Northern Ireland Assembly

Research and Information Service
Bill Paper

Paper 61/25 5 September 2025 NIAR 113-2025

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

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This Bill Paper has been prepared by the Assembly Research and Information Service (RaISe). It provides an overview of the Inquiry (Mother and Baby Institutions, Magdalene Laundries and Workhouses) and Redress Scheme Bill. It also draws together comments from organisations that responded to the public consultation and lays out key scrutiny points Members may wish to consider during their examination of the Bill.

This paper contains references to topics some readers may find distressing.

Executive Summary

This Bill Paper has been prepared as part of the Northern Ireland Assembly's scrutiny of the Inquiry (Mother and Baby Institutions, Magdalene Laundries and Workhouses) and Redress Scheme Bill ('the Bill'). The Bill was introduced to Assembly on 16 June 2025 and completed its second stage on 24 June 2025. At the time of this paper, it is at committee stage. This paper should be read in conjunction with a separate RaISe paper on the review of costs for the Bill (NIAR-109-2025) published alongside this paper.

The Bill implements key recommendations of the Truth Recovery Design Panel (TRDP) and subsequent Truth Recovery Programme by establishing:

- a **statutory public inquiry** into the operation of Mother and Baby Institutions, Magdalene Laundries and Workhouses in Northern Ireland between 1922 and 1995; and
- a **statutory redress scheme** to provide financial compensation to survivors and their families.

The Bill responds to documented mistreatment in these institutions, including potential unlawful deaths, forced labour, arbitrary detention, family separation, and other human rights violations. It also follows sustained campaigning by victims and survivors and aligns with developments in neighbouring jurisdictions where inquiries and redress schemes have already been established.

Background and Context

In 2016, the Inter-Departmental Working Group commissioned research from Queen's University Belfast and Ulster University into Mother and Baby Homes and Magdalene Laundries. Published in January 2021, this report evidenced systemic abuse across multiple institutions ('the QUB/UU Report').

In March 2021, the TRDP was appointed to design an appropriate statutory response. Following consultation with survivors, its final report 'Truth, Acknowledgement and Accountability' (October 2021) recommended guiding principles, an integrated statutory inquiry, improved access to records, and a statutory redress scheme.

The Executive Office (TEO) accepted these recommendations in November 2021, leading to the creation of the Truth Recovery Programme, the establishment of the Truth Recovery Independent Panel, the enactment of the Preservation of Documents (Historical Institutions) Act (Northern Ireland) 2022, and the preservation of over 4,500 archival items.

This Bill now provides the statutory foundation for inquiry and redress. This Executive Summary highlights a selection of the main scrutiny points arising from the Bill. It should be noted that additional scrutiny issues are identified in the full paper, which Members may also wish to consider.

Part 1 – The Inquiry

Clause 1 establishes the Truth Recovery Public Inquiry into systemic failings of institutions and public bodies between 1922 and 1995, excluding matters already examined by the Historical Institutional Abuse (HIA) Inquiry. While the Inquiry may consider ongoing effects on individuals after 1995, it cannot extend the timeframe itself.

Clause 2 provides for Terms of Reference (ToR), to be set by TEO. Unlike the HIA Inquiry, changes do not require Assembly approval.

- Members may wish to consider whether **Assembly oversight should be required for significant changes**.
- The *Truth, Acknowledgement and Accountability* report recommended **investigation of institutional financial operations and maximisation of victim and survivor participation**. These elements are not explicitly included. Members may wish to consider **whether they should be incorporated**.

Clause 3 lists prescribed institutions, with provision for additions by regulation.

- **Institutions investigated by the Inquiry are not automatically covered by the Redress Scheme**. Members may wish to consider the potential for raised expectations among survivors.

Clause 4 defines “relevant persons” as residents, children born, and those whose mothers were “under the care” of institutions immediately before birth.

- TEO **retains discretion to exclude individuals**. Members may wish to seek clarification on how such exclusions will be applied.

Clause 13 permits evidence to be given by live link.

- While this may **facilitate participation**, older victims and survivors and those with **limited digital access may be disadvantaged**. Members may wish to ask what **support will be provided**.

Clause 15 empowers the chair to impose restrictions on public access and disclosure, including overriding confidentiality.

- Members may wish to consider whether **safeguards are sufficient** to balance **transparency with privacy** rights.

Clause 21 enables TEO to set conditions for expenses and legal representation.

- These **conditions have not been published**. Members may wish to seek assurance on their **fairness and transparency**.

Clause 27 allows TEO to make procedural rules subject to negative resolution.

- Members may wish to consider whether **enhanced Assembly scrutiny is warranted**.

The Bill does not confer new powers relating to deaths and burial sites.

- Independent evidence suggests the extent of some **burial sites may be underestimated**. Members may wish to consider whether further investigatory powers are required.

Part 2 – The Redress Scheme

The Bill establishes the Truth Recovery Redress Service to provide financial redress.

Clause 31 sets eligibility criteria for victims and survivors. Consultees and victims and survivor groups have been critical of a number of the provisions in this area. These include:

- The exclusion of **'private' patients**, the **posthumous date**, the **amount of redress payment,** the exclusion of **Clogrennan as a Mother and Baby Institution** and the exclusion of **Workhouses** from the list of relevant institutions.

- TEO's Human Rights Impact Assessment concluded the criteria are **proportionate under the ECHR**. Members may wish to **satisfy themselves on compliance**.

Clause 33 outlines the application process, with judicial and non-judicial members determining cases.

- The Bill does not outline the expertise required of **non-judicial members**. Members may wish to examine **appointment criteria and whether judicial members should be required**.

Clause 37 provides for lump-sum payments only.

