



# Annual Report 2021-22

*This Annual Report is submitted to the Executive Office pursuant to paragraph 11(1) of Schedule 1 of the Historical Institutional Abuse (Northern Ireland) Act 2019. This provision requires the Historical Institutional Abuse Redress Board to report, as soon as practicable after the end of each financial year and send to the Executive Office a report on the exercise of the Redress Board's function during that year.*

## FOREWORD

In presenting this second Annual Report, I wish to again acknowledge the long and challenging journey that victims and survivors of Historical Institutional Abuse have endured to secure the establishment of the Redress Board, and their continued efforts to ensure the implementation of all of the outstanding redress scheme recommendations and services detailed in the Hart Report.

It is only proper in this foreword to recognise the continued commitment of Redress Board panel members, administrative staff, Executive Office (TEO) officials, Department of Justice (DoJ) officials, the Victims & Survivors Service (VSS), the Commissioner for Survivors of Institutional Childhood Abuse (COSICA), Department of Health (DoH), the Public Records Office NI (PRONI), the institutions, solicitors representing applicants and, most importantly of all, the victims and survivors. We have strived to work together to deliver on our individual and collective responsibilities to deliver on all of the constituent parts of the redress scheme as set out in Hart Report and the Historical Institutional Abuse (NI) Act 2019 (the Act).

In my first Annual Report I took the opportunity to not only provide a report on the discharge of the statutory functions of the Redress Board but to highlight the realities and dependencies which we face in operating our statutory functions. In doing so I provided additional context and commentary for the wider purpose of providing an education or information piece for all those who have a genuine interest in understanding the policies, processes, challenges and statutory functions of the Redress Board as underpinned by the Act. I do not intend in this second Annual Report to slavishly rehearse those realities and dependencies but on occasion I do make reference to them.

As of the **31 March 2022**, the Redress Board had received a total of **2,566** applications relating to **4,104** residential placements covering 100 different institutions in Northern Ireland. On average, each application names approximately 1.6 institutions. As advised in the last Annual Report one continuous factor operating against even greater throughput is that, of the **1,283 applications** received during the second year of operation, **535 (42%)** were **non-compliant** with the basic mandatory information requirements of the legislation. Sadly, I must again report that at the end of this second year of operation, **192** applications remain **non-compliant** despite numerous engagements with instructed solicitors or self-representing applicants. This remains a matter of continued frustration for the Redress Board, and one that we have continually highlighted to all stakeholders involved in the delivery of services under the wider redress scheme.

As of the 31 March 2022 panels made determinations totalling **£40.9 million** with **81%** of submitted applications considered by a panel, **11%** in progress and **8%** being recorded as non-compliant and so unable to be progressed until the applicant provided the necessary information.

As President, I am committed to the effective and efficient discharge of the functions of the Redress Board in accordance with the legislative framework, which governs the operation of the Redress Board, and by which we are bound but, subject to that, I remain determined to continually improving those services for which the Redress Board is solely accountable.

I am equally committed to promoting improvements across all of the constituent parts of the wider redress scheme as set out in Hart Report and the Act, and where we are not accountable, we will continue to seek to educate and assist applicants, stakeholders and their advisors, with a view to refining and finessing the wider redress process where possible. I look forward to the delivery of the wider redress scheme support services, from other responsible bodies, as set out in Hart Report and required in legislation, to effectively support applicants to the Redress Board.

This is particularly relevant given the NI Assembly decision to pass a motion in July 2021 to undertake a review of all the constituent parts of the redress scheme and processes, including the respective roles of TEO, COSICA, VSS, the legal profession and the Redress Board. I look forward to being further engaged by TEO in relation to the Supporting Justice Review recommendations, which I respectfully suggest must be fully and carefully assessed from both an evidential and legislative basis.

Finally, in this second Annual Report we set out our performance measures and data, which I consider, despite enduring another COVID-19 disrupted year, demonstrates significant and informed improvement on our first year operational performance.

A handwritten signature in black ink, consisting of stylized, overlapping loops and a long horizontal stroke extending to the right.

