

**Historical Institutional Abuse Consultation -
Report on Responses -**

13 May 2019 -

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1 INTRODUCTION

1.1 - This document provides a summary of responses to the public consultation on draft legislation for a Commissioner for Survivors of Institutional Childhood Abuse (COSICA), the Historical Institutional Abuse Redress Board and subordinate legislation on a redress scheme.

1.2 - The Executive Office (TEO) launched the consultation on 19 November 2018 for 12 weeks. Following requests from several groups for an extension and given the complexities and detail of the legislative matters, this was agreed by the Head of the Civil Service (HOCS). The extension was granted until 10 March 2019 and allowed for an additional 250+ responses. In total 562 responses were received.

1.3 - The key objective of this document is to provide a summary of the 562 responses to the consultation which will help inform how the draft legislation is progressed. Equality and Rural Impact Screening exercises were undertaken in relation to the draft legislation and no adverse impacts were identified. These were also published as part of the Consultation exercise.

1.4 - The report is structured as follows:

- Consultation Methods; -
- Consultation Launch and Outreach; -
- Analysis and Reporting Approach; and -
- Thematic Summary of Responses. -

2 CONSULTATION METHODS

2.1 - The consultation sought responses from as wide a range of people as possible with an interest in the legislation, including victims and survivors of institutional abuse and those with an interest in or knowledge of these issues.

The consultation documentation comprised of: -

- Historical Institutional Abuse – Consultation Paper;
- Historical Institutional Abuse – Consultation Questionnaire;
- Commissioner for Survivors of Institutional Childhood Abuse Bill;
- Commissioner for Survivors of Institutional Childhood Abuse Bill – Explanatory and Financial Memorandum;
- Historical Institutional Abuse Redress Board Bill;
- Historical Institutional Abuse Redress Board Bill - Explanatory and Financial Memorandum; and
- The Historical Institutional Abuse Subordinate Legislation.

2.2 - The consultation questionnaire was devised to obtain respondents' views on the key provisions within the draft Bills. This also allowed for respondents to provide their feedback on any other matters outside of the designated questions in a free text comments section.

2.3 - The consultation documentation was hosted on TEO's website. Approximately 600 emails were also issued to TEO consultation stakeholders and in response to requests for consultation documents. Consultation packs in hard copy were also issued by TEO upon request and at consultation meetings.

2.4 - Respondents were able to complete and submit the questionnaire online, via the Citizen Space portal, or return it by email or in writing to the Historical Institutional Abuse Implementation Team in TEO.

3 CONSULTATION LAUNCH AND OUTREACH

3.1 - The consultation was launched on 19 November 2018. Briefing meetings were held with local political party representatives and the media. In addition HOCS engaged in a number of press/media briefings.

3.2 On the morning of the launch, HOCS also attended meetings with the following - victims' and survivors' groups:

- Survivors North West; -
- Rosetta Trust; -
- Survivors Together; and -
- SAVIA. -

3.3 - Details of the consultation were advertised in the following newspapers:

- **Advertisements in Northern Ireland:** Belfast Telegraph, Irish News, Newsletter and all weekly newspapers;
- **Advertisements in Republic of Ireland:** Irish Times, Irish Sun and Irish Independent;
- **Advertisements in Scotland:** The Scottish Daily Mail, Scottish Sun, and Daily Record;
- **Advertisements in Great Britain:** The Mirror, the Sun, the Daily Mail; and
- **Advertisements in Australia:** The Australian, the Herald Sun, the West Australia and the Courier Mail.

3.4 - TEO also facilitated a number of public and targeted meetings to engage with stakeholders and encourage responses to the consultation. Public meetings attended by 83 individuals, were held as follows:

- 4 December 2018: Public Consultation Event in Clayton Hotel, Belfast;
- 5 December 2018: Public Consultation Event in Maldron Hotel, Derry/Londonderry;
- 22 January 2019: Public Consultation Event in Canal Court Hotel, Newry;
- 24 January 2019: Public Consultation Event in Lodge Hotel, Coleraine; and

- 29 January 2019: Public Consultation Event in Fermanagh House Hotel, - Enniskillen.

3.5 - It was intended that the victims' and survivors' groups would play a key role in reaching out to others who may wish to respond to the consultation and/or wish to be put in touch with the HIA Implementation Team. Targeted meetings with these groups were therefore held as follows:

- 8 January 2019: Survivors North West;
- 15 January 2019: Rosetta Trust; and
- 14 February 2019: Video conference with former child migrants living in Australia in conjunction with Tuart Place.

