

# HIA Interim Advocate

## **Statement by Brendan McAllister Interim Advocate for Victims/Survivors of Historical Institutional Abuse to the Committee of The Executive, The Northern Ireland Assembly, 12 February 2020**

Good Afternoon,

You have received advance briefing papers regarding my areas of work but I would like to draw your attention to some specific issues.

Firstly, the legislation.

From the time of my appointment last July until November, a major focus of my work was to reinforce the campaign to introduce the HIA bill at Westminster and to get it passed into law.

Since then attention has shifted to the whole area of implementation.

Yesterday, we had the second in a series of four engagement meetings between representatives of victims groups and officials.

With support from the President of the Redress Board, Mr Justice Colton, and senior officials from the Executive Office, these meetings are an important opportunity for victims and survivors to contribute to the design of the redress scheme: drilling into the detail of the application process; the question of how cases will be assessed by

the Board; Board procedures; legal representation; our duty of care to applicants and Executive Office proposals for a public information campaign.

1. Let me make a particular point about the level of payments to victims. When the HIA bill was on its way into Parliament, I became concerned that, with the lapse of time since Judge Hart's report in 2017, the upper limit of £80,000 proposed by him and laid down in the bill, might not be a proper reflection of today's levels of payment.

So, I asked for legal opinion from senior counsel.

In the event, as you are well aware, the bill was rather quickly passed into law.

However, counsel's opinion is that, indeed, the upper limit for payments - the so-called 'cap' - is too low.

I am advised that the reference guide for civil compensation cases, the so-called Green Book, was revised in February, 2019 and, consequently, payment levels were raised by 36% to 40% across the board.

So, for example, someone deemed to have suffered the most severe psychiatric damage could receive between £82,000 and £210,000 in compensation in a civil court.

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My legal advice is that, all things considered, the cap should have been raised from £80k to somewhere between £109k and £114k.

This would have made better provision for the most egregious cases and, perhaps more significantly, I believe it would have increased the average HIA payment.

I have conferred with leaders of victims/survivors groups about this matter.

They are conscious that if the Assembly had been restored in time to pass the HIA legislation, I would have been making a case to you for the maximum payment of £80k to be raised to somewhere between £109k and £114k.

However, the HIA groups recognise that the imperative must be to get the Redress scheme up and running as quickly as possible and so they are willing to accept the prospect of the amounts being paid out being less than what they might have been.

I feel it important to put this matter on the public record today. At a time when there are pressures on the public purse, the cost of the oncoming HIA scheme could have been significantly higher than what it is.

2. A second issue that I would like to specifically mention concerns my efforts to improve services to support HIA victims.

I commissioned an independent Needs Assessment which informed me that the main concerns of HIA victims, currently, are welfare advice, mental and physical health, social support, information retrieval and assistance with the redress process.

A proposal for a bespoke unit is under consideration between myself, the Executive Office and a potential service provider. I have also been briefing the groups on progress.

The proposal is to establish a one-stop-shop, with an outreach capacity across Northern Ireland, which will work with HIA clients to design individualised care packages and signpost them to the most appropriate help.

I am hopeful that this facility can open its doors some time this summer. In the meantime, it is sometimes a struggle to meet more immediate needs, especially around the need for emotional support.

Therefore, I am also in discussions to establish interim arrangements to provide timely, emotional support to individual victims, especially those who may feel overwhelmed by the prospect of going through the redress process.

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I am conscious that, as members of the Assembly, you will be interested in issues which will require significant ministerial attention in the time ahead. I refer specifically to sensitive matters such as acknowledgment, apology and memorialisation.

In that regard, I intend to convene a series of seminars between Easter and the summer, to assist victims and survivors and relevant others to begin to form more coherence and consensus about how these matters may be addressed.

In that regard, I would expect to submit advice to ministers and, indeed, to this committee, in due course.

Finally, I would like to take this opportunity to acknowledge the long journey victims and survivors have had to get to this point. They are appreciative of the support they have received from all the political parties in Northern Ireland. The historical institutional abuse of children is a grave injustice that stretches across generations. Many of its victims have died; those who have fought the HIA campaign carry their childhood friends, often their brothers and sisters, in their hearts. And of course, the people who have done most to bring justice and truth to bear from this situation are victims themselves.

End.