**Mr Justice Huddleston**  
**President of the Historical Institutional Redress Board**  
**4 November 2022**

## **FUNCTIONS OF THE REDRESS BOARD**

1. In our first Annual Report we provided a detailed and comprehensive commentary on the establishment of the Redress Board, the underpinning legislation, the application process, the role of panels, the determination of awards and challenges.

2. It is not the purpose of this second Annual Report to rehearse the above commentary other than to re-enforce that the Redress Board responsibilities and functions, within the wider end to end redress scheme, are limited to the receipt and processing of applications, determining applications, issuing instructions to make payments of compensation to victims and survivors of historical institutional abuse, and the compelling of evidence where it is considered necessary in the interests of justice to do so.

3. It is obvious that the early stages of the redress process undertaken by COSICA, VSS and solicitors are critical to the well-being of victims and survivors and to the potential success of any subsequent application submitted to the Redress Board to seek financial redress. The Redress Board believes that it is critical that all of the services available to applicants prior to the submission of an application for redress are in place, publicised and availed of by applicants.

4. The Redress Board wishes to acknowledge VSS efforts since its extended remit from June 2021 to help survivors record their lived experience in a way that assists in completing the Redress Board Statement of Experience without re-traumatising but which at the same time meets the needs of our panels. The Redress Board during this reporting period has signposted the legal profession to the VSS service offering in an attempt to secure the fullest possible Statement of Experience with the minimum of trauma to the applicant. We remain strongly of the view that this approach will ensure delivery of the best outcome for applicants – not just in their application to the Redress Board but in terms of being signposted by VSS to other services.

## **NON-COMPLIANT APPLICATIONS**

5. Since its establishment the Redress Board has endeavoured to be entirely transparent in providing relevant guidance and management information to TEO, HIA Interim Advocates Office, COSICA, VSS and Victims & Survivor Groups on the number of non-compliant applications received, the failure of solicitors to comply with Rule 8 & 9 panel directions, failure of solicitors to regularly update applicants on progress, and the poor quality of some supporting Statements of Experience.

6. Despite the Redress Board's efforts to educate solicitors through Law Society sponsored Solicitor Information Sessions on 23<sup>rd</sup> April 2021 and 30<sup>th</sup> March 2022, other Solicitor Associations information sessions and through individual correspondence, those problems have persisted. This issue is significant as the Redress Board notes that **97%** of applications to the Redress Board are submitted by solicitors. In our view this matter needs to be addressed.

7. Consequently, the Redress Board will during the financial year 2022/23 be introducing a more robust rules-based approach to ensure that solicitors fully comply

with the Rule 4, 8 and 9 statutory requirements. During this new reporting period we will also enhance the Solicitor On-line Application Portal and supporting guidance to reflect the **mandatory and statutory** requirements of the legislation to re-enforce with solicitors that applications to the Redress Board **must be thoroughly prepared and accompanied by all of the supporting information** required under Rule 4 and in the expectation that no further evidence or information is to be provided other than that which is requested (usually by way of clarification) by a panel.

8. We will also continue to take the opportunity to promote the statutory role provided by COSICA and VSS services, as we understand them, in all our communications with unrepresented applicants and solicitors. We have done so to date on the basis that we have always considered it important to signpost help and assistance where we can.

## **SUPPORTING JUSTICE REVIEW**

9. In July 2021, the NI Assembly passed a motion to undertake a review of all the constituent parts of the redress scheme and processes, including the respective roles of TEO, COSICA, VSS, the legal profession and the Redress Board. The First & Deputy First Ministers tasked TEO officials to lead on the development of the Terms of Reference with victims & survivors groups. TEO engaged Supporting Justice to undertake the review, which commenced in December 2021. The Redress Board meet with Supporting Justice representatives on 25 February 2022 and 31 March 2022.

10. Convention precludes the Redress Board from making any further comments on the Supporting Justice Review Recommendations at this stage other than we wish to re-enforce our position that the recommendations must be fully and carefully assessed from both an evidential and legislative basis.

