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4 August 2025

Dear Nick

Inquiry (Mother and Baby Institutions, Magdalene Laundries and Workhouses) and Redress Bill

Following on from the Committee meeting on 18 June 2025 and the subsequent letter, the Department has provided responses as at **Annex 1** plus some information requested from a previous session at **Annex 2.**

Yours sincerely

[signed]

[redacted]
Departmental Assembly Liaison Officer

ANNEX 1

RESPONSE TO COMMITTEE QUESTIONS **(No 1 – 11)**

1. ***Inquiry Expenses - Further detail on the expenses that individuals called to Inquiry will be eligible to claim. This should include a breakdown of the types of expenses that can be reimbursed, and the methodology used to determine what is considered reasonable or appropriate.***

The type of expenses which will be eligible to claim are laid out in:

- Clause 21(1)(a), 21(1)(b) and 21(2) which refer to amounts for:
  - loss of time,
  - expenses incurred in attending or otherwise in relation to the Inquiry, and
  - legal representation.
- Clauses 21(2) and 21(4) set out the constraints around such claims, which include:
  - approvals, conditions or qualifications as may be determined by the Executive Office and notified to the Chairperson.
- Clause 27(4) (a-b) provides some further information on how the chairperson, or a nominee, may assess the amount of any awards under clause 21, and for such assessments to be reviewed, should someone be dissatisfied with it.

The treatment of expenses will be provided for in the Inquiry regulations (clause 27(1)(c)). The Inquiry regulations (currently subject to negative resolution) have not yet been prepared but will be consulted upon and brought before the Assembly. However, they will follow similar inquiry rules which are well established but tailored for any specific needs of this inquiry.

For example, TEO will consider the approach adopted in sections 20-26, read in conjunction with sections 5-7 of 'The Inquiry Rules (2006)'.

- Sections 20-22 of the Inquiry Rules (2006) deal with awards for expenses incurred with regard to legal representation and make clear the chairperson must take into account the financial resources of the applicant and the public interest.

- Section 23 refers to the conditions to be considered by the chairperson when making awards related to expenses related to loss of time incurred by attending the inquiry.

- Section 24 relates to expenses otherwise incurred relating to attendance at the inquiry including attending to provide evidence or to produce a document where the Inquiry considers it reasonable to meet those costs.

We want to assure that the expenses will include provision on loss of earnings, travel at normal rates, and childcare expenses where these are incurred. We also recognise that some people who have moved away will want to give evidence; it is important that their voices are heard and provisions can made for this.

The development of the regulations for the current inquiry will also be informed by the views of the chairperson, feedback from the consultation on the secondary legislation and of course Assembly scrutiny.

The MAHI Inquiry provides a recent example of how Inquiry Rules (2006) may be applied in practice 22.06.17 - Protocol no.5 - Witness Expenses PDF.pdf, though these are for the chairperson of each Inquiry to prepare.

In addition, Clause 13(4) of the Bill ensures that in making any decision with regards to costs the chairperson must act fairly and ensure that decisions avoid any unnecessary costs, taking account of the management of public money.

2. Posthumous date of 29 September 2011 – Clarification on how cases falling close to the cut-off date will be treated and the reasoning behind the selection of this date.

This section is broken down as follows:

2.1 Context

Posthumous claims are one of the most sensitive and difficult areas of the draft legislation with many considerations to balance. As the public consultation events and documents outlined:

- some State redress schemes do not have posthumous claims; and,
- those State redress schemes which do permit posthumous claims would consider on what basis and generally set a suitable date on which the deceased must have been alive for a claim to be made on their behalf.

This is usually tied to an official announcement or apology when an expectation of redress could have been formed by the deceased.

There needs to be a clear basis for a posthumous date particularly given that this scheme is:

- Demand led
- Limited means of control
- Uncertainty in terms of repercussive / challenge effects

Over £100m which has been provided victims and survivors in the HIA Redress Scheme, and another £100m paid from the Victims' Payments Scheme to date. This demonstrates the Executive commitment to addressing events of the past. It is important for the viability of the scheme that sufficient financial resources are in place and HIA provides a useful indicator of the potential size of the scheme.

A succession of reports from the NI Audit Office have highlighted the importance, in designing any new scheme, of ensuring risk mitigations and a sound policy rationale to aide financial viability. Risks should be assessed and realistically stated, with appropriate mitigations in place in order to make sure that redress is targeted at the intended recipients and use of public monies is fair.

2.2 General comparator schemes

Some examples of other redress schemes are set out below:

Scheme	Basis	Who can claim	Date used	Reason
Troubles Permanent Disablement Payment – (NI)	**HARM BASED**	Spouse/partner or someone who "regularly and substantially engaged in caring for the beneficiary."	23 December 2014	The publication of the Stormont agreement.
Historical Institutional Abuse – (NI)	**HARM BASED**	Spouse/partner and children (as long as they are the residuary beneficiaries of the deceased's will).	28 August 1953	Children's inspector Kathleen Forrest sent a memo highlighting issues in four children's home run by the Sisters of Nazareth.
Scottish Redress Posthumous claims only permitted on the £10,000 fixed payment	**HARM BASED**	'Next of kin' - spouse/partner or the surviving children.	1 December 2004	First Minister Jack McConnell made a State apology in the Scottish Parliament.