- Some consultees recommended **giving survivors a choice between lump-sum and periodic payments**. Members may wish to ask whether this flexibility could be introduced.
- While the Bill **protects redress payments from means-testing in Northern Ireland**, it is unclear whether **equivalent protections will apply in Great Britain or the Republic of Ireland**. Members may wish to ask what progress has made on securing such agreements for victims and survivors who live in other jurisdictions.

Clause 38 gives applicants a right of appeal, which must be lodged within 30 days of notification, extendable only in "exceptional circumstances." Appeals must be determined by a judicial member of the Redress Service.

- There is **no definition of "exceptional circumstances."** Members may wish to ask whether guidance will be provided.
- Members may wish to consider whether **limiting the consideration of appeals solely to judicial members is appropriate**, or whether there is merit in exploring a broader panel approach involving non-judicial expertise.

Clause 40 provides the power to restrict disclosure of information, including disclosure of a person's identity.

- Decisions under Clause 40 are final as there is no appeal process. Members may wish to consider whether **an appeal or review process should be introduced** to provide a safeguard.

Clause 42 allows TEO to make regulations in relation to payments and applications to the Service.

- Members may wish to consider how **lessons from other jurisdictions'** redress schemes will be **reflected in these regulations**, and how survivors will be consulted in their development.

Schedule 1 Paragraph 11 on funding provides for TEO to fund the Redress Service.

- **Members may wish to note** that there is no legal requirement, within the Bill as introduced, for the listed institutions to provide financial contributions towards the Redress Scheme. Neither TEO nor RaISe have found examples in other jurisdictions where institutions have been legally obliged to pay towards redress.

Part 3 – General

Part 3 contains a range of technical provisions. These include offences (Clause 23), enforcement through the High Court (Clause 24), immunity for Inquiry participants (Clause 25), judicial review (Clause 26), and interpretation (Clause 29). Together, these provisions are designed to support the effective operation of the Inquiry and Redress Service.

In summary, the Bill provides a statutory framework for a public inquiry into Mother and Baby Institutions, Magdalene Laundries and Workhouses in Northern Ireland and for the establishment of a redress scheme. While it sets out the legislative basis for these measures, questions remain regarding scope, survivor participation, oversight, and implementation.

The scrutiny points outlined above highlight some of the main areas that Members may wish to examine further. These should be read alongside the full paper, which identifies additional issues for consideration in the scrutiny of the Bill.

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1 Background and context

The Explanatory and Financial Memorandum (EFM), the public consultation on the Inquiry and financial redress, and the Equality Impact Assessment provide detailed information about the background and policy objectives of the Inquiry (Mother and Baby Institutions, Magdalene Laundries and Workhouses) and Redress Scheme Bill.

This is a difficult and sensitive area and it is acknowledged that the language and terminology used is very important, whilst being aware that there are different views on what language is most suitable. This paper seeks to use sensitive terminology and language as much as possible.

1.1 Context

Before outlining the processes which preceded the introduction of the Bill, it is important to acknowledge what happened in Mother and Baby Homes, Magdalene Laundries and Workhouses. As laid out in research undertaken in this area to date, there were a number of abuses of individual's human rights in these institutions.

These include suggestions of unlawful deaths, torture or other cruel, inhuman or degrading treatment, servitude or forced labour, arbitrary detention and serious violations of the respect for private and family life.[1] This was also noted by the First Minister and deputy First Minister on the introduction of the Bill to the Assembly.[2]

1.2 Historical Institutional Abuse Inquiry

As explained by the EFM, the Inquiry into HIA (2013-17) focused on residential institutions for children. It therefore did not fully consider women and girls in

[1] Truth Recovery Design Panel, *Mother and Baby Institutions, Magdalene Laundries and Workhouses in Northern Ireland. Truth, Acknowledgement and Accountability Report* (2021) pp 31 – 37.

[2] The Executive Office, *Inquiry and Redress Scheme to be established* (2025).

Mother and Baby Institutions and Magdalene Laundries or children, now adults, born to these women and girls.

1.3 Inter-Departmental Working Group

In October 2016 an Inter-Departmental working group (IDWG) was established. It was jointly sponsored by the Department of Health and TEO. The Group commissioned a joint research project from Queen's University Belfast (QUB) and Ulster Universities (UU). The research was headed by Dr Leanne McCormick and Professor Sean O'Connell. The final report on 'Mother and Baby Homes and Magdalene Laundries in Northern Ireland 1922-1990' was published in January 2021. The report engaged in a documentary review of archived materials and oral history.

The IDWG advised the creation of the independent TRDP.

1.4 Truth Recovery Design Panel

Following the QUB/UU research report, the independent TRDP was established in March 2021 by the Minister for Health. The panel worked with victims and survivors to develop recommendations for an independent investigation/inquiry and wider process relating to Mother and Baby Institutions and Magdalene Laundries in Northern Ireland. Soon after its appointment, and following comments from victims and survivors, the Panel added Workhouses to its scope.

In October 2021, the TRDP published its final report. This was titled the 'Mother and Baby Institutions, Magdalene Laundries and Workhouses in Northern Ireland - Truth, Acknowledgement and Accountability' report. The report set out five key recommendations:

1. Adoption of Guiding Principles;
2. Responsibility of The Executive Office;
3. An Integrated Truth Investigation;
4. Access to Records; and
5. Redress, Reparation and Compensation

These recommendations were accepted by TEO in November 2021.

1.5 Truth Recovery Programme

TEO established the Truth Recovery Programme to deliver these recommendations. As stated in the EFM, progress to date has included:

- Dedicated support services for victims and survivors. 400 people (at the time of writing) have accessed the service.
- Appointment of the 10 person Truth Recovery Independent Panel (TRIP). This was appointed in April 2023 and is set to report in late 2025. It published an Interim Report in 2024 and also published a response to TEO's public consultation on the Bill. The Independent Panel offers victims and survivors an opportunity to provide testimony in a less formal setting than at the inquiry. It is intended that the findings and recommendations of the Independent Panel will help to shape the focus of the statutory public inquiry.
- The enactment of the Preservation of Documents (Historical Institutions) Act (Northern Ireland) 2022. This places a duty on record holders to preserve relevant records.
- Engagement with institutions, non-statutory and statutory bodies on preserving archival records including 4,500 items which are in private collections and associated digitisation of these records.