11. In doing so TEO must fully consult, clarify and prioritise the recommendations, and provide appropriate additional resources and realistically plan for the implementation of any statutorily compliant recommendations, which the First & Deputy First Ministers or TEO officials may consider should be implemented.

## **PROGRESS AGAINST REDRESS BOARD BUSINESS PLAN 2021/22**

12. The purpose of the Redress Board Business Plan 2021/22 is to define a challenging set of indicators to ensure the effective discharge of Redress Board functions. These performance standards are reviewed on an annual basis to ensure relevance against known behaviours, compliance rates, and other business priorities agreed with the Executive Office (TEO).

13. The performance standards reflect the Redress Board's and TEO evidence based understanding of the realities and challenges of -

- (1) verifying the attendance of applicants at over 100 institutions not investigated during the Historical Institutional Abuse Inquiry;
- (2) the additional investigatory steps undertaken by the Redress Board to verify attendance in the absence of detailed institutional records through other channels – such as PRONI;
- (3) the number of applicants that have attended multiple institutions;

- (4) the number of incomplete and non-compliant applications;
- (5) the behaviours and rate of compliance of all of the various stakeholders with the legislative timescales and underpinning policies and procedures of the Redress Board.

14. The Redress Board Business Plan for 2021-22 set out 16 key business objectives for delivery during the year in support of our four strategic aims, which are to:

- deliver efficient and effective Redress Board services;
- deliver high quality services that support Redress Board Panel members and meet the needs of applicants;
- develop and lead our people to achieve our business objectives; and
- deliver a controlled financial and commercial environment achieving value for money and good corporate governance.

15. As at 31 March 2022, 15 of the business objectives were met with one objective being discarded during the reporting period as it was no longer considered relevant. All four of the administrative Performance Standards agreed with the Management Board and Executive Office in respect of service delivery by the Redress Board administration were exceeded.

Performance Standard	
90% of applications for compensation received by post will be registered within 4 working days of receipt.	<b>100%</b>
80% of Rule 7 Notices will be issued within five days of an application for compensation having been registered on the Redress Board online application portal.	<b>99%</b>
90% of Determination Notices will be issued within five working days of receipt of the panel's Summary of Reasons.	<b>97%</b>
90% of Payment of Award Instructions for Final Determinations will be issued to the designated NICS Department within three working days of receipt of the award acceptance slip.	<b>97%</b>

16. The Redress Board has an aspiration to have **compliant applications** listed before a panel within **20 weeks of receipt of the application**. However, this aspiration cannot be categorised a Performance Target due to the complexities of the verification process under Rules 4 & 7 and the compliance with necessary Rule 8 & 9 information requests made by Redress Board during the validation process, which are outside the operational control of the Redress Board administration. It should be noted, for example, that **32%** of Rule 7 responses related to prison establishments, which take longer to verify attendance due to the fact that the vast majority of prison records have been destroyed in accordance with the Record Retention & Disposal policy of the period. In these circumstances the Redress Board undertakes additional investigations on behalf of the applicant, to source alternative information from other statutory and voluntary bodies and record archives to confirm the statutory information requirements of the Rule 7 Notice – something outside the expectations of the original business plan for the Redress Board administration.

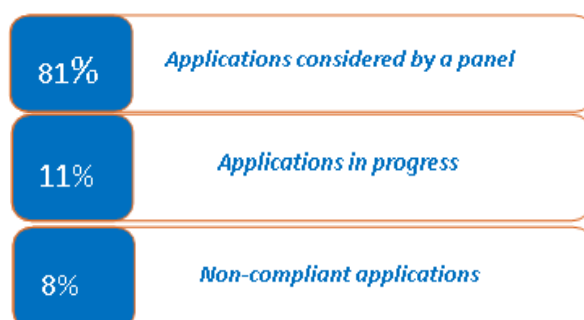
17. The Redress Board also has an aspiration to have **applications for redress listed before a panel within 8 weeks of validation of the application**. For clarity an

application is recoded as validated when the applicant or solicitor has provided all of the relevant Rule 4 statutory required documents, all the evidence they wish a panel to consider and that the attendance as reported by an applicant at an institution(s) has been sufficiently verified in accordance with the legislation.