3.6 - Following the launch of the consultation, TEO received feedback from victims' and survivors' representative groups that the consultation questionnaire was too lengthy and that it should be simplified to focus on the main areas of concern for the victims and survivors. As a result TEO devised and issued an alternative shorter questionnaire in December 2018 which respondents could choose to submit instead.

3.7 - Across the consultation period, TEO officials emphasized to victims' and survivors' representative groups that individuals could respond to the consultation using the TEO questionnaires or in any other format they preferred, with the assurance that all responses would be considered as part of the consultation analysis.

3.8 - Consequently, a website was set up by two victims' and survivors' groups, Survivors North West and the Rosetta Trust, with support from Ulster University and Amnesty International¹. This provided another online template for victims and survivors to download and complete. This template drew upon the Panel of Experts Position Paper and Recommendations and contained prefilled

¹ <https://hiainfo.org/>

suggested answers but with the option for respondents to amend or add any additional comments.

4 ANALYSIS AND REPORTING APPROACH

4.1 A total of 562 consultation responses were received. They comprised of 18 written submissions (see **Annex 1** for list of respondents) and 544 questionnaire responses in five different templates as detailed below.

Questionnaire Template	Details of Format	Volume Received
TEO Official Questionnaire	Contained 18 questions relating to COSICA and Redress Board. Responses provided by tick-box options and/or comments.	115
TEO Official Shortened Questionnaire	Contained 9 questions relating to COSICA and Redress Board. Responses provided as comments only.	21
Questionnaire A (Largely similar questions and suggested answers to Questionnaire B but with some presentational differences)	Contained 10 questions relating to Redress Board only. Reponses provided comprised recommended answers with some respondents also adding their own comments.	231
Questionnaire B (Template disseminated on HIAinfo website)	Contained 10 questions relating to Redress Board only. Reponses provided comprised recommended answers with some respondents also adding their own comments.	95
Questionnaire C	Contained 10 questions relating to Redress Board only. Responses provided by tick-box options and/or comments.	82
TOTAL		544

- 4.2 - The official TEO questionnaire did not ask respondents to explicitly indicate if they were a victim/survivor. In the other templates, respondents could provide this information if they so wished and where this information was provided, a total of 194 respondents identified as such. Over a third (36%) of questionnaire responses to the consultation were therefore from victims and survivors.
- 4.3 - The responses across the five questionnaire templates were collated and recorded separately. For those questionnaires without tick-box options, the answers were assigned as either in agreement or disagreement with the question posed in order to report the outcome of each question numerically.
- 4.4 - In the next section we have summarised and reported the key issues emerging from our analysis of all questionnaires and written responses thematically, as they relate to the COSICA and Redress Board Draft Bills.
- 4.5 - As there were some differences in the range of questions asked across the questionnaire templates, we note in Section 5 below which questionnaires are relevant to the specific point being made. However the statistics relating to all questionnaire responses are provided in the Tables in **Annex 2**.

5 - THEMATIC SUMMARY OF RESPONSES

COSICA

(QUESTIONS RELATING TO COSICA WERE ASKED IN TEO QUESTIONNAIRES ONLY)

THEME: TERMINOLOGY

- 5.1 - The majority of respondents (93%) agreed that the Commissioner should be called the 'Commissioner for Survivors of Institutional Abuse' and that those who have suffered abuse should be called 'HIA Victims and Survivors'.

THEME: ADVISORY PANEL

- 5.2 The majority of respondents to this question (68%) were in agreement with the provisions in respect of the Advisory Panel. However they emphasised the need to ensure the panel was representative of all victims in terms of both gender and religion. The need to take account of safeguarding issues was also highlighted.
- 5.3 A small number of respondents suggested it may be beneficial for the Advisory Panel to include people with relevant professional expertise.

“This panel must have a fair representation of people who were victims in these homes.”

“It would be good if the Advisory Panel had a broader base to include some people with relevant professional experience, e.g. counsellors, social workers.”

- 5.4 Other points made within the written submissions in relation to this theme included:
- The importance of proper monitoring of the operation of the Advisory Panel by COSICA;
 - The need for the Advisory Panel to have appropriate administrative support, allowances for members, budget lines and a statutory basis; and
 - The need for the Advisory Panel to be as inclusive as possible including in relation to jurisdiction of residency, regional spread in NI and each of the statutory equality duties.

THEME: DUTIES OF THE COMMISSIONER

- 5.5 Almost two-thirds of respondents agreed with the duties of the Commissioner set out in the consultation paper.