Scheme	Basis	Who can claim	Date used	Reason
Mother and Baby Institutions Payment Scheme - RoI	**TIME SPENT**	Personal representative of the deceased's estate.	13 January 2021	Taoiseach Micheál Martin's official apology to survivors.
Magdalen Restorative Justice Ex Gratia scheme – (RoI)	**TIME SPENT**	Personal representative of the deceased's estate.	19 February 2013	Taoiseach Enda Kenny made a formal apology to survivors. For this scheme a person must have made a written expression of interest before they died to be eligible for a posthumous claim.
Lambeth Redress Scheme	**Two part scheme: Harm's Way payment (TIME SPENT) AND Individually Assessed Payment (HARM BASED)**	Personal representative of the deceased's estate.	No posthumous claims on TIME SPENT scheme No posthumous date	This scheme did not have a posthumous date but claims on behalf of the deceased were only permitted on the Individually Assessed Payment.

Most of the redress schemes use a date in the recent past and are reflective of a formal announcement of acknowledgement.

Using the date that an expectation may have been created (i.e. 29 September 2011) is consistent with the rationale that posthumous payment is based on what the deceased would have been entitled to had they been alive.

2.3 Historical Institutional Abuse posthumous date

As noted above, the date used by HIA is one of the exceptions among redress schemes comparators. In the Inquiry report, Sir Anthony Hart recommended 29th September 2011 as the date for posthumous claims as this is when an Inquiry into historical institutional abuse was announced.

Before the legislation's passage through Westminster, the date was changed to 1953 to align with a memo sent by the Children's Inspector, Kathleen Forrest, in which she highlighted issues with four of the children's homes operated by the Sisters of Nazareth.

Not all the institutions reviewed by Forrest received negative reports, however. The QUB/UU research report notes:

> *"a 1953 report on voluntary homes by Kathleen Forrest, the Inspector for the Ministry of Home Affairs, described Thorndale as 'well run by adequate trained staff'. She went on to say 'could do with more play equipment for toddlers. Otherwise standards of care and training excellent'."*

In its chapter on Marianvale, the QUB/UU writes:

> *"There are very few inspection reports available for Marianvale. One from September 1962 by Ministry of Affairs inspector, Kathleen Forrest, stated that 'Marianvale Home was in excellent order and the mothers and babies appeared very well cared for' and another in June 1973 stated that the 'unit appears to be functioning without special problems and to be providing suitably for the mothers and babies in residence'."*

This highlights the difficulties of basing a posthumous date on Forrest's inspections as an institution who received a positive report and this could further complicate the matter of seeking financial contributions at the appropriate time.

It is also important to remember that someone making a posthumous claim to the HIA scheme must provide evidence that their deceased relative was abused as a child in an institution.

The Standardised Payment is an **acknowledgement payment** based only on admittance to a relevant institution. It does not require applicants to provide such evidence, and the scheme will inevitably incorporate a wide range of experiences, including women who may

have only been resident for a few days in emergency accommodation or children, now adults, who went home with their mother.

These individuals would also have experienced stigma, which is properly acknowledged through the scheme, but the inclusive nature of the Standardised Payment means that posthumous application numbers are likely to be significantly higher than HIA and other harm-based schemes.

2.4 Rationale for Truth Recovery Redress posthumous date

A posthumous date that was originally presented to the victim-survivor Consultation Forum, and mentioned in the public consultation, was 15 November 2021. This is when the then-deputy First Minister, on behalf of the Executive, made an oral statement in the Assembly accepting the Truth Recovery Design Panel recommendations.

Some victims and survivors were unhappy with this date and the Department strived to find another suitable date based on the same rationale of an expectation created for the deceased.

Other dates that were considered included the commissioning of the QUB/UU report in 2018, the establishment of the Interdepartmental Working Group in 2016 and the recommendations by CEDAW in 2013 that redress be provided *"to all victims of abuse who were detained in the Magdalene laundries and similar institutions."* .

It is the Department's view that the announcement of an Inquiry into historical institutional abuse in 2011 is the earliest that an expectation of redress could have been created.

Due to the nature of state redress schemes particularly for admission-based schemes unfortunately there is not flexibility, even if someone died just before the posthumous date. In order to make payments on a common basis, there is a need for a clear and robust rationale (which is consistently implemented) otherwise the scheme is open to creating uncertainty and legal challenge.

Using the 29 September 2011 date will ensure the inclusion of all those who have sadly died since this process was started.

