

14 January

Freedom of Information Request - Reference No: 20193131

REQUEST

I would like to make a fresh request for information on compensation claims, similar to the previous request (below) six months ago.

Specifically, this is:

1. The number of claims so far received
2. The number of claims so far settled
3. The amount paid in compensation for each settled claim or alternatively the full amount paid in total
4. The legal costs to South Yorkshire Police, ie the amount paid to outside solicitors and/or barristers.

Please identify the solicitors and/or barristers. Please identify the payments made to each (in total)

5. The amount paid to the claimants' solicitors

RESPONSE

I approached our Legal Services Department for assistance with your request. A Senior Solicitor has advised the following answers to each in red:

1. **The number of claims so far received - 91**
2. **The number of claims so far settled – 20**
3. **See below**
4. **The legal costs to South Yorkshire Police, ie the amount paid to outside solicitors and/or barristers. Please identify the payments made to each (in total) £1,681,870.55 total net paid (Total legal spend, we are unable to break this down between barristers and solicitors as we do not maintain this information separately)**

The Solicitors we use are Keoghs. The names of the barristers are exempt under Section 40 (Personal Information) but I can disclose their chambers – 5 Essex Court and 7 Bedford Row, London.

5. **The amount paid to the claimants' solicitors - £157,900**

Section 17 of the Freedom of Information Act 2000 requires South Yorkshire Police, when refusing to provide such information (because the information is exempt), to provide you the applicant with a notice which:

- a. states that fact,
- b. specifies the exemption in question and
- c. states (if that would not otherwise be apparent) why the exemption applies.

The following exemption applies to the disclosure of the information in respect of question 3:

Section 38 (1)(a)(b) Health and Safety

Harm

As explained in detail within our response to your request for an Internal Review (IR 20190298), each of the claims for compensation is reviewed on an individual basis, ie there is no banding approach to identify possible levels of compensation against pre-set criteria

Disclosure of the full amount of compensation paid would allow any individual to identify an average payment to each of the survivors who have settled their claims. The damages paid all relate to Article 3 claims and are directly linked to the individual medical conditions of some very damaged and vulnerable individuals. The settlement figures are based upon medical prognosis following examination of each of their medical records and their life histories.

In Decision Notice FS50718317 the Information Commissioner accepted that, knowing the overall amount would enable average payment calculations to be made; “for example, were the total amount paid to be £60k then it could be assumed that each victim was paid £10k (this is a purely hypothetical amount). However, this is not the case. Payments are not made within ‘bands’ and not calculated according to any pre-designated criteria. Each payment has been made on an individual assessment. In a scenario such as this, were the total amount paid to be £60k and one of the victims were aware that she received £5k herself, then this could lead to her feeling her own particular case was in some way undervalued as she would be able to calculate that the remaining five cases would have received an average of £11k, more than double what she had been awarded. This would of course be fully evident were individual payments to be disclosed.” On this basis, the Information Commissioner accepted South Yorkshire Police’s application of Section 38(1).

Furthermore, in Decision Notice FS50787185, the Information Commissioner again accepted South Yorkshire Police’s use of the Section 38(1) exemption.

I consider that the strength of the arguments favouring disclosure are clearly outweighed by the public interest in maintaining the exemption in order to safeguard the mental health of the victims of child sexual exploitation and their families.

Section 38- Factors Favouring Disclosure

- There is a public interest in articulating how public finances are spent by the Authority and disclosure of the information would promote accountability and transparency in the spending of public money
- In terms of such a high profile case and it is important that the public are aware of the existence of such payments.

Section 38- Factors Favouring Non-Disclosure

- The wellbeing of the individuals may be jeopardised which may cause distress to the families concerned, by the release of the information into the wider public domain.

- The release of all the details could seriously endanger the mental health of any person(s) involved.
- Loss of confidence in the public authority in protecting such sensitive information

Balance

On balance I am of the opinion that the strength of the arguments favouring disclosure are clearly outweighed by the public interest in maintaining the exemption in order to safeguard the mental health of the victims of child sexual exploitation and their families.