- 5.6 About a quarter of respondents expressed concern at what they saw as weakness of the language around providing services and identifying any gaps in provision, as the duty extends only to “encouraging” this. They believed the duty should be to “compel” the provision of relevant services for victims and survivors and oversee and monitor them once established. Respondents highlighted the need for the Commissioner to get HIA victims and survivors help with, for example, housing, benefits and medical issues over and above that which is already in place.
- 5.7 A number of respondents highlighted that the duties of the Commissioner are focused on victims and survivors in Northern Ireland. They emphasised the need for the Commissioner to support victims living outside of this jurisdiction.

“We take issue with the weakness of the language around providing services and identifying gaps in provision as the duty only extends to “encouraging” this; we believe the duty should be to compel the provision of relevant services as well as addressing any gaps.”

“What consideration has been given to those victims living elsewhere.”

- 5.8 A key point noted within the written submissions in relation to this theme was the need for a robust set of relationships between the Commissioner, the Advisory Panel, and the wider community of victims and survivors to ensure there is confidence that the Commissioner is both listening to victims and survivors, and providing leadership.

THEME: POWERS OF THE COMMISSIONER

- 5.9 The majority of respondents agreed that the powers set out in the consultation paper were the appropriate powers for the Commissioner, however, just over one quarter felt the powers were not sufficient.

- 5.10 This group of respondents felt that a much more robust suite of powers should be available to the Commissioner to enable the post holder to expedite outcomes for victims and survivors. They added that the power to compel agencies should be included within the powers of the Commissioner and that there should be explicit mention of the Commissioner’s power to make formal recommendations to Government and any appropriate Committee.

“These are the powers I would expect an advocate to have.”

“We believe that a much more robust suite of powers should be vested in the Commissioner’s office to enable he or she to deliver and expedite outcomes for victims and survivors.”

REDRESS BOARD

THEME: COMPOSITION OF REDRESS BOARD AND DECISION MAKING PROCESS

- 5.11 Three quarters of respondents (TEO official questionnaire) agreed with the procedure for making an application to the Redress Board although there were some concerns expressed around the documentation needed to support an application, the potential costs in obtaining this and the need for help in making an application.
- 5.12 The majority of respondents (questionnaires A, B and C refer), did not agree that the Redress Board should be judicial-led and suggested instead that there should be a multidisciplinary Redress Board made up of representatives from legal and health and social care professions.

“A Redress Board must have the confidence of those who depend on an impartial decision and having experts in fields of childcare and abuse on Redress Board means it best serves the interests of survivors.”

- 5.13 The majority of respondents (across all questionnaires) supported the principle of appeal against a decision made by the Redress Board but many, (questionnaires A, B and C refer), believed that this should be to a multi-disciplinary panel and entail oral evidence.

“Survivors should be able to appeal decisions. But the appeal panel should be made up of a multi-disciplinary team – not solely judicial figures. Survivors should have legal representation and be able to give oral evidence. Oral evidence should be taken in an inquisitorial fashion, not an adversarial one.”

“Appeal hearing must be totally impartial, the Board should be made up with child abuse experts and not personnel from the judicial family circle. Transparency is paramount.”

- 5.14 Respondents expressed a range of views in relation to written and oral evidence and there was no one agreed position. Whilst some felt oral hearings should be avoided in order to prevent further trauma to victims, others viewed that applicants should have the option of an oral hearing from the outset, as some may find it difficult to describe their experiences in writing.

“Individuals will present with varying degrees of literacy and fluency, and so it is imperative that these factors do not affect the strength of the submission to the Redress Board. This extends to ensuring that a range of options for submission of an application are available to reflect this important consideration, to include written, oral, tape recording.”

“There should be no compulsion to attend and oral hearing but if a victim requests one, this should be facilitated.”

“It is imperative that redress does not re-traumatise victims. Therefore, there should be no compulsion to attend an oral hearing. However, the option of an oral hearing at the call of the victim must be provided.”

- 5.15 A small number of respondents felt that five years was not long enough for applications to be made to the Board. It was suggested that a review should be carried out after five years and services scaled according to need at that point.

“We note the commitment to publicise the process widely but urge caution in that such publicity has to take place across countries, therefore challenging the possibility of delivering the work of the Redress Board within a five-year window.”

- 5.16 Key points highlighted within the written submissions in relation to this theme were:

- The importance of gender balance on the Board;
- The risk of retraumatising victims;
- Residential Institutions expressed concern about the absence of any statutory requirement to seek a response to an allegation, arguing that this would breach the basic concept of fairness and justice; and
- The appeals panel should not be able to reduce an award but only confirm or increase the original award.