## STATUS OF APPLICATIONS RECEIVED

18. As of the 31 March 2022 panels made determinations totalling **£40.9 million**. After two years of operation the Redress Board has now received **2,556** applications since it opened for applications on 31<sup>st</sup> March 2020. Unfortunately, as highlighted above a significant proportion of submitted applications did not comply with the Rule 4 statutory requirements and were recorded as **non-compliant** on receipt. Disappointingly at 31 March 2022 **192** applications remain non-compliant with the statutory provisions.

19. During the **second year of operation** the Redress Board received **1,283** applications, a **modest increase of 10 applications on the 1,273** received during the first year of operation. The total number of **non-compliant** applications received during the second year of operation was **535** equating to **42%** of the applications, which regrettably in comparison, is a **6% increase** in the number of **non-compliant applications** received in the first year of operation.



20. Of the **2,364 compliant applications** received as of 31 March 2022, **2,076** have been considered by a panel. The outcome of those considerations are detailed in Table 1 below:-

**Table 1 - Panel Consideration Outcomes**

Redress Board Panel	
Section 14 Initial Payment Order made and still in place	22
Adjourned by panel for further information	56
Final Determination	1860
Final Determination - Appeal Outstanding	44
Withdrawn before a panel	94
<b>Total</b>	<b>2,076</b>

21. The position with the remaining **288** applications is set out in Table 2 below:-

**Table 2 - Status of Current Applications**

<b>Redress Board Administration</b>	
Received yet to be processed	<b>5</b>
Waiting for information - Rule 7 response	<b>100</b>
Rule 7 response requires further investigatory steps*	<b>87</b>
Validated - to be allocated for listing review	<b>10</b>
Validated - Scheduled for listing in January	<b>86</b>
<b>Overall Total</b>	<b>288</b>

*\*If the Redress Board receives a Rule 7 Notice response that does not confirm the applicant's attendance it will undertake additional investigations on behalf of the applicant, to source alternative information from other statutory and voluntary bodies and record archives to confirm the statutory information requirements of the Rule 7 Notice.*

**Table 3 - Current Number of Incomplete Applications – Unable to Progress**

<b>Solicitor/Applicant</b>	
Incomplete applications	<b>192</b>

22. A detailed breakdown of the performance of the Redress Board during a further COVID-19 disrupted second year of operations is provided at paragraphs 23-31.

## FUNCTIONS OVERVIEW

### Applications Received

23. Table 4, provides a quarterly breakdown of applications received by Quarter and Table 5 provides a breakdown of Priority Applications received by Quarter.

**Table 4 – Applications Received by Quarter**

	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Total</b>
<b>Applications Received 2020-21</b>	245	334	380	314	<b>1,273</b>
<b>Applications Received 2021-22</b>	368	365	261	289	<b>1,283</b>
<b>Total Applications Received</b>	<b>2,556 *</b>				

*\* 192 of these applications did not comply with the Rule 4 statutory requirements and remain incomplete and cannot be progressed until the outstanding information is provided.*

**Table 5 – Priority Applications Received by Quarter**

	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Total</b>
Priority applications 2020/21	58	64	79	35	236 (19%)
Priority applications 2021/22	38	32	31	28	129 (10%)