2.5 What factors impacted the balance of decisions

It is estimated that the initial redress scheme Standardised Payment scheme will provide for over 6,000 claims.

While there is an appreciation that some victims and survivors are disappointed with the proposed posthumous date, the Department, Ministers and Executive have had to balance a large number of factors to get a viable and deliverable state redress scheme. Outlined below are some of areas considered which informed the 2011 posthumous date decision.

Area 1 - Balance between using public monies for historic issues and current issues:

Department, Executive, Committee and Assembly are aware of the unprecedented and continual financial pressure, there are many competing demands, particularly in Health, Justice and Education.

In event of no posthumous date or 1922 date, there is a need to carefully balance making redress payments to family members on behalf of someone who potentially died 100 years ago and whether this is a justifiable and defensible use of limited public resources particularly compared to redress schemes in other jurisdictions.

Area 2 - Balance between Standardised Payment and Individually Assessed Payment and HIA scheme:

Having no posthumous date or using 1922 date, could result in a larger SP scheme and having a smaller IAP scheme if an equilibrium with HIA (overall costs of £100m) is to be maintained.

This would differ from most state redress schemes which normally have a principle of targeting public monies to those more directly impacted. It is important to have appropriate resources for the IAP scheme,

Area 3- Balance between people in institutions and family members:

Having no posthumous date or using the 1922 date would mean comparatively speaking, more redress payments would go to family members, than birth mothers and their children, now adults, born while under the care of an institution.

There will also be scenarios where a Birth Mothers will receive £10,000 while children, now adults, can claim £10,000 in their own right and also £2,000 as an eligible family member (if their birth mother has sadly passed away after 29

September 2011). Removing the posthumous date makes will make this scenario more common.

The areas above demonstrate some of the complexities and we appreciate that financial redress is important for many but it is not the only form of redress which will also include apology, memorialisation and memorialisation.

It is important to note that there is considerable uncertainty on Low, Main and High cost scenarios, so it difficult to provide a conclusive estimate hence the need for a considered approach particularly at this stage in the process.

2.6 Managing Public Money considerations and cost scenarios

We must adhere to the principles outlined in Managing Public Money NI and the redress scheme should be carried out:

- in the spirit of, as well as to the letter of, the law;
- in the public interest;
- to high ethical standards; and
- achieving value for money[1].

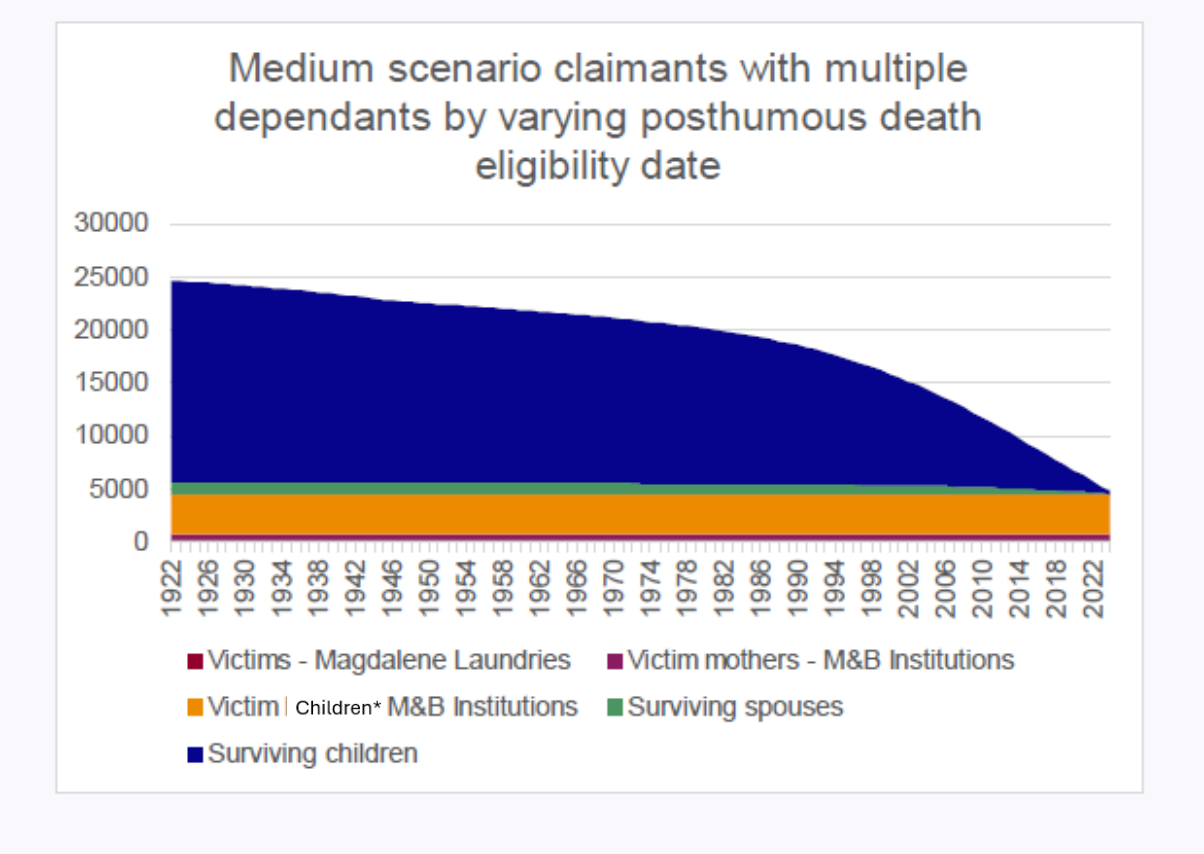
The cost scenarios and estimated applicant numbers were developed with independent actuarial advice incorporating factors such:

- Assumptions based on QUB / UU research on admissions
- Propensity (likelihood to claim)
- Fertility rates
- Mortality rates
- Comparator schemes data to develop assumptions

[1] In this context, this is more aligned to fair outcomes and use of public monies

Estimated number of people who could claim

Figure 1: Estimated application numbers for posthumous claims back to 1922 (MLs and MBIs only)



*Victim – Children, is those Children, now adults born to a Birth Mother while in an institution.

Table 1: Cost implications of various posthumous date (not including workhouses or other institutions)

Posthumous Date	£10K Surviving Victims Payment (BASE)	£2k posthumous payments to spouses and all children FROM BASE	Total	Increase from current Bill
Nov 2021	£45.1m	+£3.4m	£48.5m	
2013	£45.1m	+£11.3m	£56.4m	
2011	£45.1m	+£13.3m	£58.4m	
1953	£45.1m	+£35.8m	£80.9m	£22.5m* **
1922	£45.1m	+£40.5m	£85.6m*	£27.2m* **

*This does not include workhouses or other institutions which, depending on the potential eligible cohort, could be hundreds of millions.

** There is a need to have a clear, robust and defendable basis to determine a suitable date which the 2011 date currently provides.

3. *Access to Public Records – Information on what measures will be put in place to protect the rights of victims and survivors in the event that records the Inquiry will have access to are withheld from individuals. The Committee notes that further legislation may be necessary depending on the findings of the forthcoming Truth Recovery Design Panel report.*

Note – we have assumed reference in the question to '*forthcoming Truth Recovery Design Panel report' is 'forthcoming Truth Recovery Independent Panel report'.*

This section is broken down as follows:

3.1 What the Bill does currently

3.2 What did the Preservation of Records (Historical Institutions) Act 2022 provide?

3.3 What could be needed in the future

3.1 What the Bill does currently

The Inquiry and Redress Service will effectively have the powers to compel information and potentially to share with third parties if deemed appropriate and lawful.

A key learning from other inquiries will be about the when and how information is shared with a participant before they provide oral evidence. This will be more for the Inquiry Chair to implement effectively but the Bill provides a number of key provisions:

- The chairperson can compel the production of evidence including any documents that relate to a measure in question at the Inquiry clause 16(2) supported by sufficient enforcement measures, offences, penalties and sanctions.

- There is also a requirement for the chairperson to take such steps as they consider necessary to ensure that members of the public can obtain or view a record of documents provided to the Inquiry (clause 14), subject to clause 15.

- Clause 15, allows the chairperson to impose restrictions on the disclosure or publication of evidence based on certain factors like risk of harm.

The Inquiry will likely have to balance the right, for example, of a child, now adult to have access to his or her records with the right of a mother for privacy on this matter – which is

largely governed by GDPR legislation and Article 8 of the ECHR. This will be an important matter for the Inquiry to consider and make any necessary recommendations.

3.2 What did the Preservation of Records (Historical Institutions) Act 2022 provide?

The Assembly passed the Preservation of Records (Historical Institutions) Act 2022 which made it a statutory obligation for state and non-state institutions to preserve 'relevant documents' which contain 'relevant information', including that which may be of interest to the current Inquiry.

This is considered to include a requirement to preserve records related to adoption, which meet the specified criteria regarding 'relevant documents' and 'relevant information' in the Act.

The full definition of relevant documents is provided in sections 2, of the 2022 Act. This includes (section 2(3)) regarding a document that was created by or on behalf of:-

(a) a relevant institution,

(b) a person who was a resident of a relevant institution in the relevant period, (c) a person in communication with a relevant institution or with a person mentioned in paragraph (b),

(d) a body with responsibility for the health, welfare or care of women or children,

(e) a body involved in the removal, retention, storage, use or disposal of human tissue from deceased persons, or

(f) such other person as may be prescribed

The definition of relevant information is provided in section 3 of the 2022 Act and includes (section 3(4) and 3(5)): -

3(4) Information falls within this subsection if it is information about accommodation or care provided to a child who was born to a resident of a relevant institution in the relevant period and the information relates to—

(a) the period in which the mother remained a resident,

(b) if the mother ceased to be a resident, any subsequent period in which the mother and child were separated, or

(c) such other circumstances as may be prescribed.