THEME: ENTITLEMENT TO APPLY

- 5.17 The majority of respondents, (TEO official questionnaire), agreed with the entitlement criteria to apply to the Redress Board, i.e. that a person must have suffered abuse whilst a child and while resident in an institution in Northern Ireland at some time between 1922 and 1995 (both inclusive).

“The definition is sufficient to give a level of boundary that renders the Redress Scheme manageable but also demonstrates a reasonable level of inclusivity.”

- 5.18 A key issue however was highlighted in relation to the proposal that victims would not be entitled to apply to the Redress Board if they have previously pursued or received compensation for the same matter. The majority of respondents (Questionnaires, A, B and C refer) disagreed with this proposal.

“Some survivors were offered and accepted derisory compensation before their case reached court. In such circumstances, the Redress Board should be able to reassess and put right the level of compensation to bring it in line with the Board’s awards. This would ensure equality of treatment and right an obvious injustice.”

- 5.19 Respondents felt that anyone who had already received compensation should be allowed to have this reviewed by the Redress Board and, where the amount awarded fell short of what the Board would award, they should receive the difference.

“In cases where the payment is less than that which would most likely be awarded by the Redress Board then the victim should have the opportunity to apply and have their circumstances considered.”

- 5.20 Key points highlighted within the written submissions in relation to this theme were:

- The definition of abuse and in particular the term ‘harsh environment’ may need to be clarified. Certain respondents noted that the Hart Inquiry did not recommend a “common experience” payment to anyone who was resident in an institution;
- Those who accepted payments in the past may not always have been well advised; and
- Some respondents argued that numbers involved in opening up the ability to claim again would be relatively small.

THEME: PROVISIONS ON BEHALF OF DECEASED PERSONS

- 5.21 The majority of respondents, (questionnaires A, B and C refer), disagreed that spouse/children of deceased would receive 75% of the compensation that would have been awarded to the victim if they were alive and that this should instead be the full amount i.e. 100%. The proportion of respondents disagreeing with this proposal in the TEO questionnaire responses was less.

“How dare the HIA suggest to ignore those survivors who if were still alive would receive the full amount of their entitlement. Spouse or children of deceased claimants should get 100% of the compensation owing to the deceased.”

“My health isn’t getting any better, I would like to think my passing is acknowledged as a victim and my entitlement to compensation upon my death should be carried forward 100%.”

“My dad would want my sister and I to receive the full amount.”

“Deceased survivors must be treated as equals. A full 100% must be awarded to spouses or children of the deceased.”

- 5.22 Another point of disagreement related to the provision that claims could only be made in respect of people who died on or after 29 September 2011. The majority of respondents (questionnaires A, B and C refer) contended that this should be the date that the State was made aware of systemic institutional abuse, cited in the Hart Report as April 1953.

“I feel that in cases where victims had suffered abuse under the definition, the fact that they died before the qualifying date 29th September 2011 should not be a reason for families to be denied payment or institutions to have a lesser financial responsibility for their failings.”

- 5.23 Some respondents were of the view that applications should not be limited to the spouse or children, particularly because the experience of abuse may have impacted on an individual's ability to form adult and family relationships in later life.

THEME: COMPENSATION AWARDS

- 5.24 The majority of respondents (questionnaires A, B and C refer) disagreed with the proposed standard payment of £7,500 and asserted that this should be increased to at least £10,000. Many respondents also viewed that compensation should be paid for each year a person spent in an institution i.e. £3,000. The proportion of respondents disagreeing with the proposed standard payment of £7,500 in TEO questionnaire responses was less.

“There are many contentious areas of the Hart recommendations and none more so than the derisory amount of £7,500. No amount of compensation can undo or repair the damage inflicted. Nevertheless there ought to be a tangible figure that in some way reflects the loss of a childhood. £10,000 is not an awful lot but at least it’s a start. Nothing less.”

“I am astounded that HIA is recommending base payment of £7,500. This is surely not in the interest of survivors. In fact, you would get more in having a fall on a public pathway. £10,000 is a relatively small amount but is much more tangible as a standard payment.”

“The standard payment should be £10,000 and an additional £3,000 for each year spent in an institution. This would reflect length of time spent in an institution.”

“A standard of £3,000 for each year spent in an institution is only a small token, is a starting point. Fifteen years going through the childcare system left its mark for all the wrong reasons.”