### Payments Summary

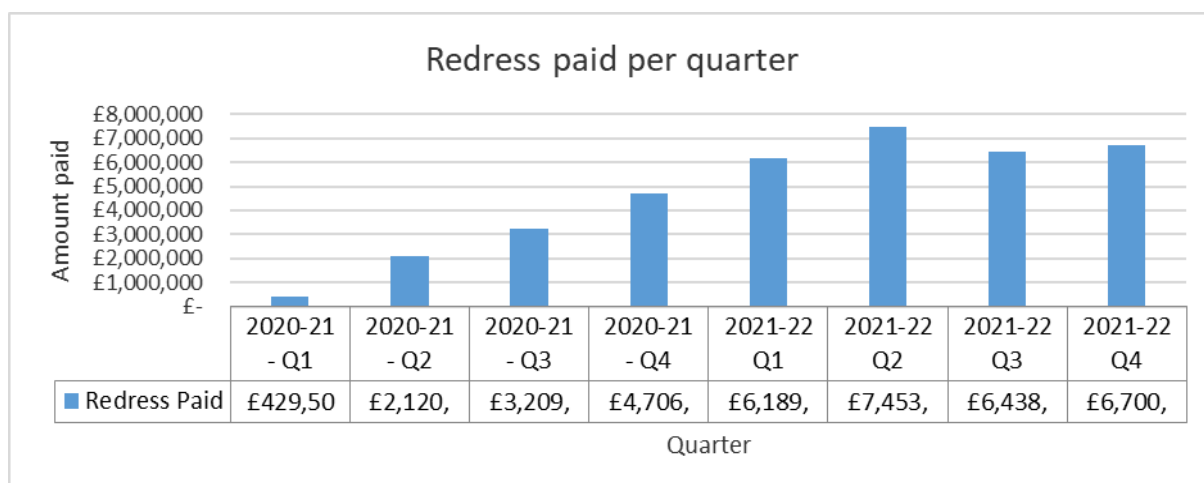
24. As at 31 March 2022, Redress Board panels have made award determinations totalling **£40,978,000** including Section 14 awards. Following section 13 actuarial adjustments, **£40,030,489** is payable to applicants.



25. **£37,248,230** has been paid directly into the applicant or applicant's solicitor's account on receipt of an Acceptance of Award from the applicant, over **70%** of which was paid in the 2021-22 financial year. Redress Payments paid increased by 256% in the second year on operation to £26.7m in comparison to the first year of operation redress payments of £10.4.

**256%**

*Increase in redress payments*



#### Panel Sessions Summary

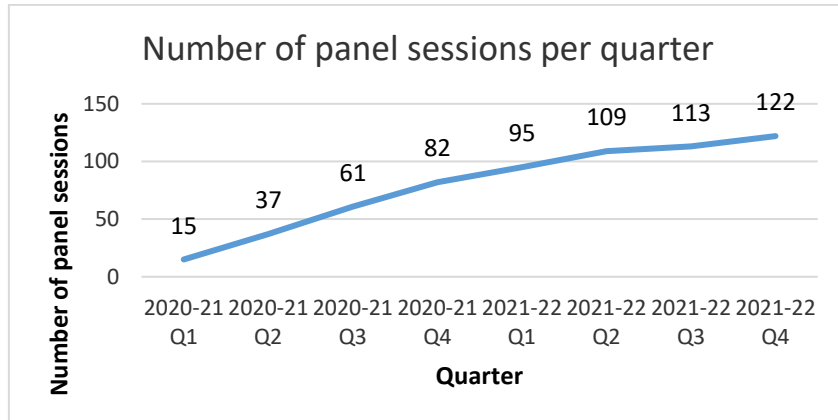
26. Redress Board panels have met on **634** occasions considering **2,375 applications**. It should be noted that the same application may have been before a panel more than once during this period. Table 6 below, details the number of panel sessions each quarter, which has increased in line with the number of **compliant and validated** applications that are ready to proceed for consideration before a panel. The Redress Board regularly reviews the number of panel sessions to ensure that there are sufficient panels to match the number of **compliant and validated**. The number of panel sessions increased by 225% to 439 in the second year of operation in comparison to 195 in the first year of operation.

