



Applicant Costs and Expenses Protocol

Introduction

The powers of the HIA Redress Board (“the Redress Board”) are contained in the Historical Institutional Abuse (Northern Ireland) Act 2019 (“the Act”), and in the Historical Institutional Abuse Redress Board (Applications and Appeals) Rules (Northern Ireland) 2020 (“the Rules”).

The purpose of this guidance is to inform applicants how they can claim back expenses reasonably incurred or to be properly incurred in respect of an application for compensation to the Redress Board.

Do I have to pay for Legal Advice & Assistance?

No, the Redress Board will pay your solicitor’s costs directly to your solicitor

Proofs of identity/status

An application for compensation must be supported by certain proofs of identity and/or status, for example, a birth certificate, death certificate or proof of relationship to a deceased person. You do not need to provide original documents. The Redress Board will accept copies of proofs that are endorsed by a solicitor to read ‘certified by a solicitor as a copy of the original’. However, if in making an application to the Redress Board you have had to obtain an original document as exemplified above you will be reimbursed.

What if I am not legally represented and I need a medical or other expert report to support my application?

Medical records

Under the General Data Protection Regulation (GDPR) provisions, which came into operation from the 25th May 2018, members of the public have the right to access their medical records from their GP or hospital, except in certain circumstances, free of charge. These records should usually be provided within one calendar month of any request, as detailed at the following link: <https://www.nidirect.gov.uk/articles/accessing-medical-or-health-and-social-care-records>

Other expert reports

If you need to obtain a medical or other expert report in support of your application for compensation you should contact the Redress Board before obtaining this. The Redress Board will pay the cost of obtaining this report directly to the provider. However, it is important to note that medical reports will not be required for all

applications. The Redress Board has directed that normally only one expert report will be approved for payment by the panel in respect of each application for compensation.

What if I need to attend an oral hearing?

In the normal course of events, applications for compensation will be determined on the papers, however, section 9(3)(b) of the Act states that may a panel may direct an oral hearing if there are exceptional circumstances which make it necessary to do so in the interests of justice. . If you are required to attend an oral hearing the Redress Board will pay all reasonable travelling expenses, a subsistence allowance and, if a person takes time off work to attend the hearing, his or her loss of wages, as follows:

- Your travel expenses by train or bus between your home and the hearing venue. More expensive methods of travel should be approved in advance;
- The travel expenses of anyone who needs to come with you because you cannot travel alone or need their assistance or moral support at the hearing;
- The travel expenses of any person who is giving oral evidence on your behalf (provided we have agreed beforehand that they need to come to the hearing);
- The wages or salary lost by you, a person giving you necessary assistance or your witness as a result of attending the hearing. Lost wages or salary means the actual net loss after deductions for tax and social welfare, and should be set out in a letter from the employer of the person concerned;
- Subsistence allowance if you are absent from home or otherwise stay at the hearing for more than five hours; and
- The cost of a baby-sitter or carer actually incurred (if supported by a letter from the sitter/carers confirming the payment).

Claims for expenses will need to be supported by receipts or other supporting documentation.

Completion of Expenses Claim Form

When the verification and evidence gathering processes are complete, the Redress Board will write to you to tell you, or your solicitor, that your application will shortly be listed before a Redress Board panel for final determination. It will include an expenses claim form for you to complete and return, with receipts, and bank account details, to the Redress Board. Payment of expenses may be delayed if the form has not been itemised and vouched properly. A copy of the Expenses Claim form is attached at Annex A.



Historical Institutional Abuse Redress Board (Applications and Appeals) Rules (Northern Ireland) 2020

Expenses Claim Form for Unrepresented Applicants

(Please refer to the Applicants Costs and Expenses Protocol which can be found at <https://www.hiaredressni.uk/publications/costs-and-expenses-protocol> prior to completing this form).

SECTION 1

Applicant Name	
Redress Board Ref No	
Address	
Phone No:	
Email Address:	
BACS details (Sort Code and Bank Account and address of bank)	

SECTION 2

The Redress Board will reimburse the costs of obtaining certified proofs of identity, for example a birth or death certificate, where these have been obtained for the sole purpose of making an application to the Redress Board.

Expenses for applicants obtaining proofs of identity		
Description of Expense	Amount Claimed	Receipts attached (Y/N)

SECTION 3

Only complete this section if you have been required to attend an oral hearing.

Travel Expenses to attend an Oral Hearing (if applicable)			
Date of hearing	Name of representative	Journey (from – to)	Miles

Loss of earnings incurred while attending an Oral Hearing (if applicable)				
Date of hearing	Name of representative	Hours attended (from - to)	Cost	Evidence attached (Y/N)

Child care costs incurred while attending an Oral Hearing (if applicable)				
Date of hearing	Name of representative	Hours attended (from - to)	Cost	Receipts attached (Y/N)

Please return this form by email to admin@hiaredressni.uk or by post to **PO Box 2266 BELFAST, BT1 9ZP**