3(5) For the purposes of subsection (4)(b), a mother and child were separated if the child was provided with care and accommodation by a person other than the mother, but this is subject to such exceptions as may be prescribed.

This has resulted in very positive engagement from data holders and PRONI are in the process of digitising over 4,500 records. The legislation has been replicated in the Republic of Ireland in late 2024.

3.3 What could be needed in the future?

The TRDP report also recommends establishing a dedicated permanent independent repository of all personal and administrative records relating to historical practices within a range of social care institutions and the adoption system.

The Report indicates (pages 15-16) what the legislation would be expected to do at a minimum. A number of key features, which relate to measures that will be put in place to protect the rights of victims and survivors, include to: -

- Create a permanent, comprehensive independent repository of historical institutional and adoption records, and other records relating to children in state care.
- Require the preservation and production of all relevant records, including administrative as well as personal information, whether currently held by state or non-state personnel, and including the archives of truth-telling investigations.
- Provide the maximum possible access to information for those personally affected, including relatives of the deceased, thus protecting and vindicating their human rights, including their rights to identity and to truth.
- Establish procedures to enable victims-survivors to exercise their personal data protection rights, including their right to rectify inaccurate personal data by way of annotation.

The Truth Recovery Independent Panel will consider and provide recommendations in relation to this. This will most likely need to be considered by the Department of Health in the first instance and then the Executive, given the nature of the records.

4. *Statements from Religious Orders – Whether an up-to-date statement from the relevant religious orders should form part of the official acknowledgment process for victims and survivors.*

A meaningful response would normally be developed in collaboration with victims and survivors, and those deemed responsible for failings, once the public Inquiry has concluded.

Those deemed responsible may include individuals, groups, organisations, institutions and the state.

An official apology is an important part of the redress process and the appropriate time and care must be taken to ensure that this is done properly.

Queen's University's Professor Anne-Marie McAlinden has outlined that a meaningful apology contains five essential elements, as adopted in the first official state apology to victim/survivors of historical institutional abuses in residential care in Northern Ireland in March 2022:

1. Acknowledgement of Wrongdoing;
2. Acceptance of Responsibility;
3. Expression of Remorse/Regret;
4. Assurance of Non-Repetition; and
5. Offer of Repair/Corrective Action.[2]

As outlined by Professor McAlinden, acknowledgement of wrongdoing and acceptance of responsibility are key aspects of a meaningful apology and it is important the findings of a public Inquiry shape this.

5. *Formal Engagement with Religious Orders – Confirmation that the Department will move towards a more formalised engagement process with religious institutions.*

The Department has engaged with the organisations responsible for institutions (where they still exist) via letter at key stages, invitation to engage with the public consultation and, for some, meetings.

The organisations have engaged positively with PRONI on the matter of access to records, with 4,500 records identified in private records and currently digitised.

Looking to other jurisdictions, it appears similar schemes have sought contributions on a voluntary basis due to legal limitations, however the Department is open to looking into and finding effective solutions. To date there has been engagement with colleagues in other jurisdictions on this matter as well as being discussed at Ministerial level at recent NSMC meetings.

Work is ongoing to develop a framework for adequate and meaningful contributions at the appropriate time, however this is not as straightforward as it might first appear, not least as the standardised payment will be paid on a 'no-harm' basis, and crucially, before a public Inquiry has concluded.

As a result, some institutions would outline they have a strong argument to resist making a contribution to the first part of the scheme given that it is on an admission only basis, as opposed to a harm-based payment.

It is unlikely that a full and formal negotiation can take place until after the public Inquiry, or until it is well advanced (as per the HIA and Scottish Redress examples), when there will be a greater understanding of the respective roles of the State and the organisations' involvement. A model of negotiation, mediation and binding arbitration could be utilised.

In addition, there has been engagement with NIO and Treasury for contributions for periods under direct rule, albeit with no agreement to date but the process remains ongoing.

6. *Mid-Term Review of the Redress Scheme – Assurance that the scheme will include flexibility through a formal mid-term review mechanism to evaluate its implementation and effectiveness.*

The Bill provides that the Redress Service must produce an annual report, but it does not contain a requirement for mid-term review per se.

This is not necessarily something which needs to be on statutory footing, such reviews would normally be on processes and procedures not the policy itself.

7. *Public Interest Immunity – If it is appropriate that Public Interest Immunity or other privileged information protections will apply to the Inquiry, and the implications this may have for transparency and victim and survivor confidence.*

The starting principle for an independent investigation is that we want to make sure that the Inquiry has the confidence of all participants especially victim and survivors. It is important all obtainable evidence is made available.