**225%**

*Increase in panel sessions*

**Table 6 –Number of panel sessions by Quarter**

	Q1	Q2	Q3	Q4	Total
Number of panel sessions 2020-21	15	37	61	82	195
Number of panel sessions 2021-22	95	109	113	122	439
<b>Total Panel sessions</b>	<b>634</b>				



### Panel Outcome Summary

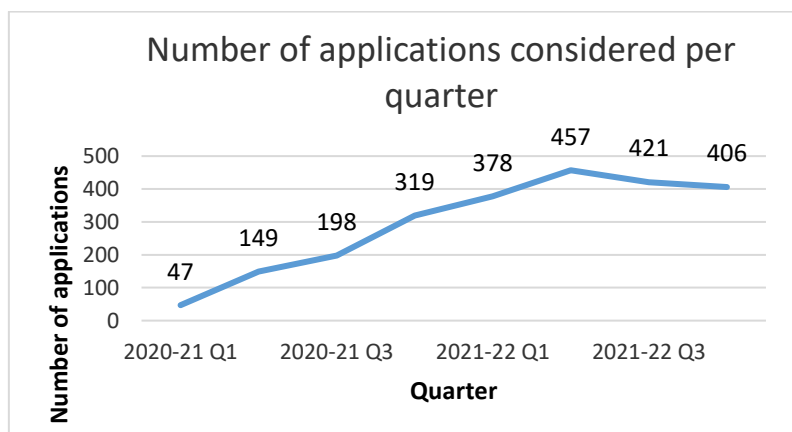
27. Table 7 below shows the **2,375** applications considered at a panel session per quarter. It should be noted that the same application may have been before a panel more than once during this period. The number of applications considered by a panel increased by 233% to 1,662 in the second year of operation in comparison to 713 in the first year of operation. Table 8 shows a breakdown of the panel determinations.

**233%**

*Increase in applications considered*

**Table 7 –Number of applications considered by panel by Quarter**

	Q1	Q2	Q3	Q4	Total
<b>Number of cases considered for determination 2020-21</b>	47	149	198	319	<b>713</b>
<b>Number of cases considered for determination 2021-22</b>	378	457	421	406	<b>1,662</b>
<b>Total cases considered for determination</b>	<b>2,375</b>				



**Table 8 – Panel outcomes by Quarter**

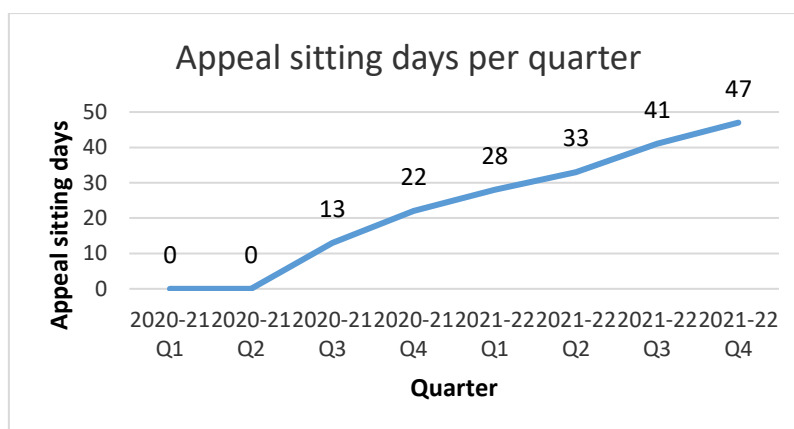
	2020-21				2021-22				Total
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	
Adjourned by panel	5	19	47	39	38	40	55	10	253
Section 14 Order	7	10	33	26	15	16	7	10	124
Withdrawn	5	6	2	9	18	25	12	17	94
Full Determination – no award	3	5	14	17	47	68	98	91	343
Full Determination - award	27	109	102	228	260	308	249	278	1,561
<b>Total</b>	<b>47</b>	<b>149</b>	<b>198</b>	<b>319</b>	<b>378</b>	<b>457</b>	<b>421</b>	<b>406</b>	<b>2,375</b>

**Appeal Summary**

28. A single judicial member has sat on **184** days dealing with the work associated with appeals.

**Table 9 – Appeal Sitting Days by Quarter**

	Q1	Q2	Q3	Q4	Total
Appeal sitting days 2020-21	0	0	13	22	35
Appeal sitting days 2021-22	28	33	41	47	149
<b>Total Appeal sitting days</b>	<b>184</b>				



29. As at 31 March 2022, the Redress Board has received **313** Notices of Appeal of which **269** appeals have been considered. Of these 269 reconsidered appeals by a single judicial member, 87 were upheld, and 182 dismissed confirming the panel

decision. The number of appeals lodged is reflective of the increase in panel determinations.