This Bill aims to progress the core elements of the TRDP Recommendations 3 and 5. These are the establishment of a statutory public inquiry and a statutory financial redress scheme.

Acknowledgement should also be given (as is acknowledged in the First Ministers and Deputy First Ministers opening statement to the public consultation) to the efforts of victim and survivors, both individually and in representative groups, in continuously campaigning for truth and accountability.

2 State Responses to Historical Institutional Abuse in England, Scotland, Wales and the Republic of Ireland

It is worth noting that no two public inquiries or financial redress schemes are the same and so they can be difficult to compare. Not only are the location and circumstances behind each different, but they also seek to provide information and redress to different cohorts of people with a number of different experiences.

In the Republic of Ireland, there have been a number of related inquiries and financial redress schemes such as the Commission of Investigation into Mother and Baby Homes, which reported in 2021, and the Inter-Departmental Committee to establish the facts of State involvement with the Magdalen Laundries. There have also been financial redress schemes such as the Magdalen Restorative Justice Ex-Gratia Scheme and the Mother and Baby Institutions Payment Scheme.

In Scotland, the Scottish Child Abuse Inquiry is ongoing, as is Scotland's Redress Scheme though the scope is both is wider than those in the Bill. In England and Wales, the Independent Inquiry into Child Sexual Abuse (IICSA) concluded in 2022. Again, with a wider scope that the Inquiry proposed in the Bill.

Further detail on these inquiries and redress schemes, as well as others in these jurisdictions are covered in two separate Research and Information Service (RaISe) papers which, for the sake of brevity, are not repeated here. These papers are:

- NIAR-316-2024 Assembly Research and Information Service Briefing Paper - Responses to Historical Abuse in Great Britain
- NIAR-233-2024 Assembly Research and Information Service Briefing Paper - Responses to Historic Abuse in the Republic of Ireland

3 Part 1 - The Inquiry

This section of the paper provides a broad overview of the contents of Part 1, Truth Recovery Public Inquiry (the Inquiry), of the Bill. It has been subdivided as follows:

- Provisions of the Bill relating to the Inquiry
- Provisions of the Bill relating to the Inquiry proceedings
- Provisions of the Bill relating to reports
- Provisions of the Bill relating to expenses
- Supplementary Provisions of Part 1 of the Bill

3.1 Provisions relating to the Inquiry

3.1.1 The Inquiry

The *Inquiry (Mother and Baby Institutions, Magdalene Laundries and Workhouses) and Redress Scheme Bill*
Subsection 1(1) authorises the First Minister and deputy First Minister, acting jointly, to set up the Inquiry.

Subsection 1(2) specifies the name of the Inquiry as the *Truth Recovery Public Inquiry into Mother and Baby Institutions, Magdalen Laundries and Workhouses 1922 to 1995*.

Subsection 1(4) specifies that the Inquiry will cover the period of 1922 to 1995, inclusive of those years.

Subsection 1(5) allows the Inquiry to consider the ongoing effect on an individual after the period covered by the Inquiry.

Subsection 1(6) specifies that the Inquiry must not duplicate the work of the Historical Institutional Abuse Inquiry.

This Clause specifies the name of the Inquiry and the period it will be examining. It should be noted that **Subsection 1(5)** allows the Inquiry to

consider the ongoing impact an individual's experiences have had on them, outside of the 1922 to 1995 period.

Subsection 1(6) states that the Inquiry must not inquire into facts relating to the HIA Inquiry. RaISe contacted TEO Officials for additional information on how the Inquiry will avoid re-examining areas already covered by the HIA Inquiry. They clarified on 22/08/2025 that the Inquiry will be clear that there will be no re-examination of facts established by the HIA Inquiry. The Inquiry will seek to establish new facts and not revisit areas already established by the HIA.

Findings from the public consultation indicate that some the of responses felt it was important that the chairperson has the flexibility to consider outside of this time period, if it is deemed appropriate. This included the flexibility to consider events or testimony falling outside of the period.[3] As written, it does not appear that the chairperson has the authority in the Bill to amend the period of the Inquiry.

3.1.2 Terms of reference

Clause 2 lays out the Terms of Reference, with **Subsection 2(1)** specifying that the Terms of Reference of the Inquiry will be prepared by TEO.

Subsection 2(2) contains information about the purpose of the Inquiry. It specifies that the Inquiry is to determine whether, and to what extent, there were systemic failings by prescribed institutions, public bodies or other persons.

Subsections 2(3) and **2(4)** specify that any amendments to the Terms of Reference will be prepared by TEO. But before doing so, it must consult with the chairperson and "consider the Mother and Baby Institutions, Magdalene Laundries and

[3] The Executive Office, *Summary of the Public Consultation Responses to a Proposed Statutory Public Inquiry and Financial Redress Scheme* (2025) p18

Workhouses in Northern Ireland Truth, Acknowledgement and Accountability Report."

Subsection 2(2) sets out the purpose of the Inquiry. Prescribed institutions are defined in **Clause 3** and Public Bodies are defined in **Clause 29**, as a 'body established by or under any statutory provision.

