

GUIDANCE FOR APPLICANTS

Purpose

1. The purpose of this guidance is to help applicants complete an application for compensation under the Historical Institutional Abuse (Northern Ireland) Act 2019. It is important that you read this guidance **IN FULL** before completing your application.

2. We understand that completing this form may be difficult. A family member, friend or colleague may be able to provide support. Advice can also be provided by a legal representative. If you are considering whether to make an application you can contact the Office of the Commissioner for Survivors of Institutional Childhood Abuse (COSICA) who can provide general advice and information. COSICA can be contacted via email (Info@cosica-ni.org) or telephone (028 90893977).

What is the Redress Scheme?

3. The Redress Scheme establishes a Historical Institutional Abuse (HIA) Redress Board which will consider applications for compensation payments to anyone, or on behalf of anyone, who suffered abuse while a child and while resident in an institution in Northern Ireland at some time between 1922 and 1995 inclusive.

Meaning of Abuse

4. The Historical Institutional Abuse (NI) Act 2019 at section 2 (2) describes abuse as:

- *having suffered sexual, physical or emotional abuse or neglect or maltreatment;*
- *having witnessed one or more other children suffer abuse of a kind referred to above;*
- *having otherwise been exposed to a harsh environment; or*
- *having been sent to Australia under the programme commonly known as the “Child Migrants Programme.”*

Institutions included in the Scheme

5. An institution is a body, society or organisation in Northern Ireland that was responsible for the care, health, accommodation and welfare of children. It does not include educational institutions, other than training school institutions, borstal institutions or young offender centres.

6. If you are unsure if you were resident at such an institution you can seek advice and support from a solicitor or the Commissioner for Survivors of Institutional Childhood Abuse (COSICA).

Who can apply to the Scheme?

7. You can apply to the Redress Board if you can answer `Yes' to both or either of the following questions:

- I suffered abuse as described above while a **child** and **resident** in an institution in Northern Ireland for a period of time between **1922** and **1995** (both inclusive)
- I was sent to **Australia** under the Child Migrants Programme.

Can I apply on behalf of a deceased family member?

8. Yes, you can apply on behalf of someone who died on or after 28 April 1953 if you are the deceased's surviving spouse, civil partner or cohabiting partner, or a surviving child of the deceased but not a step child.

How much compensation can I apply for?

9. If you have suffered abuse as described above you can ask the Redress Board to consider making a:

- standard award payment of **£10,000 only (Part 2)**;
- enhanced award payment of between **£10,001 and £80,000 (Part 3)**
- **Child Migrants Programme** only award payment of **£20,000 (Part 4)**;

10. If you were part of the Child Migrant Programme and you also suffered abuse while in an institution in Northern Ireland you must also complete either **Part 2** or **Part 3**.

11. The Redress Board Banding Guidance, which can be found at www.hiaredressni.uk, provides a summary of the bands of compensation and examples of abuse which the panel will consider when determining your application. This may help you or your solicitor in deciding whether to complete **Part 2** or **Part 3** of the application form.

What is an Initial £10,000 Payment Order?

12. As part of the determination of an application the Redress Board panel may decide that compensation should be awarded but needs more time or information to determine the full award amount. If this is the case the Redress Board may order an initial amount of £10,000 to be paid. This should not be confused with an application for a standard award payment of £10,000 under **Part 2**.

13. If you receive this £10,000 initial payment and the Redress Board determines that you are entitled to a greater amount of compensation you will receive the additional amount as a second payment.

COMPLETING THE APPLICATION FORM

1. The rest of the guidance aims to help you complete the relevant parts of the application form. We have tried to set out at each part a brief explanation of the information asked for. It may be helpful to have this guidance at hand when completing the application form.

Part 1 - Personal Details

A - Applicant's Personal Details

2. This part of the application form **must always be completed**. In this part you are asked to provide the personal details of the person who is intended to benefit from the award. This person is known as the **applicant**.

3. You are asked to provide the name, address, date of birth, and National Insurance Number of the applicant. This information enables the Redress Board to confirm that the applicant was resident at an institution(s).

