

# HIA Interim Advocate HIA Redress Launch Day Edition

31 March 2020

*Following today's announcement by the First Minister and deputy First Minister that the Historical Institutional Redress Board is open for applications, Brendan McAllister, the Interim Advocate for victims and survivors of historical institutional abuse said:*

*"I want to congratulate the representatives of HIA groups who played an influential role in designing the redress scheme.*

*"It is also important to note that the Executive Office have delivered on the promise made to victims/survivors in November, to get the redress scheme off the ground by the start of April. In that regard, the President of the Redress Board, Mr. Justice Colton, and his staff have done tremendous work in such a short period of time".*

## LETTER FROM THE INTERIM ADVOCATE, BRENDAN McALLISTER



Hello everyone,

We are in difficult times. The Covid 19 virus is upon us. Across the world, humanity is grappling with this terrible virus and everywhere there is deep fear and uncertainty about how best to cope with a deadly, invisible enemy. It is sad and ironic that these should be the circumstances in which the Redress Board for victims and survivors of historical institutional childhood abuse opens its doors. This should be a time of deep satisfaction for all HIA victims/survivors and especially for those who have campaigned so long and hard to achieve financial redress. But the Covid 19 pandemic overshadows every aspect of life just now. In recent days my colleagues and I have worked in tandem with HIA group leaders and civil servants at the Executive Office at Stormont and at the Redress Board to make adjustments in the face of Covid 19. We have had to vacate our new offices in the centre of

Belfast and are now working from home. A lot of effort has gone into enabling the redress scheme to function 'remotely', via the internet and telephone. Since we are only at the start of a five year scheme, we can look forward to a time when normal life returns and normal levels of efficiency and personal contact are re-established.

I know you will all understand that Redress Board officials will have a harder time getting medical reports and accessing records. Lawyers will also face a difficult time. With social distancing in place and staff shortages due to enforced isolation or even sickness, we can expect the administration of the redress scheme to suffer setbacks and challenges because of the unfolding Coronavirus situation.

However, everyone has been determined to open the redress scheme on schedule. In that regard, it is important for me to acknowledge those who have worked so hard to get us to this point: the President of the Redress Board, Justice Colton, and his staff; civil servants in the Executive

Office; representatives of victims/survivors groups who participated in a series of engagement meetings with officials to ensure that the redress process will work well for everyone concerned. Lastly, I must thank my colleagues in the Advocate's Office, who have shown great pride in their task and who will remain available to assist and advise you in the weeks and months ahead.

If you need any assistance or advice about the scheme, or about any other matter, please feel most welcome to contact my office.

If you would like to speak to a member of staff about the application process or procedures, please email [info@hiaadvocate.org.uk](mailto:info@hiaadvocate.org.uk) and a colleague will contact you to answer any questions you may have.

I would like to draw your attention to the **PERSONAL SUPPORT UNIT** which is currently being created. This unit will take enquiries on our office number and email address from any individual who