Note that the Bill, as introduced, does not provide a definition of 'systemic failings'. No definition is provided in the EFM. RaISe contacted TEO officials for additional information on the definition of systemic failings. They clarified on 22/08/2025 that 'systemic failings' would likely be defined by the chairperson, as was the case in the HIA Inquiry. In the HIA Inquiry report, Appendix 1, the report states:

"The Inquiry applied the following broad definitions when considering the evidence it gathered. These were intended to be broad, general definitions because the Inquiry did not seek to exhaustively define in advance everything that might amount to "abuse" or "systemic failings"…"[4]

"A "systemic failing" by an institution consisted of either (a) a failure to ensure that the institution provided proper care; or (b) a failure to ensure that the children would be free from abuse; or (c) a failure to take all proper steps to prevent, detect and disclose abuse, or (d) take appropriate steps to ensure the investigation and prosecution of criminal offences involving abuse."[5]

A "systemic failing" by the state consisted of a failure to ensure either (a) that the institution provided proper care; or (b) that the children in that institution would be free from abuse; or (c) a failure to take all proper steps to prevent, detect and disclose abuse in that institution, or (d) take appropriate steps to investigate and prosecute criminal offences involving abuse."[6]

[4] HIA Inquiry, *Report of the Historical Institutional Abuse Inquiry* (2017) p35

[5] HIA Inquiry, *Report of the Historical Institutional Abuse Inquiry* (2017) p36

[6] As cited immediately above.

The full ToR will be prepared outside of the Bill. This may contain more specific details about the focus of the Inquiry and the chairperson may wish to define what 'systemic failings' mean for this inquiry. **Members may wish to consider** whether this definition of systemic failings is appropriate in the context of the Truth Recovery Inquiry.

Also note that **Subsection 2(3)** of the Bill confers on TEO the power to amend the Terms of Reference. This is a change from the HIA inquiry, which previously specifically conferred this power on the First Minister and Deputy First Minister. Additionally, Section 1(3) of the HIA Inquiry required any amendments to the ToR to require approval by the Assembly.[7] This requirement is not included in the Bill as introduced. Changes to the ToR does not require approval by the Assembly.

Members may wish to consider whether requiring Assembly approval to any changes to the ToR should be considered.

TEO must consult with the chairperson and consider the Mother and Baby Institutions, Magdalene Laundries and Workhouses (MBIMLW) in Northern Ireland Truth, Acknowledgement and Accountability report. Precisely what TEO should be considering in the Acknowledgement and Accountability Report is not explained by the EFM.

3.1.2.1 Public Consultation responses to Clause 2

The majority of respondents to the public consultation supported a focus on systemic failings.[8] Several of the organisations who provided written responses to the public consultation also emphasised the importance of the Inquiry following a human rights based approach. For example, the Northern Ireland Human Rights Commission (NIHRC) commented that:

[7] Acts of the Northern Ireland Assembly. Inquiry into Historical Institutional Abuse Act (Northern Ireland) 2013. Section 1(3)

[8] The Executive Office, *Summary of the Public Consultation Responses to a Proposed Statutory Public Inquiry and Financial Redress Scheme* (2025) p19

"a human rights approach considers individuals' cases and the context and environment within which they arose. Human rights standards require, for example, individual independent investigation into allegations of abuse, but also the systemic consideration of issues so that they might not arise again. Human rights are both reactive and preventative."[9]

The public consultation document prepared by TEO outlined the importance of human rights to the Inquiry process, but stated that:

"*focusing solely on this aspect [human rights] may limit the scope of what the Inquiry can consider…"*[10]

The Women's Policy Group NI (WPGNI) also commented that the Inquiry should include a wider examination to understand how bodies outside of the institutions, and wider society, contributed to how the institutions operated.[11]

3.1.3 Definitions of "prescribed institutions" and "relevant persons"

Please note that the EFM defines **'under the care'** as "*a broad term only and encompasses all types of care without a value judgement on the quality of the 'care' given. The Inquiry will investigate the standard of the care that was provided to those relevant persons."*[12]

> **Clause 3** provides the definition of "prescribed institutions", with **Subsection 3(1)** defining the "prescribed institutions" as "Mother and Baby Institutions", "Magdalene Laundries", "Workhouses" and other institutions.

[9] Northern Ireland Human Rights Commission, *Submission to the Executive Office's Consultation on Truth Recovery – Mother and Baby Institutions, Magdalene Laundries and Workhouses, and their Pathways and Practices* (2024) p11

[10] The Executive Office, *Public Consultation on a Statutory Inquiry and Financial Redress* (2024) p16

[11] Women's Policy Group NI, *WPGNI Responses to Truth Recovery – Mother and Baby Institutions, Magdalene Laundries and Workhouses* (2024) p9

[12] Inquiry (Mother and Baby Institutions, Magdalene Laundries and Workhouses) and Redress Scheme. Explanatory and Financial Memorandum. p7

Subsections 3(2) and 3(3) require TEO to consult with the chairperson before making regulations under this section. A draft of the regulations must also be laid before the Assembly.

Clause 3 provides important definitions on the prescribed institutions that the Inquiry will be examining. The Bill indicates that the meaning of Workhouses is within the meaning of the Poor Relief Acts (Northern Ireland) 1838 to 1937. Please refer to section 6.2.1.1 for further information regarding Workhouses.

Of note is the inclusion of **Paragraph 3(1)(d)**, which provides TEO with the flexibility to include other institutions, as they are identified, into the Inquiry. As stated in the EFM, this includes institutions that are recommended by the Independent Panel.

3.1.3.1 Public Consultation responses to Clause 3

A majority of responses to the Public consultation agreed that TEO should be able to add 'other' institutions to the Inquiry.[13]

The TRIP added that it is likely that other institutions will be added to the current list of prescribed institutions. The panel cited the example of Clogrennan (a mother and baby institution), in Larne, which was brought to the panel's attention by a victim and/or survivor.[14] The Independent Panel stated that this highlighted the value of information brought forward by victim and/or survivors during a testimony process.