4. The applicant, while resident at an institution, may have been known by a different name. This may be because they later married or changed their name for another reason. If this is the case, the name the applicant was known by at an institution(s), **must** be provided to the Redress Board.

5. The applicant may have been referred to by a number or a nickname while resident at an institution(s). This information would be helpful to the Redress Board when confirming the applicant's residence in an institution. However, if providing this information would cause distress it does not need to be included.

B - Details of the Deceased

6. You only need to complete **Part 1 B** if your application relates to a person who is deceased. The information you provide in this part will allow the Redress Board to confirm the residence of the deceased in an institution(s). You are also asked to provide the date this person died.

C – Acting on an Applicant's Behalf

7. You only need to complete this part if you are applying on behalf of an applicant whose details have been provided in Part 1 A who lacks capacity. You are asked to provide your name and contact details so that the Redress Board can keep you updated on the progress of the application. You are also required to provide proof of your authority to act on behalf of the applicant.

D – Proofs of ID and other Supporting Documentation

8. This part sets out the documentary forms of identification (ID) that must be provided in support of the application. These documents will enable the Redress Board to confirm the identity of the applicant. The Redress Board will accept copies of birth and death certificates that have been certified by a solicitor, notary public or by the General Register Office of Northern Ireland (GRONI). Other documents can be certified by a solicitor, notary public or by the Court of Judicature of Northern Ireland. Please do not send originals as these cannot be returned.

9. An application made under Part 1 A, B or C must be supported by the following documents:

- Certified copy of applicant's birth certificate;
- Certified copy of photographic identity of applicant;
- Proof of any name change since attending an institution, if applicable.

10. An application made under Part 1 B must also be supported by the following attachments:

- Certified copy of deceased's death certificate;
- Certified copy of the will, if one was made;
- Certified copy of grant of probate or letters of administration;
- Certified copy of any proof of relationship between spouse/child and the deceased.

11. An application made under Part 1 C must also be supported by the following attachments:

- Evidence of authority to act on behalf of the applicant.

12. **Photographic identity** can include any of the following:

- A UK, Irish or EEA driving licence (photographic part) (provisional accepted)
- A UK, Irish or EU passport
- An Electoral Identity Card
- A Translink Senior SmartPass
- A Translink 60+ SmartPass
- A Translink War Disabled SmartPass
- A Translink Blind Person's SmartPass

13. The identification document does not need to be current, but the photograph must be of a good enough likeness to allow the Redress Board to confirm the applicant's identity. It doesn't matter if the identity document has a different address to the applicant's address on the application form. If you are resident outside the UK please contact the Redress Board for further advice on acceptable forms of ID.

E - Applicant's Health

14. If the applicant is suffering from a terminal or critical illness, or other life-limiting condition, the Redress Board may decide to prioritise the application. You must attach a copy of a letter from a GP or hospital, which supports the applicant's claim of ill health.

Part 2 – An Application under Section 12(2)(a) of the Act (£10,000)

15. Before making an application under this part you or your solicitor should read the Redress Board Banding Guidance which can be found at www.hiaredressni.uk.

16. The examples of abuse, and the possible impact that this may have had on the applicant, are provided as guidance only and should not be considered to be definitive. The Assessment Guidance will help you prepare the application and will assist panels to determine applications in a consistent way.

17. We understand that it may be difficult for you to remember the exact details of your experience. Please do your best to provide as much detail as you can. If you are completing this form on behalf of someone else, please provide as much information as possible.

A - Hart Inquiry Applicants Only

18. If you provided evidence to the Hart Inquiry you do not need to provide any further information to the Redress Board **unless you wish to do so**. The Redress Board will obtain a copy of that evidence from the Public Records Office Northern Ireland (PRONI). To help the Redress Board to do this you should provide your HIA reference number, if you can recall it.