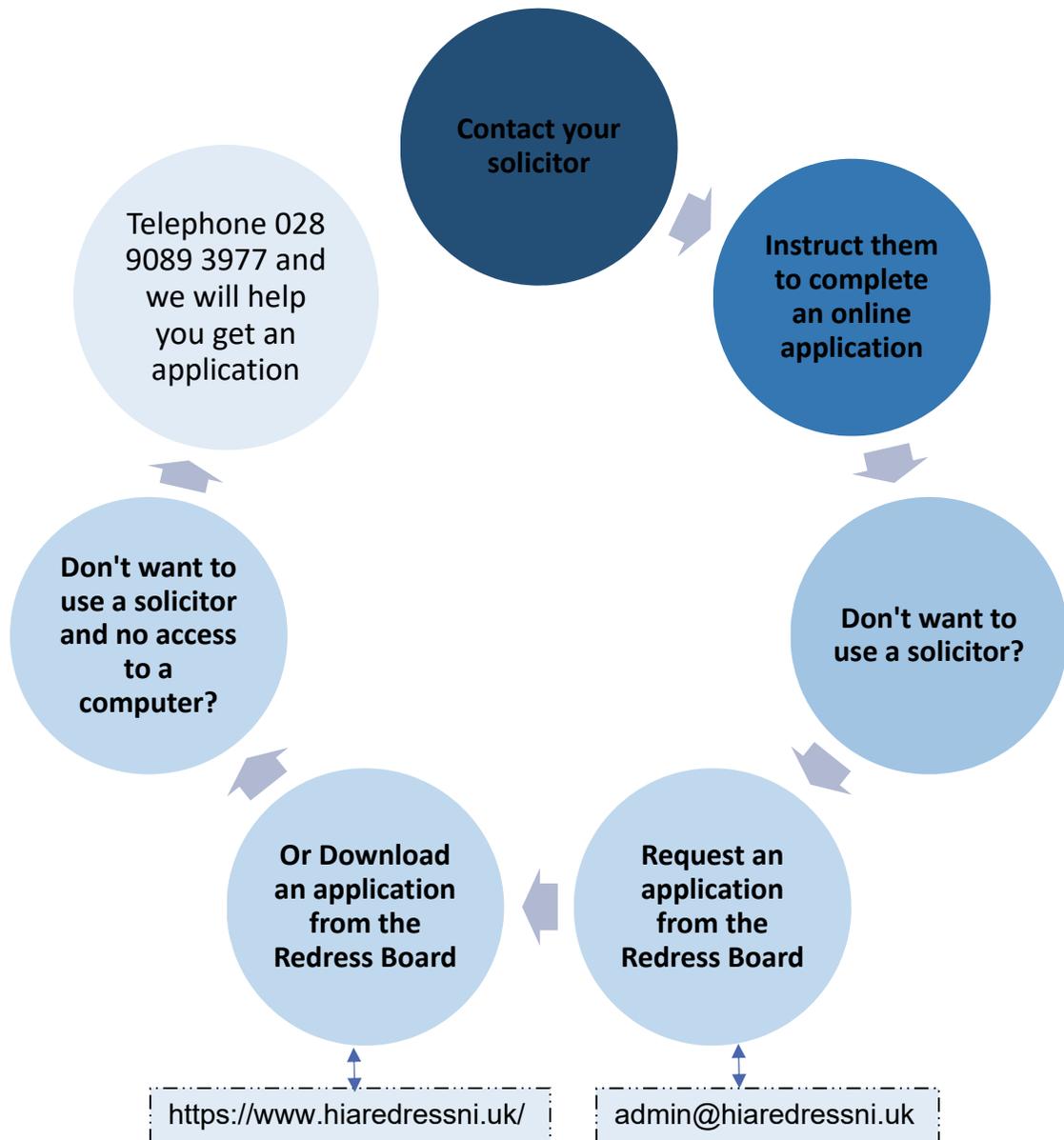
is experiencing stress or anxiety about the whole Redress process and, indeed, any matter relating to the experience of historical institutional abuse. Once established, when you phone or email my office and ask for help, we will arrange for a professional with a listening ear to respond to you as quickly as possible. We hope to have this Personal Support Unit operational in the coming weeks.

Before you read on, please accept my assurance that everyone involved in the roll-out of the redress scheme – the President and Members of the Redress Board, their officials, civil servants, HIA victims group leaders and my own office – are determined to make this scheme as successful as it was meant to be when Sir Anthony Hart submitted his report to Government in January 2017.

Please take care of yourself in these difficult and stressful times.

**BRENDAN McALLISTER**

## THE SCHEME HAS OPENED – WHAT NOW?



Please remember. You are not alone. If you need any advice about this process, please email us at [info@hiaadvocate.org.uk](mailto:info@hiaadvocate.org.uk) or telephone 02890 893977.

## FREQUENTLY ASKED QUESTIONS

The information provided here is intended for guidance and addresses common concerns, questions, and issues that have been raised with the Interim Advocate's Office. However, if you have other questions, please contact us.

**Q: When does the HIA Redress Scheme open?**

A: Tuesday 31 March 2020. The Scheme will remain open for a five year period.

**Q: I gave evidence at the Hart Inquiry. Do I still have to apply?**

A: Yes. The legislation requires an application to be made to the Redress Board.

**Q: Who can claim compensation?**

A: Anyone who has suffered abuse as a child whilst resident in an institution (e.g. a children's home, borstal or training school) in Northern Ireland at any time between 1922 and 1995 (inclusive).

**Q: What is the amount of compensation I can apply for?**

A: The HIA Act sets out the amount of compensation that the Redress Board can award. These amounts are:

- (a) a standard award payment of £10,000 only;
- (b) an enhanced award payment of between £10,001 and £80,000; and
- (c) an amount of £20,000 if the application is made by or in respect of a person who was sent to Australia under the Child Migrant Programme.

The maximum amount which may be awarded is (a) £80,000 or (b) £100,000 if the applicant is a Child Migrant.

**Q: Can I apply if I have previously been paid an amount of compensation for having suffered abuse?**

A: Yes. If the panel award an amount that is greater, you will receive the balance between what you previously received, adjusted for inflation, and the panel's award.