- 5.25 While the terms of reference of the HIA Inquiry explicitly excluded schools, the majority of respondents (questionnaires, A, B and C refer) also expressed dissatisfaction with the fact that the proposed compensation scheme does not provide for 'loss of opportunity' where educational opportunities were inadequate, and the resulting impact of abuse on one's life chances.

“Loss of opportunity is very much attributed to a poor standard of education defined by your journey in terms of employment. Life was tarnished at the age of fifteen.”

“Not sure why education was excluded in the HIAI and to know of so many survivors who were denied appropriate education. It a disgrace and shameful of the State who ought to have ensured these people should have been treated like their counterparts in mainstream schooling.”

- 5.26 The majority of respondents (across all questionnaires) agreed with the proposals that Child Migrants should be awarded £20,000.

“Children sent from Northern Ireland to Australia should be awarded £20,000. They should also be eligible for a standard payment and compensation for more serious abuse suffered while in an institution in NI. This makes sense, taken away to a foreign country was cruel and brutal.”

“There should not be a two tier system of compensation. Survivor is a survivor no matter what jurisdiction. Everyone went down the same route ...Abuse.”

- 5.27 Similarly, the majority of respondents (across all questionnaires) agreed that compensation should be paid as a lump sum which would be exempt from Income Tax and National Insurance. It should not be taken into consideration when assessing a person's entitlement for means-tested social security

benefits, their ability to pay for residential care accommodation, or their entitlement to Legal Aid.

“Many victims and survivors are in receipt of welfare benefits as a direct result of the impact of abuse on their health and well-being and it would be wrong if they were to be disadvantaged by losing benefits simply because they are compensated for the damage caused by such abuse.”

“Hart got this right...!! agree wholeheartedly.”

5.28 Key points highlighted within the written submissions in relation to this theme were:

- It was suggested that how the award is paid should take into consideration the best interests of the applicant. Some may wish to receive their award in payments to assist with budgeting and it was suggested that this could be discussed during the assessment process;
- The exemptions from tax and protections in relation to benefits should also apply to any families of deceased survivors who receive redress;
- Striking the proper balance between applicants’ experiences, residential history and impact is essential to creating an ethos of fairness and flexibility and discretion over awards; and
- The HIA Report identified education was a major factor when survivors and victims’ sought employment. Thus low unskilled jobs were only accessible which compounded poor wages.

THEME: LEGAL REPRESENTATION

5.29 The majority of respondents, (TEO official questionnaire refers), agreed with the fees to be paid to solicitors for successful applications. However, a quarter of respondents felt solicitors’ fees should be capped.

“The HIA Inquiry was set up to afford justice to victims and survivors and so we believe that no solicitor should be paid more than any applicant to the Redress Board. Fees should be capped.”

6 NEXT STEPS

- 6.1 - HOCS has written to the Secretary of State for Northern Ireland providing her with a copy of this report and requesting that, in the absence of a Northern Ireland Executive, she progresses the legislation through Parliament.

- 6.2 - In doing so, it would be for the Secretary of State to consider the consultation findings outlined in this report and decide if any changes should be made to the legislation in advance of it proceeding through the Westminster parliamentary process.

ANNEX 1: WRITTEN SUBMISSION RESPONSES TO CONSULTATION -

1. Alliance Party
2. Campaign by Survivors of Abuse
3. De La Salle Order
4. DUP
5. The Green Party
6. KRW Law
7. McAteer & Co Solicitors
8. Northern Ireland Human Rights Commission
9. Our Lady of Charity of the Good Shepherd
10. QUB Human Rights Centre and School of Law
11. The Rosetta Trust
12. Sinn Fein
13. SDLP
14. Ulster University
15. UUP
16. Victims Support Northern Ireland
17. Victims Together Group
18. Response from an Individual

ANNEX 2: QUESTIONNAIRE RESPONSES SUMMARY TABLES

Table 1: Summary of TEO Official Questionnaire Responses: 115 Responses Received

THEME	QUESTION	FINDINGS	
Terminology	The consultation paper refers to the Commissioner as the “Commissioner for Survivors of Institutional Childhood Abuse” and to those who suffered abuse as “HIA victims and survivors”. (Para. 3.1) Do you agree that these are the correct terms?	Disagreed	1%
		Agreed	93%
		Partly Agreed	5%
		DNA²	2%
Advisory Panel	The Commissioner would be independent of government and the organisations that ran the institutions, and would support all those who were abused as children in residential institutions in Northern Ireland between 1922 and 1995. The Commissioner would be supported by an Advisory Panel made up of HIA victims and survivors. (Para. 3.2) Do you agree with these proposals?	Disagreed	0%
		Agreed	68%
		Partly Agreed	31%
		DNA	1%
Duties of the Commissioner	The Commissioner would have the duties set out in the consultation paper, which would include providing advice on the interests of victims and survivors to any person including the Executive Committee of the Assembly and to anyone providing services. (Para. 3.3) Do you agree that these are the appropriate duties of the Commissioner?	Disagreed	2%
		Agreed	65%
		Partly Agreed	31%
		DNA	2%
Powers of the Commissioner	Some of the Commissioner’s powers set out in the consultation paper are included because they	Disagreed	4%
		Agreed	61%

