

## Saunders law

### Submissions on July 2023 hearings.

#### **Background**

1. The Inquiry's invitation to make submissions comes in the light of evidential hearings in the last week of July. There has been no information from government about its response to the Inquiry's second interim report.
2. The second interim report constitutes the Inquiry's final word on the matter of compensation and was presented before the final report, with the express purpose to jump-start government's implementation, in order to begin to address the needs of victims who have suffered for decades.
3. The context for the government's current information vacuum on compensation is remarkable. It is this government that first accepted the moral imperative of compensation from December 2022, after decades of other government ducking and diving on the point. Also, in October 2022, this government made interim payments of £100,000 to some victims of the scandal (including all our clients), pursuant to a recommendation from Sir Robert Francis' report.
4. The stated basis for the interim payment of £100,000 that has been made by the UK government is that ultimate compensation will be substantially more than this sum; and that given the advancing age and increasing vulnerability of victims, the *right thing* for government to do is to start making compensatory payments, as a way to address this historic and continuing wrong-doing.
5. From evidence heard in July and material in the public domain, it is clear that expedition in implementing a compensation framework is key. This has always been well-known and understood. Former Paymaster General, Ms Penny Mordaunt spoke "*firmly*" of the "*inevitability*" of government paying substantial compensation in a letter of 21 September 2020 to then Chancellor of the Exchequer, Mr Rishi Sunak, saying:

*"I cannot stress enough the urgency of taking long overdue action on financial support and compensation."*

### **Purpose of the July hearings**

6. The July hearings were convened by the Inquiry, no doubt with full awareness that on the publication of the Inquiry's final report, the Chair's investigatory powers end and Sir Brian will have no leverage of compelling politicians to provide answers, in the event that there are further delays in implementing the recommended compensation framework.
7. Remarkably, the government's position – reflected most auspiciously in the evidence of the Prime Minister – has been to say nothing further at this point until the final report has been issued. There has been no clarification of the principled basis for which this is necessary, save to say that in past Inquiries, government has tended to make its position clear only after the final Inquiry report has been published. The Prime Minister maintained this position, notwithstanding the admittedly exceptional circumstances that prevail: given the government's admission of moral responsibility; acceptance of urgency in light of passing time and the vulnerability of victims; and interim payments that have already been made.

### **Observations**

8. Our clients have accepted the brutal truth of their situation, which is that at this stage, resolution of these matters is purely a political one. It is simply left for government to do the right thing and commit clearly to making full compensation in a timely manner.
9. In terms of principles, it is already patently obvious that our clients have a legitimate expectation to receive compensation. The government's admission of the moral case for compensation and its issuance of interim payments, constitute representation that full compensation will be made to the victims of this historic scandal. There has also been representation from government that these payments will be made in a timely manner, given the age of the scandal and the increasing vulnerability of the victims. It is

demonstrably clear that government is falling down badly on meeting these implied obligations.

10. Our clients know that this matter is not likely to be resolved through judicial review litigation. It is also not cynical to observe that nothing substantively new was learnt from the July hearings. The value of the July evidence gathering exercise was that by hearing the most senior political leaders answer the Inquiry's questions, the public was educated about the continuing injustice of this scandal; and of the urgent need for action from our leaders at this time.
11. We do not propose to use this invitation to make submissions as yet another oratorical demonstration. Indeed, we are very clear that Counsel to the Inquiry was peerless in pressing the witnesses about how the government's position is lacking in principle, and as such, wholly unconscionable.

## **Conclusion**

12. In short, we wish to simply add to the public record, our continuing dismay, at the government's fecklessness. We simply wish to invite the government to do the right thing – and immediately accept the Inquiry's second interim report.

**August 21, 2023**