



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FOURTH SECTION

DECISION

Applications nos. 19064/07 and 31588/09
Mary BERRY and others against the United Kingdom
and Oluwatoyin Abeni AMAO and others against the United Kingdom

The European Court of Human Rights (Fourth Section), sitting on 12 November 2013 as a Chamber composed of:

Ineta Ziemele, *President*,

Päivi Hirvelä,

George Nicolaou

Ledi Bianku

Zdravka Kalaydjieva,

Vincent A. De Gaetano,

Paul Mahoney, *judges*

and Françoise Elens-Passos, *Section Registrar*,

Having regard to the above applications lodged on various dates (for details see the Court's decision on admissibility of 16 October 2012),

Having regard to the friendly settlement of the cases by the parties,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. A list of the thirty-six applicants in the two applications is set out in the appendix to the present decision. They complained under Articles 6 § 1, 8 and 13 of the Convention about the procedure for the provisional listing of their names in the Protection of Vulnerable Adults ("POVA") list established by Part VII of the Care Standards Act 2000. Inclusion on the POVA list effectively precluded a person from working as a care worker with vulnerable adults.

2. The applicants were represented by Leigh Day & Co, a firm of solicitors based in London. The United Kingdom Government ("the Government") were represented by their Agent, Ms A. McLeod, of the Foreign and Commonwealth Office.

3. By a decision of 16 October 2012 the Court declared thirty-five of the applicants' complaints admissible. It declared the complaint lodged by the thirty-sixth applicant inadmissible. On 4 December 2012 it decided to restore the complaint of the thirty-sixth applicant to its list.

4. Following the decision, the parties were given time to explore the possibility of settling the case.

5. By letter dated 25 July 2013 the applicants' representatives wrote to the Court in the following terms:

"We are writing to update the Court that we have reached friendly settlements with the Defendant in relation to all 36 Applicants whose claims were found to be admissible. The settlements reached include a payment towards our legal costs of settling these cases, and compensation payments in relation to the violations suffered by each individual. This amounts globally to approximately £762,000, an average of approximately £21,100 to each Applicant."

6. Copies of forms signed by each of the applicants instructing their representatives to accept the offer made by the Government "in full and final settlement of [their] POVA claim[s]" were also provided.

7. By letter dated 15 August 2013 the Government confirmed that a friendly settlement had been reached between the parties on the basis outlined by the applicants' representatives. For the avoidance of doubt, they confirmed that the agreement to settle the applications did not constitute an admission that there had been a violation.

THE LAW

8. The Court takes note of the friendly settlement reached between the thirty-six applicants and the respondent Government. It is satisfied that the settlement is based on respect for human rights as defined in the Convention and its Protocols and finds no reasons to justify a continued examination of the applications. In view of the above, it is appropriate to strike the cases out of the list.

For these reasons, the Court unanimously

Decides to strike the applications out of its list of cases in accordance with Article 39 of the Convention.

Françoise Elens-Passos
Registrar

Ineta Ziemele
President

APPENDIX

Application no. 19064/07

1. Maria Berry
2. Alice Cheang
3. Janet Foster
4. Josephine Ghunney
5. Mercy Grabet
6. Jacqueline Hodgson
7. Yuri Kazlouski
8. Mary Ann Kerry
9. Nicola Koster
10. Weng Kheong Lim
11. Annah Madamombe
12. Angus Simon McDonald
13. Temakazi Moyana
14. Mariatu Nuni
15. Dhanwantee Rampersad
16. Pran Rampersad
17. Philip Thompson
18. Samina Wright

Application no. 31588/09

19. Oluwatoyin Abeni Amao
20. Stuart Byron
21. Margaret Corser
22. Valerie Ann Davies
23. Enda Evans
24. Elaine Fitzgerald
25. David Fletcher
26. Dawn Harris
27. Victoria Anne Horsley
28. Maureen Malone
29. Rebecca Mweseli
30. Joan Nhachi
31. Sarah Celia Reilly
32. Hasifa Segujja
33. Maureen Priscilla Sheikh
34. Neil Paul Taylor
35. Bindu Vanalloor Punushothaman Pillai
36. Simon Rutter