² DNA – Did Not Answer

	are part of what we think it means to be an Advocate for victim and survivors. (para. 3.4) Are these the powers that you would expect an Advocate to have?	Partly Agreed	30%
		DNA	5%
Duties of the Commissioner	Would you expect the Commissioner to have any function other than those listed in the consultation paper?	Disagreed	37%
		Agreed	49%
		Partly Agreed	0%
		DNA	14%
Composition of Redress Board and Decision-Making Process	The consultation paper refers to the creation of a Redress Board comprised of individuals who hold or have held senior judicial posts. It would receive applications for five years from the date the board comes into operation. (Paras. 4.3 & 4.5) Do you agree with these provisions?	Disagreed	33%
		Agreed	52%
		Partly Agreed	14%
		DNA	1%
Entitlement to Apply	The consultation paper sets out who can apply for compensation. This is anyone who suffered abuse as a child and whilst resident in an institution in Northern Ireland at some time between 1922 and 1995. It also provides a definition of abuse. (Paras. 4.4 & 4.5) Do you agree with this?	Disagreed	4%
		Agreed	82%
		Partly Agreed	11%
		DNA	3%
Entitlement to Apply	The consultation paper outlines that you cannot apply to the redress Board for compensation if you have already received compensation through the civil courts. (para. 4.6) Do you agree that this is appropriate?	Disagreed	36.5%
		Agreed	36.5%
		Partly Agreed	22%
		DNA	5%
Provisions on Behalf of Deceased Persons	The consultation paper explains that the draft legislation allows for an application to be made by a surviving spouse or children in respect of a person who died on or	Disagreed	47%
		Agreed	42%
		Partly Agreed	8%

	<p>after 29 September 2011. Where an award is made, the applicant (spouse or children) would receive 75% of the award that would have been given to the person had they been alive. (Paras. 4.4 & 4.7)</p> <p>Do you agree that this appropriate?</p>	DNA	3%
Composition of Redress Board and Decision-Making Process	<p>The consultation paper explains that the board will normally decide application on the basis of the application form and any other written material provided. However, in exceptional circumstances an individual may be asked to attend an oral hearing. (Para. 4.9)</p> <p>Do you agree with these provisions?</p>	Disagreed	13%
		Agreed	46%
		Partly Agreed	37%
		DNA	4%
Compensation Awards	<p>The consultation paper states that compensation would be paid as a lump sum and would not be subject to Income Tax or National Insurance, nor would it be taken into consideration when assessing a person's Entitlement for means tested social security benefits, their ability to pay for residential accommodation or entitlement to legal aid. (Para. 4.11)</p> <p>Do you agree that this is appropriate?</p>	Disagreed	3%
		Agreed	92%
		Partly Agreed	2%
		DNA	3%
Composition of Board and Decision-Making Process	<p>The consultation paper outlines that where an individual is unhappy with the outcome of their application to the Board, they can appeal this decision. (Para. 4.12)</p> <p>Do you agree with this right of appeal?</p>	Disagreed	0%
		Agreed	94%
		Partly Agreed	5%
		DNA	1%
Composition of Redress Board and Decision-Making Process	<p>The consultation paper sets out the procedure for making an application to the Board. (Paras. 5.4-5.8)</p> <p>Do you agree with this procedure?</p>	Disagreed	3%
		Agreed	76%
		Partly Agreed	17%

		DNA	4%
Compensation Awards	The consultation paper explains what the draft legislation says about amounts of compensation. (Paras. 5.11 – 5.16) Do you agree that this is appropriate?	Disagreed	48%
		Agreed	30%
		Partly Agreed	18%
		DNA	4%
Legal Representation	Solicitors' costs for successful applications would be paid based on the County Court Scale fees. (Para. 5.20) Do you agree that this appropriate?	Disagreed	5%
		Agreed	54%
		Partly Agreed	12%
		DNA	29%

Table 2: Summary of TEO Official Shortened Questionnaire Responses: 21 Responses Received