The Truth Recovery Design Panel report recommended that the Inquiry legislation should have powers equivalent to the Inquiries Act (2005). Consequently, Section 22 of that Act (regarding privileged information) was mirrored in Clause 17 of the Inquiry and Redress Bill. As a result, section 22 of that Act was, therefore, the source for clause 17 of the Bill, regarding privileged information. It was also present in the HIA Inquiry Bill.

Section 22(2) is generally used where there is a national security matter, and while it is very difficult to be certain whether or when such circumstances would arise in the current Inquiry, an assessment is being made of how and when it has been used in similar inquiries.

We are committed to carefully consider this clause in relation to best interests for this Inquiry.

8. *Basis of Historical Institutional Abuse (HIA) payments - An explanation of the criteria and calculations used to determine redress payments under the HIA Redress scheme.*

The HIA scheme is harm-based scheme and key eligibility criteria requires the applicant to have been under the age of 18 and be able to evidence harm in an institution between 1922-1995. Most harm-based schemes consider duration, severity and impact.

The governing HIA primary and secondary legislation provides the legal basis upon which all written applications for payments are to be determined including eligibility, evidence and supporting documentation by independent panels appointed by the President of the HIA Redress Board (HIARB).

The role of said panels is to

i. determine whether compensation should be paid, and,

ii. if so the amount.

The HIARB guidance note sets in broad terms and with relatively broad ranges of information, that assist panels in determining applications in a consistent and transparent

manner. The guidance is not a pre-requisite for payment under a given band. The focus of the panel will remain on the severity of the matters raised in the application.

The banding guidance can be found here and examples of abuse here. The payments range from £10,000 to £80,000 with up to £20,000 payment for the Child Migrant Programme, if applicable.

9. *Comparison with the Republic of Ireland's Redress Scheme - In relation to payment levels and eligibility.*

Area	Mother and Baby Payment Scheme – ROI	Truth Recovery Standardised Payment - NI
Basis	Time spent in a harsh environment.	Acknowledgment of the impact of a system of institutions established for woman and girls and the associated shame and stigma.
Initial Focus	Mother and Baby Institutions and County Homes*	Mother and Baby Institutions and Magdalene Laundries
Eligibility	An applicant must have been admitted to a listed institution for 'shelter and maintenance' and for pregnancy related purposes for a minimum of one night. OR Been admitted as a child for a minimum of 180 days.	An applicant must have been admitted to a listed institution for 'shelter and maintenance' OR Been born while their mother was 'under the care of' a listed institution. There is no minimum time spent or admission criteria.
Payments	General payments start at €5,000 for a woman who spent less than 90 days in a listed institution**. The amount increases the longer a person was resident, up to €65,000 for a period of more than 10 years. There is additional 'work payment' (ranging from £1,500 to £60,000) for those who were in a County Home, Tuam or Sean Ross Abbey only.	£10,000 fixed payments to all those admitted and those born to a woman 'under the care' of a relevant institution. And £2,000 to each eligible family member (on behalf of a deceased eligible victim).

Area	Mother and Baby Payment Scheme – ROI	Truth Recovery Standardised Payment - NI
	The full payment rates can be found here.	
Posthumous Claims	13th January 2021 (Taoiseach Micheál Martin's official apology to survivors) Claim can be made by the personal representative of the deceased's estate.	29th September 2011 (Executive agreement to Inquiry into historical institutional abuse) Claim can be made by eligible family member.
Administered by	Internal unit within the Department of Children, Equality and Disability.	Independent body known as the Redress Service.
Statement of Experience required	No	No
Further Individually Assessed Payment	No	Yes
Waiver against future action	Yes	No
Previous awards taken into account	Yes	No

* Magdalene Laundries are covered by the Government of Ireland's 2013 Magdalen Restorative Justice Ex Gratia redress scheme.

** In general, women in Northern Ireland stayed in MBIs for a much shorter period of time than in the Republic of Ireland. The QUB/UU report notes that the majority of women admitted to Marianvale and Marianville spent less than three months. Children (now adults) also spent limited time in these institutions, with many never entering an MBI at all. QUB/UU report writes "*This shorter period of residence is one factor that ensures that the* [infant] *mortality rates were much lower than those for mother and baby homes in the Republic."*

Cost of Processing Redress Applications - Details on the estimated cost of applications.

The Standardised Payment Scheme will adhere to the Managing Public Money Northern Ireland principles of regularity, propriety and value for money.

This is a demand-led scheme, however, so it is difficult to accurately estimate the number of claims and costs.

The administration costs are estimated to be £7.8m assuming a main scenario over a three-year period. This figure includes: staffing, panel fees, IT costs, advertising, printing & stationery, support model, accommodation & legal costs.

There are estimated to be over 6,600 claims and potentially over 11,000 individual applications to be considered.

The estimated administration cost per application to the Standardised Payment Scheme is, therefore, approximately £700.

The Historical Institutional Abuse Scheme has been used a benchmark, but it should be noted that this is a harm-based scheme and, therefore, legal fees and panel costs will be considerably higher than the Standardised Payment Scheme. But inevitability there will be a high element of fixed costs.