**Q: I applied and received redress of £20,000 established as a result of the Independent Inquiry into Child Sexual Abuse (IICSA), can I apply for redress under this scheme?**

A: If you have already received £20,000 through the IICSA scheme, you cannot apply again under this scheme. It is important to note that this does not prevent an application for compensation for having suffered or witnessed abuse being made under this scheme if the applicant withdraws their IICSA application. If you suffered or witnessed abuse in an institution before being sent to Australia as a 'child migrant', you can apply for redress under for the time period in which you were in the institution.

**Q: Will a compensation award affect my benefits?**

A: No. An award of compensation will be disregarded for tax purposes and for assessment of a person's eligibility for benefits.

**Q: What is meant by 'institution'?**

A: An 'institution' means an institution in Northern Ireland in which a body or society or organisation with responsibility for the care, health and welfare of children, provided residential accommodation for children, took decisions for them and made provision for their day-to-day care.

**Q: What constitutes abuse within the HIA Act?**

A: Sexual, physical or emotional abuse, neglect or maltreatment. You can also claim if you witnessed one or more other children suffer this type of abuse. It also includes having been exposed to a harsh environment or having been sent to Australia under the Child Migrants Programme.

**Q: How do I find a Solicitor?**

A: If you go to the Law Society website at [www.lawsoc-ni.org/solicitors](http://www.lawsoc-ni.org/solicitors) and click "Finding a Solicitor", you can search for a category and your location to find solicitors in the local area. We suggest you choose "Criminal Injuries and Criminal Damage compensation" as the category.

**Q: How do I apply for compensation?**

A: For further information and to make an application, you should contact a solicitor. They will provide independent advice with regards to your eligibility and assist you to make an application. Sir Anthony Hart recommended that people should use a solicitor to support them in making an application to the Board. Support from solicitors is free: the

government is paying for it. Solicitors have access to a system to allow them to submit applications electronically, and we would particularly encourage applicants to use a solicitor at this time. Guidance for solicitors has been made available on the Redress Board website at [www.hiaredressni.uk/publications/online-application-process-guidance-solicitors](http://www.hiaredressni.uk/publications/online-application-process-guidance-solicitors).

Please don't visit your solicitor, though. The key public health message is to stay at home. Many victims and survivors here have already been in touch with a solicitor and provided information. Further information can be relayed by phone or email. There is a five-year window in which to make applications, so applicants who prefer to wait until they can deal face-to-face with a solicitor will still have plenty of time to lodge an application.

**Q: I don't want to use a solicitor, how do I apply myself?**

A: You can submit a hard copy application, along with the supporting documents. The application form can be downloaded from the Redress Board website [www.hiaredressni.uk](http://www.hiaredressni.uk) or a hard copy can be requested by emailing [admin@hiaredressni.uk](mailto:admin@hiaredressni.uk). Please ensure you read the guidance documents, [www.hiaredressni.uk/publications/paper-application-form-guidance-applicants](http://www.hiaredressni.uk/publications/paper-application-form-guidance-applicants), before completing and submitting your application. You should be aware that given the current restrictions and with staff working digitally from home, there could be delays in sending out and in processing paper applications.

**Q: I was in more than one institution – can I make an application for each one?**

A: You can only make one application for compensation, however that application may relate to more than one institution.

**Q: What is the deadline for submitting an Application?**

A: The Scheme is open for a period of 5 years (until April 2025).

**Q: Do applicants need to submit medical reports with their application?**

A: No. You can go ahead and submit your application. The Redress Board will decide whether further medical reports are required to support your application. The Redress Board will pay for any medical reports they request. If you already have medical reports, you should, however, include these with your application.

**Q: What if the applicant is unable to make an application because of ill health?**

A: An applicant who is too unwell to make an application may seek the help of a solicitor to complete and submit the form. Family members may provide as much information as possible to the solicitor. Where someone has a controller or power of attorney, they may deal with the application on the person's behalf.

**Q: Are the applications being prioritised and, if so, how?**

A: The Redress Board can prioritise the order in which applications are processed, based on the age and health of the applicant. If you feel this is appropriate, you should ensure you provide this information in section 'E – Applicant's Health' of the application form.

**Q: Can an application be made for a deceased family member?**

A: Yes. An application may be made for a person who died on or after 28 April 1953. This application can be made by: the deceased's surviving spouse, civil partner or cohabitating partner or any surviving child (not a step child) if they are the main beneficiary of the deceased's estate. An application may be made jointly by two or more of the persons entitled to apply.

**Q: Will the institutions be asked to provide information to assist the panel?**

A: Yes. The panel must request the body, society or organisation which provided residential accommodation in an institution to provide information to verify the accuracy of information provided in the application. There are strict time limits for this to be provided. In addition, PRONI will also provide access to the Inquiry records held on their premises.