THEME	QUESTION	FINDINGS	
Duties of the Commissioner	<p>The Commissioner will:</p> <ul style="list-style-type: none"> • Support and speak on behalf of victims and survivors. • Provide advice on services. • Ensure victims and survivors are aware of the support the Commissioner can provide. • Appoint an Advisory Panel made up of HIA Victims and Survivors. • Raise awareness of the HIA Redress Board. <p>Is there anything else you would like the Commissioner to do?</p>	Disagreed	33%
		Agreed	19%
		DNA	48%
Composition of Redress Board and Decision-Making Process	<p>The Redress Board will be made up of people who are, or have been, Judges.</p> <p>What are your views on this?</p>	Disagreed	38%
		Agreed	48%
		DNA	14%
Composition of Redress Board and Decision-Making Process	<p>The Redress Board will be open to applicants for compensation for 5 years.</p> <p>What are your views on this?</p>	Disagreed	52%
		Agreed	38%
		DNA	10%
Entitlement to Apply	<p>A person cannot apply for compensation if they have already received compensation through the Courts.</p> <p>What are your views on this?</p>	Disagreed	43%
		Agreed	43%
		DNA	14%
Provisions on Behalf of Deceased Persons	<p>If a person has died, their spouse or children can apply for compensation. The spouse /children will receive 75% of the amount the person would</p>	Disagreed	38%
		Agreed	52%

	<p>have been awarded had they been alive.</p> <p>What are your views on this?</p>	DNA	10%
Composition of Redress Board and Decision-Making Process	<p>Applications will be made in writing on a form and the Board will use this information to decide whether to award compensation and how much.</p> <p>What are your views on this?</p>	Disagreed	38%
		Agreed	38%
		DNA	24%
Composition of Redress Board and Decision-Making Process	<p>In most cases, individuals will not have to give oral evidence to the Board.</p> <p>What are your views on this?</p>	Disagreed	19%
		Agreed	71%
		DNA	10%
Compensation Awards	<p>The 'standard' compensation amount will be £7,500. The maximum that can be awarded is £80,000 (or £100,000 in the case of Child Migrants).</p> <p>What are your views on this?</p>	Disagreed	34%
		Agreed	33%
		DNA	33%
Compensation Awards	<p>The draft legislation says anyone sent to Australia under the Child Migrant Scheme should be awarded £20,000 and can claim for abuse suffered in an institution in NI.</p> <p>What are your views on this?</p>	Disagreed	33%
		Agreed	48%
		DNA	19%

Table 3: Summary of Questionnaire Templates A&B Responses: 326 Responses Received

THEME	QUESTION	FINDINGS
Compensation Awards	<p>What are your views on the £7,500 standard payment?</p> <p>Is it the correct amount of compensation or not?</p>	<p>100% disagreed with £7,500 and agreed the standard payment should be at least £10,000.</p>
Compensation Awards	<p>In addition to the recommended standard payment of £7,500, should compensation be awarded to the length of time an individual spent in an institution?</p>	<p>100% agreed.</p> <p>91% agreed £3,000 should be the additional amount paid for each year spent in an institution and 8% thought this should be £5,000; 2% thought the amount should reflect the severity of abuse.</p>
Provisions on Behalf of Deceased Persons	<p>The draft legislation says that the spouse or children of a survivor who died on or after 29 September 2011 should receive 75% of the award if someone that would have been paid to someone that has died.</p> <p>What are your views on this?</p>	<p>100% agreed the spouse or children should get 100% of compensation owing to the deceased and that the cut off date for claims should be at least April 1953.</p>
Entitlement to Apply	<p>The draft legislation says that you cannot get compensation if you have already received compensation through the civil courts.</p> <p>What are your views on this?</p>	<p>94% disagreed and thought that the Redress Board should be able to reassess previous claims and put right the level of compensation to bring it in line with the Board's awards.</p>
Compensation Awards	<p>The draft legislation does not include loss of opportunity in the redress awards. The loss of opportunity may be due to inadequate education and the impact of abuse on one's life chances.</p> <p>What are your views on this?</p>	<p>100% agreed compensation for loss of income or loss of opportunity should be included.</p>
Compensation Awards	<p>The draft legislation says that Income Tax/National Insurance and social security benefits or</p>	<p>100% agreed Social Security Benefits/Tax/Legal Aid must not be affected by compensation awarded.</p>