10. Entitlement to a payment - A written briefing on the proposed eligibility of relatives of deceased victims under the Redress scheme.

Eligible Family Members

The bill provides for claims from those admitted to a relevant institution during the stipulated time period and those children, now adults, born to women who were 'under the care of' such an institution.

The Bill also provides that an eligible relative of a deceased person who died on or after 29th September 2011 can make an individual claim for £2,000.

Schedule 3 sets out that an eligible person is a partner of the deceased and/or [all surviving children] a child of the deceased. When developing the redress scheme, best practice and precedent in other schemes was considered.

- **Scottish redress:** Scottish Redress uses a 'next of kin' model for posthumous claims and the spouse/partner OR the surviving children are eligible to make a posthumous claim on the £10,000 fixed payment only. It is the children making the claim, they must submit an individual application and the £10,000 is split between the known number of legal children of the deceased.

- **HIA:** Section 6 of the Historical Institutional Abuse Act 2019 provides that a spouse civil or cohabiting partner and any surviving child of the deceased can make a claim "if that person is a residuary beneficiary of the deceased's estate."

  In the HIAI report, Sir Anthony set out:

  > *"We believe that it would be just and humane for only those directly affected, namely the spouse or children of a person who died after a prescribed date to be able to claim 75%[2] of the compensation that would have been awarded to their spouse or parent, and we so recommend."*

So there is a clear precedent for including the spouse/partner and children for posthumous claims. They are also the closest relatives in terms of the laws of intestacy and the family members most likely to share a financial dependency with the deceased.

The Truth Recovery public consultation had proposed using a similar model, incorporating the spouse/partner or children, and also took views on who should be considered next of kin.

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[2] This was later changed to 100%

The most common response to this question was ‘spouse and children,’ although a small number did advocate for other family members, such as siblings and parents.

Adopted children

A child who is adopted becomes the legal child of those parents. Under the laws of intestacy, a child who was adopted into another family is not in line to inherit from their birth parents. Due to the nature of the Truth Recovery Programme, it was considered a fair and equitable measure to include those who had been adopted into another family as eligible family members for a posthumous claim. This is an unusual approach as they are no longer the legal children of the deceased and would not be in the usual line of succession under intestacy laws. Many adopted adults, however, feel that an important part of redress is acknowledgement that they were a child of their birth mother. The public consultation responses did not provide a consensus view on this issue and, in consideration, the original policy proposal to include adopted children, now adults, was retained.

Other family members

If another eligible relative was added, say for example, a parent, then it could be argued that there was a need to be equitable and for all the parents to be included (birth mother and father, and adoptive parents).

Some victims and survivors have expressed that they would find the inclusion of adoptive parents very upsetting and far removed from the spirit of the policy.

The same equitable approach may need to apply to other family members like siblings. This makes it difficult to accurately estimate the number of potential applicants should further eligible family members be added and would arguably be further removed from the original policy intent.

The £2,000 payment is derived from the £10,000 that the deceased would have been entitled to had they been alive and there being, on average, five eligible family members. Paragraph 37 of the EFM outlines this in more detail

> *“The basis for the £2,000 payment is derived from the £10,000 that would have been received by the deceased person had they been living, and estimating there could be on average five potential applicants:*
>
> > *a. Average family size being three children during the relevant period (based on a metric called Total Fertility Rate);*
> >
> > *b. A child, now adult, born to a woman or girl in a listed institution who was adopted by another person(s); and*

c. A surviving spouse or partner."

If more eligible family members are added to the scheme then, based on that rationale, the individual posthumous payment could be reduced to reflect this.

As outlined above, the £2,000 is not intended as a bereavement payment (for the death of a loved one) nor to reflect the impact of the deceased's experience on the family member.

Annex 2

Further information based on previous evidence sessions

Costs - Previous research

In the recent Executive Committee session (18th June 2025) further information was sought on

(a) Research commissioned by Department of Health from 2018 to 2021

(b) Truth Recovery Design Panel commissioned by Department of Health

(c) Truth Recovery Independent Panel

Costs related to the 3 areas identified above:

(a) £206,000 - Research commissioned by QUB/UU.

(b) £266,000 - Truth Design Panel Report

(c) Approximately £1 million (to June 2025) – Independent Panel Costs. The panel have an overall budget of £2 million.

Redress – List of Institutions

A question was asked on the difference between list of institutions in QUB/UU report and Schedule 2 of the Inquiry and Redress Bill.