The Inquiry may examine other institutions that were not included in the original ToR. RaISe contacted TEO officials for additional information on the process of adding additional institutions. They clarified on 22/08/2025 that these will not necessarily be added to the list of institutions included in the Redress Scheme. **Members may wish to inquire** about the risks of raised expectations

[13] The Executive Office, *Summary of the Public Consultation Responses to a Proposed Statutory Public Inquiry and Financial Redress Scheme* (2025) p26

[14] Truth Recovery Independent Panel, *Response from the Truth Recovery Independent Panel* p6

experienced by individuals in an institution examined by the Inquiry, but then subsequently are not included in the Redress Scheme.

Subsection 4(1) contains the definition of "relevant persons", including any person admitted to a prescribed institution, a person born while their mother was under the care of the institution and a person whose mother was under the care of the institution until immediately before their birth.

Subsection 4(3) allows TEO to amend the definitions of a "relevant person, following consultation with the chairperson and after a draft of the regulations have been laid before the Assembly.

Clause 4 contains information about the who is considered a "relevant person" for the Inquiry. As explained by the EFM, it is the list of people the Inquiry will focus on.

Note that **Subsection 4(2)** provides TEO with the power to exclude certain individuals who may satisfy the conditions of being a "relevant person", but are outside the scope of the Inquiry. **Members may wish to inquire** about the examples of individuals that this would cover and situations where this would apply.

3.1.3.2 Public Consultation responses to Clause 4

Responses to the public consultation, on whether the "relevant persons" includes all the people the Inquiry should focus on, were mixed. A key issue raised by respondents was whether it was necessary to be prescriptive at this stage. It was felt that the Inquiry should have a flexible approach when considering the focus of the persons affected by the institutions. For example, the TRIP felt that the legislation should be flexible enough to consider other persons.

3.1.4 The inquiry panel, appointment of members and impartiality

> **Subsection 5(2)** specifies that the Inquiry panel must not make a ruling on, or a determination on any persons civil or criminal liability.

The Public Consultation document states that the Inquiry will be inquisitorial, not adversarial, with no cross examination.[15] An inquisitorial inquiry is a fact finding exercise, unlike a court case (which is adversarial). **Subsection 5(2)** is similar to Clause 2: No determination of liability clause, in the Inquiries Act 2005. The Inquiries Act Explanatory Notes state that:

"inquiries under this Act have no power to determine civil or criminal liability and must not purport to do so. There is often a strong feeling, particularly following high profile, controversial events, that an inquiry should determine who is to blame for what has occurred. However, inquiries are not courts and their findings cannot and do not have legal effect. The aim of inquiries is to help to restore public confidence in systems or services by investigating the facts and making recommendations to prevent recurrence, not to establish liability or to punish anyone."[16]

This means that the Inquiry will only set out the facts as it finds them. Even where it seems clear that those facts could constitute a criminal offence and/or civil wrongdoing, the Inquiry will not say so.

RaISe contacted TEO officials for additional information on what processes would be followed if potential criminal offences were identified during Inquiry proceedings. They clarified on 22/08/2025 that a mechanism similar to the one used in the TRIP would be in effect. The TRIP uses a Memorandum of Understanding (MOU) between the Panel, the Police Service for Northern Ireland (PSNI) and the Public Prosecution Service (PPS), for instances where a

[15] The Executive Office, *Public Consultation on a Statutory Inquiry and Financial Redress* (2024) p14

[16] UK General Public Acts, *Inquiries Act 2005: Explanatory Notes* p3

criminal offence comes to light. TEO officials also clarified that any similar MOU used by the Inquiry will be subject to the views and decision of the chairperson.

Clause 6 deals with the appointment of Inquiry panel members. **Subsection 6(1)** authorise the First Minister and Deputy First Minister to appoint members of the Inquiry panel.

Subsections 6(3) and 6(4) specify that if the Inquiry has not started to consider evidence, the chairperson must be consulted by the First Minister and Deputy First Minister.

Subsections 6(5) and 6(6) specify that if the Inquiry has begun to consider evidence a person may be appointed to the panel only if the chairperson has consented to the appointment of that person.

The differences between **Subsections 6(3), 6(4), 6(5)** and **6(6)** is that before the Inquiry has begun to consider evidence, the chairperson only needs to be consulted about the appointment of panel members. If the Inquiry has started to consider evidence, then the chairperson must agree with the appointment.

Subsection 7(1) specifies that a person cannot be appointed to the Inquiry panel if that person has a direct interest in matters that relate to the inquiry, or has a close association with an interested party.

Subsection 7(2) states that Subsection 7(1) does not apply if the person being appointed could not reasonably be regarded as affecting the impartiality of the Inquiry.

Clause 7 closely aligns with the Inquiries Act 2007 and, as explained by the EFM, intends to ensure the integrity and impartiality of the panel.

The EFM provides some definitions used in the Clause. A person is said to have a ‘direct interest’ in the matters investigated by the Inquiry if “those matters

have directly impacted their personal life."[17] A "close association" does not focus on the interests of the individual, but the personal or professional links they may have. An "interested party" might be a person or organisation affected by the outcome of the Inquiry.

3.1.4.1 Public consultation responses to Clause 7

In their response to the public consultation, the NIHRC provided comments on further considerations beyond the Inquiries requirement for independence and impartiality. Regarding the question of the panel membership, and the inclusion of a person with lived experience, the NIHRC stated that available public guidance is limited.[18] While there are obvious reasons for excluding perpetrators from the investigation, the NIHRC notes that guidance on the inclusion of victims and survivors on a panel is less clear. The NIHRC notes that one potentially useful example is the UN Revised Minnesota Protocol, where the Protocol states:

> "*investigations must also be free from undue external influence, such as the interests of political parties or powerful social groups".108 The UN Revised Minnesota Protocol also states that "investigators must be impartial and must act at all times without bias. They must analyse all evidence objectively. They must consider and appropriately pursue exculpatory as well inculpatory evidence"."*[19]

In the opinion of the NIHRC, a reasonable option may be to add an expert advisory panel within the public inquiry structure. Clause 10 of the Bill deals with the appointment of an advisory panel and is discussed in 2.1.6.