	entitlement to legal aid should not be affected by compensation awarded.	
Compensation Awards	<p>The draft legislation says anyone sent to Australia under the Child Migrant Scheme should be awarded £20,000; and can claim for abuse suffered in an institution in NI.</p> <p>What are your views on this?</p>	99% agreed.
Composition of Redress Board and Decision-Making Process	<p>If a survivor is unhappy with the outcome of the Board's decision/award, they can appeal the decision. Three judicial members of the Board will consider appeals.</p>	100% agreed survivors should be able to appeal decisions but the appeal panel should be made up of a multi-disciplinary team – not solely judicial figures. Survivors should also have legal representation and be able to give oral evidence. Oral evidence should be taken in an inquisitorial fashion, not an adversarial one.
Composition of Redress Board and Decision-Making Process	<p>The draft legislation provides for the creation of a Redress Board to assess compensation applications; it states the following:</p> <p>To be able to sit on the Board individuals must hold, or have held, a judicial position in the Courts in NI.</p> <p>A single judge sitting alone will decide on Entitlement.</p> <p>Decisions will be made solely on applications forms and supporting written material.</p> <p>Only in exceptional cases will oral evidence be considered.</p> <p>What are your views on this?</p>	<p>100% disagreed and stated:</p> <p>There should be a Multi-Disciplinary Redress Board made up of a range of legally and medically trained people, individuals with a therapeutic background with specialised knowledge in the fields of psychology or psychiatry and with knowledge and understanding of child abuse.</p> <p>There should be a Board of at least three adjudicators/assessors.</p> <p>There should be a balance between the number of men and women appointed to the Board. Survivors should have the option of choosing between a male or female adjudicator.</p> <p>A paper only process will present difficulties for some survivors. Proving abuse through institutional records and other such documents, which may not be complete or accurate, will result in worthy claims being dismissed. The HIAI identified serious gaps and inaccuracies in institutional records.</p>

		Oral evidence should be introduced as a matter of choice; it should not be mandatory. Without choice, survivors who did not attend HIAI, may be disadvantaged.
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Table 4: Summary of Questionnaire C Responses: 82 responses received

THEME	QUESTION	FINDINGS	
Compensation Awards	The draft legislation says that anyone who, as a child suffered abuse in an institution would receive a standard payment of £7,500. This includes those who experience a harsh environment or witnessed abuse. What are your views on the £7,500 standard payment? Is it the correct amount of compensation or not?	No/Disagree	90%
		Agree	6%
		Don't Know	2%
		DNA	2%
Compensation Awards	In addition to the recommended standard payment of £7,500, should compensation be awarded to the length of time an individual spent in an institution?	No/Disagree	16%
		Agree	75%
		Don't Know	3%
		DNA	6%
Provisions on Behalf of Deceased Persons	The draft legislation says that the spouse or children of a survivor who died on or after 29 September 2011 should receive 75% of the award that would have been paid to someone that has died.	No/Disagree	68%
		Agree	25%
		Don't Know	4%
		DNA	3%
Entitlement to Apply	The draft legislation says that survivors cannot get compensation if they have already received compensation through the civil courts or an out-of-court settlement.	No/Disagree	77%
		Agree	4%
		Don't Know	1%
		DNA	2%
Compensation Awards	The draft legislation does not include loss of opportunity. Should loss of opportunity (through inadequate education and harms caused) be included in compensation?	No/Disagree	10%
		Agree	85%
		Don't Know	3%
		DNA	2%

Compensation Awards	The draft legislation says that Income Tax/National Insurance and social security benefits or entitlement to legal aid should not be affected by compensation awarded.	No/Disagree	4%
		Agree	90%
		Don't Know	3%
		DNA	3%
Compensation Awards	The draft legislation says anyone sent to Australia under the Child Migrant Scheme should be awarded £20,000 and can claim for abuse suffered in a NI institution before they were sent to Australia.	No/Disagree	20%
		Agree	65%
		Don't Know	12%
		DNA	3%
Composition of Redress Board and Decision-Making Process	The draft legislation says that the Redress Board should be made up of individuals from the judiciary (i.e. Judge past or present).	No/Disagree	68%
		Agree	25%
		Don't Know	7%
		DNA	0%
Composition of Redress Board and Decision-Making Process	The draft legislation says that a single judicial member of the Board will make the decision on applications and claims awarded.	No/Disagree	80%
		Agree	7%
		Don't Know	10%
		DNA	3%
Composition of Redress Board and Decision-Making Process	The draft legislation says that survivors cannot give oral evidence to the Redress Board (only in exceptional circumstances); that their application will normally be decided solely on written material provided to support their application claim.	No/Disagree	81%
		Agree	9%
		Don't Know	7%
		DNA	3%