The QUB/UU report were asked to examine the following :

<u>Mother and Baby Institutions</u>

Mater Dei, Belfast (Legion of Mary)

Marianville, Belfast (Good Shepherd Sisters)

Marianvale, Newry (Good Shepherd Sisters)

Belfast Midnight Mission/Malone Place Maternity Home and Rescue Home

Kennedy House, Belfast – 1912-1956 (Church of Ireland Rescue League)

Hopedene House, Belfast

Thorndale House – 1920-1977 (Salvation Army)

<u>Magdalene Laundries</u>

St Mary's Home, Belfast (Good Shepherd Sisters)

St Mary's Home, Derry/Londonderry (Good Shepherd Sisters)

St Mary's Home, Newry (Good Shepherd Sisters)

Thorndale Industrial Home (Salvation Army)

Health and Social Services/Charities

Mount Oriel, Belfast (EHSSB)

Deanery Flats, Belfast (Barnardo's)

Belfast and Coleraine Welfare Flats

Mount Oriel

Mount Oriel is included in the list in Schedule 2 of the Bill because both the QUB/UU report and contemporary sources refer to it as 'Mother and Baby Home' and, as such, it falls under the policy rationale for the SP scheme. In the QUB/UU report, a birth mother gave testimony about this institution in which she referenced the stigma of being pregnant and unmarried in the 1970s and the pressure she felt to put her child up for adoption.

Thorndale

Thorndale Mother and Baby Institution is included the Industrial Home element is not included for several reasons:

- It did not operate a commercial laundry and, therefore, does not fulfil the definition of a ML.
- Unlike the St Mary's homes, it was not subject to the Factory and Workshop Act 1907.
- It is described as a 'training home for girls' and, as such, would fall under the Historical Institutional Abuse scheme.
- The Salvation Army also ran a skills-based training home for males on Waring Street so it cannot be argued that it is a type of institution only established for women and girls.

No-one has come forward to give testimony for Thorndale Industrial Home.

Deanery Flats

The QUB/UU research team did not receive Deanery Flats files in time to conduct any analysis. The report describes "six self-contained flats for mothers and babies and a day nursery for up to 25 children" and it appears materially different from the MBIs listed in Schedule 2 as the intention was to provide support so that mother and baby could stay together. No-one has come forward to give testimony for Deanery Flats.

Belfast and Coleraine Welfare Flats

There was limited research into the welfare flats and it is not clear how they would fall into the remit for redress.

Unmarked Graves – Landowner consent

At the closed evidence session in May (28th May 2025) there was a question raised around the options the inquiry would have, should a landowner not provide consent to enter their land with respect to the matter of unmarked graves.

It does depend on the nature of the evidence and associated evidential threshold i.e. depends on criminal powers or more likely civil powers (injunction) which could be engaged but further advice and research is being undertaken to inform options including how other jurisdictions have addressed similar cases.

Nuala McAllister MLA has recently launched a consultation to inform a private members bill on private graveyard regulation which while being a much broader issue, does have a link to this policy area.

Northern Ireland Assembly

Committee for the Executive Office

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24 June 2025

[redacted]

Inquiry (Mother and Baby Institutions, Magdalene Laundries and Workhouses) and Redress Scheme Bill

At its meeting of 18 June 2025, the Committee received an oral briefing from Department officials of the Inquiry (Mother and Baby Institutions, Magdalene Laundries and Workhouses) and Redress Scheme Bill provisions and its EFM.

Following this briefing, the Committee agreed to write to the Department to request further information on the following areas:

- Inquiry Expenses Further detail on the expenses that individuals called to Inquiry will be eligible to claim. This should include a breakdown of the types of expenses that can be reimbursed and the methodology used to determine what is considered reasonable or appropriate.
- Posthumous date of 29 September 2011 – Clarification on how cases falling close to the cut-off date will be treated and the reasoning behind the selection of this date.
- Access to Public Records – Information on what measures will be put in place to protect the rights of victims and survivors in the event that records the Inquiry will have access to are withheld from individuals. The Committee notes that further legislation may be necessary

depending on the findings of the forthcoming Truth Recovery Design Panel report.

- Statements from Religious Orders – Whether an up-to-date statement from the relevant religious orders should form part of the official acknowledgment process for victims and survivors.
- Formal Engagement with Religious Orders – Confirmation that the Department will move towards a more formalised engagement process with religious institutions.
- Mid-Term Review of the Redress Scheme – Assurance that the scheme will include flexibility through a formal mid-term review mechanism to evaluate its implementation and effectiveness.
- Public Interest Immunity – If it is appropriate that Public Interest Immunity or other privileged information protections will apply to the Inquiry, and the implications this may have for transparency and victim and survivor confidence.
- Basis of Historical Institutional Abuse (HIA) payments - An explanation of the criteria and calculations used to determine redress payments under the HIA Redress scheme.
- Comparison with the Republic of Ireland's Redress Scheme - In relation to payment levels and eligibility.
- Cost of Processing Redress Applications - Details on the estimated cost of applications.
- Entitlement to a payment - A written briefing on the proposed eligibility of relatives of deceased victims under the Redress scheme.

I would appreciate a response by Tuesday 8 July 2025.

Yours sincerely

Nick Mitford
Clerk, Committee for the Executive Office

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