19. You are asked if you want the Redress Board to determine your application based on the information obtained from PRONI or if you wish to provide further information to the Redress Board before it determines your application. If you want to provide additional information to that obtained from PRONI you **must also** complete C and or D. If you did **NOT** provide evidence to the Hart Inquiry you **must** complete C & D.

B – Details of Institution

20. If you did **NOT** provide evidence to the Hart Inquiry you **must** provide the names of the institution(s) in which you were resident and the approximate dates you were there. This information will enable the Redress Board to confirm that the applicant or deceased person was resident at an institution(s).

C – Statement of Your Experience

21. You must provide the Redress Board with a short statement describing what happened to you while resident in an institution. You should try to describe the nature, the severity and the duration of the abuse and the impact this has had on you. If you were resident in more than one institution please complete a separate statement of experience for each. If you are aware of the town / area where you were born, or in which you lived, prior to being placed in an institution, it would be very helpful if you could mention this in your Statement of Experience.

Additional blank statement templates can be found at www.hiaredressni.uk.

D - Evidence to Support Your Application

22. You can, if you wish to, provide any relevant medical reports or other expert reports which may help the Redress Board to determine your application. The Redress Board will not normally require the production of an expert report in respect of an applicant for a standard award of £10,000.

23. If, when determining an application, the Redress Board panel considers that an expert report or further medical records would be helpful, it will arrange for these to be provided and paid for on behalf of the applicant. The Redress Board will also have access to medical advisors where necessary.

24. You are asked to attach copies of relevant medical records, or any other documentation you wish the Redress Board to consider. To help the administration

of the application you are asked to number and list the attachments in the table provided. You are reminded to send copies as original documents cannot be returned.

Part 3 – An Application Under Section 12(2)(a) & (b) of the Act (up to £80,000)

25. Before making an application under this part you or your solicitor should read the Redress Board Banding Guidance, which can be found at www.hiaredressni.uk. The Banding Guidance provides examples of abuse which may attract an enhanced award payment of between £10,001 and £80,000.

26. The examples of abuse, and the possible impact that this may have had on the applicant, are provided as guidance only and should not be considered to be definitive. The medical interventions, treatments and prognosis referred to are designed to assist applicants in understanding the nature and severity of the abuse and injuries described in each band.

27. The Banding Guidance will help you prepare the application and will assist panels to determine applications in a consistent way.

28. We understand that it may be difficult for you to remember the exact details of your experience. Please do your best to provide as much detail as you can. If you are completing this form on behalf of someone else, please provide as much information as possible.

A - Hart Inquiry Applicants Only

29. If you provided evidence to the Hart Inquiry you do not need to provide any further information to the Redress Board unless you wish to do so. The Redress Board will obtain a copy of that evidence from the Public Records Office Northern Ireland (PRONI). To help the Redress Board to do this you should provide your HIA reference number, if you can recall it.

30. You are asked if you want the Redress Board to determine your application based on the information obtained from PRONI or if you wish to provide further information to the Redress Board before it determines your application. If you want to provide additional information to that obtained from PRONI you **must also** complete C and or D. If you did **NOT** provide evidence to the Hart Inquiry you **must** complete B, C & D.

B – Details of Institution

31. If you did **NOT** provide evidence to the Hart Inquiry you **must** provide the names of the institution(s) in which you were resident and the approximate dates you were there. This information will enable the Redress Board to confirm that the applicant or deceased person was resident at an institution(s).

C – Statement of Your Experience

32. You must provide the Redress Board with a short statement describing what happened to you while resident in an institution. You should try to describe the nature, the severity and the duration of the abuse and the impact this has had on

you. If you were resident in more than one institution please complete a separate statement of experience for each. Additional blank statement templates can be found at www.hiaredressni.uk.

D - Evidence to Support Your Application

33. You can, if you wish to, provide any relevant medical reports or other expert reports which may help the Redress Board to determine your application. If, when determining an application the Redress Board panel considers that an expert report or further medical records are necessary, it will arrange for these to be provided and paid for. The Redress Board will have also access to medical advisors if necessary.