[17] Inquiry (Mother and Baby Institutions, Magdalene Laundries and Workhouses) and Redress Scheme, Explanatory and Financial Memorandum p9

[18] Northern Ireland Human Rights Commission, *Submission to the Executive Office's Consultation on Truth Recovery – Mother and Baby Institutions, Magdalene Laundries and Workhouses, and their Pathways and Practices* (2024) p28

[19] Northern Ireland Human Rights Commission, *Submission to the Executive Office's Consultation on Truth Recovery – Mother and Baby Institutions, Magdalene Laundries and Workhouses, and their Pathways and Practices* (2024) p28

3.1.5 Duration of appointment

> **Clause 8** governs the arrangements should a panel member leave before the end of the Inquiry. **Subsection 8(3)** sets out the circumstances and requirements where the First Minister and Deputy First Minister, acting jointly, may terminate the appointment of a panel member. Grounds for termination can include illness, failure to comply with inquiry duties, conflict of interest and misconduct.

Clause 8 closely mirrors Section 12 (Duration of appointment of members of inquiry panel) of the Inquiry Act 2005.

3.1.6 Assessors and Advisory Panel

> **Subsection 9(1)** gives the chairperson the authority to appoint one or more assessors to assist the Inquiry panel. **Subsection 9(2)** explains that a person may only be appointed as an assessor if they have the necessary expertise to assist the Inquiry panel.

The EFM explains that an assessor may be appointed to provide the Inquiry with expertise in a particular field. Assessors are not part of the Inquiry panel, have no powers under the Bill as enacted and are not responsible for the findings of the Inquiry or its report(s).[20]

There is a minor difference between the wording of the Bill and the Inquiries Act 2005. In the Inquiries Act (Section 10), ministers are authorised to appoint assessors. In the Bill this authority is reserved to the chairperson.

[20] Inquiry (Mother and Baby Institutions, Magdalene Laundries and Workhouses) and Redress Scheme. Explanatory and Financial Memorandum p10

3.1.6.1 Public Consultation responses to Clause 9

In their response to the public consultation, the WPGNI responded that there is a need for the Inquiry to examine the social conditions of the period under examination. These social conditions enabled the practices that led to women being sent to the prescribed institutions and allowed the practices to become accepted and widespread. The WPGNI stated that:

> *"an Inquiry that does not take a serious approach to considering how the State policies that led to this practice, the role of Churches and the social mores of the time that meant that this was the most common approach to unplanned or unmarried pregnancy will not be sufficient. The Institutions did not exist in a vacuum and the entire state and social apparatus supported and enabled the abuses that happened there."*[21]

RaISe contacted TEO officials for additional information on the assessors. They clarified on 22/08/2025 that one avenue that assessors could examine are the social conditions of the time. Whilst it may be too early to come to a definitive answer, **Members may wish to consider** asking TEO what areas of expertise will be needed by the Inquiry panel.

Clause 10 authorises the chairperson to appoint a panel of persons to act as advisors to the Inquiry panel.

Subsection 10(3) sets out the conditions where a person may be appointed to the advisory panel. Those eligible include those who were admitted to a prescribed institution, were born there while their mother was under the care of the institution, is or was a relative of one of the people above or has experience in providing support to these people.

[21] Women's Policy Group NI, *WPGNI Responses to Truth Recovery – Mother and Baby Institutions, Magdalene Laundries and Workhouses* (2024) p11

Subsection 10(5) provides a definition to 'relative' for the purposes of this Clause.

3.1.6.2 Public Consultation responses to Clause 10

Clause 10 enables the Inquiry to appoint an advisory panel that can include victims and survivors who were in a prescribed institution or was born there while their mother was under the care of the institution. Several of the organisational responses to the public consultation felt that a victim centred approach should be at the heart of the Inquiry. For example, QUB noted that:

"particular emphasis should be paid to an approach that enables victim/survivors and families to advocate for the inclusion of further institutional contexts."[22]

The use of an advisory panel will enable the direct input of victims and survivors into the Inquiry processes. The use of an advisory panel is intended to enable the direct input of victims and survivors into the Inquiry processes. This may help to address the concerns raised by the NIHRC, outlined in 3.1.4.1.

3.1.7 Power to suspend inquiry and end of inquiry

Subsection 11(1) authorises the First Minister and Deputy First Minister, acting jointly, and with notice to the chairperson, to suspend the Inquiry. This may be necessary to allow for the completion of another investigation that is looking into a matter related to the Inquiry or if a determination of civil or criminal proceedings need to take place.

Subsection 11(4) specifies how long a notice may suspend an Inquiry. **Subsection 11(5)** states that a reason must be given

[22] A-M McAlinden, L Moffett, J Gallen, and M Keenan, *Truth recovery – mother and baby institutions, Magdalene laundries and workhouses, and their practices: response to public consultation on a statutory public inquiry and financial redress* (2024) p3

for why the Inquiry is suspended and these reasons must be laid before the Assembly (**Subsection 11(6)**).

The text used in **Clause 11** aligns with the text used in the Inquiries Act 2005 (Section 12. Power to suspend inquiry).

Clause 12 covers the arrangements for the end of the Inquiry. As laid out in **Subsection 12(1),** this will after the Inquiries report has been submitted and it has fulfilled its Terms of Reference.

Subsection 12(1)(b) permits the First Minister and Deputy First Minister, acting jointly, to close the Inquiry on an earlier date.

Subsection 12(2) specifies that an Inquiry cannot be ended early unless the chairperson has been consulted.

