that victims can be better protected in future is by tightening up the criminal law.

"I recommend that Parliament brings forward legislation to make it a criminal offence not to disclose to the police all credible allegations of child abuse and to preserve and furnish them with all available evidence."

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