**Q: Whilst under the age of 18, I was resident in a Juvenile Remand Unit in an adult prison in Northern Ireland, can I apply?**

A: Yes. You can apply for redress for any abuse for the period of time in which you were present whilst under the age of 18.

**Q: Whilst a child, I was admitted as a resident to Muckamore Abbey Hospital where I suffered abuse, can I make an application under this Redress Scheme?**

A: Yes. Section 2(1) of the Historical Institutional Abuse (NI) Act 2019 (the "HIA Act") provides that an application for compensation may be made by or in respect of a person who suffered abuse while a child and while resident in an institution at

some time between 1922 and 1995. Institutions that were not investigated by the HIA Inquiry may still be the subject of applications to the HIA Redress Board, provided that the eligibility requirements set out in legislation are satisfied.

**Q: Whilst under the age of eighteen, I was resident in a Mother and Baby Home, can I make an application to the Redress Board?**

A: Yes. Section 2(1) of the Historical Institutional Abuse (NI) Act 2019 (the "HIA Act") provides that an application for compensation may be made by or in respect of a person who suffered abuse while a child and while resident in an institution at some time between 1922 and 1995. Institutions that were not investigated by the HIA Inquiry may still be the subject of applications to the HIA Redress Board, provided that the eligibility requirements set out in legislation are satisfied.

**Q: Does the Act cover children who were abused whilst in foster care?**

A: No. However, if you were in an institution prior to or after a period of foster care and suffered abuse, you can make an application for the time spent in the institution.

## **CASEWORKER APPOINTED TO HEAD THE PERSONAL SUPPORT UNIT**

The Interim Advocate is pleased to welcome a new Health & Wellbeing Caseworker as part of the team; and contact details will be communicated once induction and training has been completed. The role will be to run our new Personal Support Unit to help individual victims/survivors regarding the emotional impact of their application to the Redress Board.

Once this Unit has opened, it will undertake initial assessments and arrange telephone or online sessions with a personal support worker.

It is hoped that once the Covid 19 situation eases, sessions can take place in person at the Interim Advocate's office in Belfast. Alternative venues in other parts of Northern Ireland will be considered as the need arises.

The following range of sessions are envisaged:

1. A Preparation Meeting - to enable a victim/survivor to collect themselves

before they begin their journey into the redress process.

2. Support Meetings - as needed, to provide a victims/survivor during the redress process.

3. An After Care Meeting - to support a victim/survivor in bringing closure to their redress process.

A particular service that will be offered is Personal Story-telling. This may involve a victim/survivor telling their story to the Personal Support Worker and the Case Worker compiling a written version which will be sent to the client for future reference - either when briefing a solicitor, making their own application to the Redress Board or as a reference document for discussions within their family.

## SUPPORT HELPLINES

As noted, these are challenging times and you may require additional support at this time. Help and advice can be found through the following websites:

- For updates on the current COVID-19 crisis, please visit the NI Government Website, <https://www.nidirect.gov.uk/>.
- For information about benefit, support and services, you can check if you're getting all the money, supports and services you're entitled to by contacting the Make the Call team on 0800 232 1271, <https://www.nidirect.gov.uk/articles/i-made-the-call>.
- You can also contact the dedicated HIA representative in AdviceNI by telephoning 028 9064 5919, by email on [hia@adviceni.net](mailto:hia@adviceni.net) or <https://www.adviceni.net/>.
- Lifeline is the Northern Ireland crisis response helpline service for people who are experiencing distress or despair. No matter what your age or where you live in Northern Ireland, if you are or someone you know is in distress or despair, Lifeline is there to help. Lifeline (telephone: 0808 808 8000, 24 hours a day, seven days a week).

## BALLYHORAN



*Returning to Killard Point beach at Ballyhoran, County Down, I fell upon this beautiful skyline. It brought back my childhood days of summers in the 1960's. Ballyhoran was a special place, it had everything and more. Being outside and taking in the sea air brought a sense of freedom, with no cares in the world, nothing really mattered. Down to the beach each day was an adventure, me and many other lads from Nazareth. Many hours were spent playing and trying to beat the tide before it came back. As kids, we were up to all types of mischief of the day. The Nazareth nuns in the long black habits would sit relaxing on their deck chairs along the grassy banks, taking in the sun. From the bustle of the City life to the countryside, Ballyhoran was my kind of heaven. Holiday time came to an end and we were kind of sad and deflated. It would be another year before returning; our excitement was no more. Belfast was Belfast, but it wasn't Ballyhoran. To walk once again along Killard Point, some fifty years later and taking in the scenery in all its splendour, only reignited many happy memories of yester-year. This I will always cherish.*

**BALLYHORAN**  
*Provided by HIA survivor*