Clause 12 uses the same text as Section 14 of the Inquiries Act 2005. The EFM provides some further explanation around this provision, stating:

"circumstances could arise (as yet unforeseen) in which it is no longer necessary or possible for the inquiry to continue. Therefore, as a safeguard, subsection (1)(b) provides for Ministers, acting jointly, after consulting the chairperson, to end the inquiry earlier if necessary."[23]

3.2 Provisions relating to Inquiry proceedings

3.2.1 Evidence and procedure

Subsection 13(1) authorises the chairperson to decide how they will direct the procedure and the conduct of the Inquiry (subject to any provisions of the Act or Rules under Clause 27).

[23] Inquiry (Mother and Baby Institutions, Magdalene Laundries and Workhouses) and Redress Scheme. Explanatory and Financial Memorandum p11

Subsection 13(2) authorises the chairperson to administer oaths and take evidence under oath.

Subsections 13(3) and 13(5) specify that live links can be used to give evidence to the Inquiry. 13(3) means that a statement made to the Inquiry outside of Northern Ireland, but under oath, is treated as if it was made within Northern Ireland. 13(5) defines what a live link means for the purposes of the Inquiry.

Subsection 13(4) requires the chairperson to act with fairness and with regard to the need to avoid unnecessary cost.

Note that **Paragraph 27(1)(a)** authorises TEO to make rules that deal with "*matters of evidence and procedure in relation to the inquiry*."

Subsection 13(4), which requires the chairperson to act with regard to the need to avoid unnecessary cost, acts in conjunction with **Subsections 13(3)** and **13(5)**. These enable the Inquiry to take evidence via a 'live link'. This may help to limit the travel expenses of relevant persons providing evidence who do not reside in Northern Ireland.

Clause 13 mostly aligns with Section 17 (Evidence and Procedure) of the Inquires Act 2005, with the exception of the Subsections dealing with 'live links'.

Members may wish to consider whether equalities issues may be raised with the use of live links, particularly since victims and survivors will be predominately from older generations and whether digital barriers and exclusion has been considered. Additionally, **Members may wish to ask** TEO whether training and support will be provided to victims and survivors when using the live links.

3.2.2 Public access to inquiry proceedings and Restrictions on public access

Clause 14 specifies how the chairperson my decide how the public can have access to the Inquiry and the evidence given.

Subsection 14(2) specifies that no recording or broadcast of proceedings at the Inquiry can be made except at the request or permission of the chairperson.

Of note in **Subsection 14(1)** is that the chairperson is to judge what is reasonable when ensuring the public can attend the Inquiry or see/hear a transmission of it. The EFM provides further information on **Subsection 14(2)**, stating that when deciding whether to broadcast the Inquiry proceedings "*the chairperson will need to consider whether it will interfere with the witnesses' human rights and, in particular, with the right to respect for a private and family life.*"[24] This aligns the Inquiry with Article 8 of the European Convention on Human Rights.

Subsection 15(1) specifies that restrictions may restrict attendance at the Inquiry or disclosure of evidence provided to it. These restrictions are imposed by the chairperson (Clause 15(2)). This can be used to maintain the privacy of a person providing evidence to the Inquiry.

Subsections 15(3) and **15(4)** cover the circumstances surround the restrictions on public access.

Subsection 15(6) specifies that any restrictions imposed by a restriction order continue indefinitely unless otherwise stated.

Of note is **Paragraph 15(4)(c)**, as this covers instances where the chairperson's power to compel evidence can be used to override a confidentiality restriction. **Members may wish to consider** whether there is sufficient guidance to ensure this power is used proportionately, and whether this balances the need to compel evidence against an individual's rights to privacy and confidentiality.

[24] Inquiry (Mother and Baby Institutions, Magdalene Laundries and Workhouses) and Redress Scheme. Explanatory and Financial Memorandum p12

3.2.2.1 Clause 14 and 15 Alignment with the Inquiries Act 2007

Clauses 14 and **15**, while mostly aligned with the Inquires Act 2005, did contain some omissions. **Clause 14** does not contain an equivalent of Section 18(3) of the Inquiries Act, which deals with Freedom of Information (FOI) requests. Section 18(3) states:

"Section 32(2) of the Freedom of Information Act 2000 (c. 36) (certain inquiry records etc. exempt from obligations under that Act) does not apply in relation to information contained in documents that, in pursuance of rules under section 41(1)(b) below, have been passed to and are held by a public authority".

RaISe contacted TEO officials for additional information regarding FOI requests. They clarified on 22/08/2025 that a similar subsection to **18(3)** was not included in Clause 14 for the following reasons:

- It may be necessary after the end of the Inquiry e.g. to maintain confidentiality. Section 32(2) of the FOI Act 2000 exempts inquiry records from FOI during the Inquiry to protect the integrity of proceedings and confidentiality. But Section 18(3) of the Inquiries Act 2005 lifts this exemption after the Inquiry ends but only for records held under Section 41(1)(b) and these would then become available.
- If witnesses were aware that their evidence / inquiry records might be obtained under FOI, then they might be unwilling to be forthcoming with their evidence.
- The possibility of future FOI disclosure, even after the Inquiry ends, could undermine the inquisitorial nature the Inquiry. This could discourage participation (especially among some victim and survivors, individuals who worked for state or institutions and / or 'whistleblowers')
- Determining whether records are held under Clause 27(1)(b) (our equivalent of section 41(1)(b) of Inquiries Act 2005) and thus subject to FOI may be legally ambiguous, leading to potential disputes and delays.
- The Inquiry chairperson will already have powers under Clause14(1) to publish evidence and documents during the inquiry.

Section 19 of the Inquiries Act 2005 includes additional definitions under harm or damage (as referenced by **Subsection 15(4)(b)** of the Bill.). These included damage to the economic interests of the United Kingdom (19(5)(c)) and damage caused by disclosure of commercially sensitive information (19(5)(d)). **Subsection 15(9)** only defines "harm" as including death or injury.