34. You are asked to attach copies of any relevant medical records, or any other documentation you wish the Redress Board to consider. To help the administration of the application you must number and list the attachments in the table provided. You are reminded to send copies as original documents cannot be returned.

Part 4 – An Application under Section 12(2)(c) of the Act (£20,000) – Child Migrant Programme

35. You must complete this part if you are applying for applying for a payment of £20,000 on the basis that you were sent to **Australia** under the programme commonly known as the ‘Child Migrants Programme’. It is important to note that an application under this section may not be made if you have been awarded compensation, or have an application for compensation pending, under the Independent Inquiry into Child Sexual Abuse (IICSA) scheme.

A - Hart Inquiry Applicants Only

36. If you provided evidence to the Hart Inquiry you **do not need** to provide any further information. The Redress Board will seek to confirm that you were part of the Child Migrant Programme. To help the Redress Board to do this you should provide your HIA reference number, if you can recall it. If you did **NOT** provide evidence to the Hart Inquiry you **must** complete B.

B – Child Migrant Programme

37. All you are required to do is to provide the approximate date that the applicant was sent to Australia.

C – Additional Comments

38. You are not required to complete this part. It provides an opportunity for you to make any additional comments which you believe may be relevant to your application.

Part 5 – Declarations

A – Outstanding or Dismissed Civil Claims

39. You **must** complete this part if you have ever issued proceedings before a civil court, or under an application to the Independent Inquiry into Child Sexual Abuse (IICSA) scheme, **about the matters described in this application form.**

40. You are required to tell the Redress Board if you have proceedings pending before a civil court, or under an application to the Independent Inquiry into Child Sexual Abuse (IICSA) scheme, or if you previously issued civil proceedings that were dismissed, or dismissed because the period of limitation for bringing proceedings on the claim had expired. You cannot submit an application for compensation if proceedings are pending before a court. Your application can, however, proceed if those proceedings are withdrawn. You **must** select the options, if any, that apply.

B – Payment Received

41. You **must** tell the Redress Board if you have ever, or if you are about to, receive a payment of compensation about the matters described in this application form. You **must** provide the details of that payment to the Redress Board.

42. If you are awarded an amount of compensation above the compensation you previously received, your previous compensation payment will be deducted from any award made by the Redress Board.

C – Consideration for an Initial Payment

43. You should only complete this part if you are applying for compensation under **Part 3** for an enhanced award of between **£10,001 and £80,000**.

44. If the Redress Board decides that compensation should be awarded but needs more time or information to determine the full amount that should be paid, it may order an initial amount of £10,000 to be paid pending its full determination. In this part you are asked to confirm whether or not you wish to be considered for an initial payment. If you receive this £10,000 initial payment and the Redress Board determines that you are entitled to a greater amount of compensation you will receive the additional amount as a second payment.

45. You should note that the Redress Board may be able to reach a decision about the full amount that should be paid to you without the need to make an initial payment. The Redress Board may also decide not to award you an amount greater than £10,000. If this is the case you will not receive an additional payment and your compensation will be deemed to have been paid in full.

D – Applicant’s Personal Declaration

46. You must carefully read this part of the application form before confirming that you have read and understood that the information you have provided is true and may be shared with others including the police. Once you have read and confirmed this part you must date and sign the application form.

Will costs and expenses be paid?

47. The Redress Board has published a Costs & Expenses Protocol. The Protocol is intended to provide general information and guidance on how the Redress Board will deal with costs and expenses. If you want to use a solicitor to help you make an application the Redress Board will pay the costs for providing advice and assistance to you directly to your solicitor. Please note you are not required to make any advance payment directly to your solicitor for any expenses incurred in providing any relevant supporting material as these will also be paid by the Redress Board.

Further information can be found on the Redress Board website: www.hiaredressni.uk .

48. If you are not legally represented and believe that you require the use of an expert report please proceed to complete your application form and contact the Redress Board for further advice.

49. If you have any other queries in relation to the completion of this application form you can contact the Redress Board by emailing admin@hiaredressni.uk or by calling **028 90 569147**.