#### Summary of average processing timescale

30. The Redress Board has an aspiration to have **compliant applications** listed before a panel within **20 weeks of receipt of the application**. However, this cannot be a Performance Target due to the complexities of the Rule 7 verification process and the compliance with necessary Rule 8 & 9 information requests made by Redress Board during the validation process, which are outside the operational control of the Redress Board administration. **The average processing time achieved for a compliant application for 2021/22 was 20 weeks.**

31. The Redress Board has an aspiration to have **applications for redress listed before a panel within 8 weeks of validation of the application**. For clarity an application is recoded as validated when the applicant or solicitor has provided all of the relevant Rule 4 statutory required documents, all the evidence they wish a panel to consider and that the attendance as reported by an applicant at an institution(s) has been sufficiently verified in accordance with the legislation. **The average listing time achieved for validated applications for 2021/22 was 6.5 weeks.**

### **GOVERNANCE**

32. The Redress Board is a body corporate and operates independently and at arms' length from the Executive Office under a Partnership Agreement, which explains the overall governance framework within which the Redress Board operates and provides the necessary governance assurances. The partnership is based on a mutual understanding of strategic aims and objectives, clear accountability and a recognition of the distinct roles each party plays.

33. The President has established a Management Board to provide effective leadership and strategic direction of the Redress Board, and to ensure that the policies and priorities set by the President and the Executive Office Ministers are implemented. The Management Board is responsible for ensuring that effective and proportionate governance arrangements are in place and that there is an internal control framework which allow risks to be effectively identified and managed. The Management Board also sets the culture and values of the Redress Board and reviews business performance against the Redress Board Annual Business Plan and Risk Register.

34. The Redress Board has also established a Panel Members' Training & Insight Committee to meet the training needs of panel members – particularly important given the complexities and sensitivities involved, as well as the continuous aspiration towards consistency. It should be noted that panel members are wholly independent in the performance of their decision making duties.

35. TEO has established an Accountability & Liaison Group, attended by senior Executive Office and Redress Board officials where key governance and operational matters are discussed in accordance with the Partnership Agreement and Financial Services Level Agreement. DoJ officials are also invited to attend for particular agenda items.

36. The Redress Board wishes to acknowledge the support provided by TEO and DoJ in providing services to the Redress Board in accordance with the Partnership Agreement and under Schedule 1 of the Act.

## FINANCIAL SUMMARY

37. Tables 10 to 13 provide a breakdown of the **£30,511,437** Redress Board expenditure for 2021-22 financial year.

38. Table 10 below details the value of awards accepted by applicants during the period and paid directly into an appropriate bank account.

**Table 10**

<b>Redress payments made</b>	<b>Amount (£)</b>
Redress Payments made	<b>26,781,225</b>

39. Table 11 details the amount of legal cost paid by the Redress Board to legal representatives during the period in accordance with the Table of Costs detailed in the Historical Institutional Abuse Redress Board (applications & Appeals) Rules (NI) 2019 and expenses in connection with obtaining expert reports.

**Table 11**

<b>Application Legal Costs &amp; Outlay</b>	<b>Amount (£)</b>
Legal costs paid to solicitors	700,261
Solicitor/applicant outlay & expenses	88,852
<b>Total</b>	<b>789,113</b>

40. Table 12 details the amount of panel fees paid to panel members during the period.

**Table 12**

<b>Panel Fees</b>	<b>Amount (£)</b>
<b>Total</b>	<b>1,222,033</b>

41. Table 13 provided a breakdown of the administrative and operational running costs of the Redress Board during the period.

**Table 13**

<b>Administration costs</b>	<b>Amount (£)</b>
Staffing	1,366,556
Accommodation	159,598
IT Costs	75,854
Miscellaneous	18,708
NICTS Management Fee	98,350
<b>Total</b>	<b>1,719,066</b>