RaISe contacted TEO officials for additional information on why these definitions were not included. They clarified on 22/08/2025 that the other definitions of harm and damage were not included in the Bill as death and injury are the most likely harms. TEO officials were unsure when the other three factors would be invoked to restrict public access. Therefore **Clause 15**, as enacted, should cover any required restrictions.

3.2.3 Power to require production of evidence

Clause 16 authorises the chairperson to compel people, via notice to attend the Inquiry to give or provide evidence, produce documents, or any other thing in the custody or control of that person for inspection.

Subsection 16(3) specifies that the notice must explain the consequences of not complying with the notice.

Subsection 16(4) enables the chairperson to change or withdraw a notice. For instance, if a person is unable to comply with the notice, or because the terms of the original notice were unreasonable. For example, the timescales were unreasonably short. It is for the chairperson to determine what is reasonable if a person states they cannot comply with the notice.

Subsection 16(5) specifies that the chairperson must consider the public interest in the information being obtained, with regard to the importance of the information.

Clause 16 of the Bill, as enacted, is the same as Section 21: Powers of the chairman to require production of evidence, of the Inquiries Act 2005. Clause 23

Offences, provides the offences that are applicable if there is non-compliance with the power to produce evidence.

3.2.3.1 Public consultation responses to Clause 16

The NIHRC was supportive of TEOs proposals on compellability and that the Inquiry should have comprehensive powers of compellability. These powers should be clearly set out by the Bill. The NIHRC added that: "but to be effective victims, survivors and their families should be involved when determining the "other parties" that can be subject to compellability."[25]

Members may wish to consider how victims and survivors (and if necessary, their families) can be involved in the process of determining how other parties are subject to compellability.

3.2.3.2 Note about the Human Rights Impact Assessment

The HRIA notes that the powers to compel evidence and such information as required by the Inquiry may engage Article 8 (right to respect for private and family life) of the European Convention on Human Rights (ECHR), which is binding in UK domestic law under the Human Rights Act 1998.

Members may wish to consider whether the Bill appropriately balanced convention rights to ensure the inquiry can gather the necessary evidence whilst protecting individual's right to respect for their private and family life.

3.2.4 Privileged information, etc.

Clause 17 ensures that witnesses before the Inquiry have the same rights as they would in a civil court case.

[25] Northern Ireland Human Rights Commission, *Submission to the Executive Office's Consultation on Truth Recovery – Mother and Baby Institutions, Magdalene Laundries and Workhouses, and their Pathways and Practices* (2024) p35

Subsection 17(2) allows evidence to be withheld on the same grounds of public interest immunity, which would also apply in civil court proceedings.

Please note that public interest immunity (previously known as Crown Privilege) is where evidence can be withheld from parties, where their disclosure would be damaging to the public interest. The threshold for public interest immunity is set by the courts in Northern Ireland.

The text used in **Clause 17** aligns with Section 22. Privileged Information, of the Inquiries Act 2005.

3.3 Provisions relating to reports

Subsection 18(1) specifies that the chairperson must deliver a report to the First Minister and Deputy First Minister. The report must set out the facts determined by the Inquiry panel and recommendations made by the Inquiry.

The report may also include anything the Inquiry thinks is relevant, even if it is outside of the terms of reference.

Subsection 18(3) allows the chairperson to submit interim reports. Public consultation responses to Clause 18

In their response to the public consultation, QUB stated that a modularised approach across institutional contexts should be considered. This would allow findings to be released periodically.[26]

[26] A-M McAlinden, L Moffett, J Gallen, and M Keenan, *Truth recovery – mother and baby institutions, Magdalene laundries and workhouses, and their practices: response to public consultation on a statutory public inquiry and financial redress* (2024) p2

Clause 19 governs the publication of reports.

Subsection 19(2) states that reports must be published in full, unless **subsections 19(3)** and **19(4)** apply. Material may be withheld from publication if it is required by law or the chairperson considers it necessary in the public interest to withhold material.

Clause 19(5) specifies that the report may not be published unless two weeks have passed since the report was submitted to the First Minister and Deputy First Minister.

Please note that RaISe contacted TEO officials for additional information. They clarified on 22/08/2025 that the use of 'reports' applies to both the final report and any interim reports. 'Reports' is a broad term in this instance.

Clause 20 specifies that the First Minister and Deputy First Minister must lay any reports that are to be published before the Assembly.

3.4 Provisions relating to expenses

Clause 21 details the payments of expenses made by the chairperson, with the approval of TEO. This includes compensation for the loss of time and expenses occurred when attending the inquiry.

Subsection 21(2) specifies that the chairperson also has the power to award amounts, with the approval of TEO, towards legal representation.

The EFM explains that the TEO will set out the broad conditions under which expenses payments can be made. **Members may wish to consider** asking TEO whether these conditions have already been drafted.

Please also not that there is a slight difference between **Clause 21** and Section 40 Expenses of Witnesses in the Inquiries Act 2005. In the Inquires Act legal expenses are subject to approval by the Chair. In the Bill, they are subject to approval by TEO. The rest of the text aligns.

Please note that more information on expenses will be available in the accompanying RaISe paper, NIAR 109-2025. Please note that this paper has not been published at the time of writing, therefore a link is not available.

Clause 22 governs the payment of inquiry expenses by TEO. **Subsection 22(1)** specifies that TEO may agree to pay any person who is engaged in providing assistance to the inquiry. This includes members of the panel, assessors, the advisory panel and any other person TEO considers appropriate.

Subsection 22(4) concerns instances where the Inquiry is operating outside of the terms of reference. If this occurs, under **Subsection 22(5),** TEO is not obligated to pay expenses or other amounts.

RaISe contacted TEO officials for additional information on how TEO will identify any potential instances of the Inquiry moving beyond the ToR They clarified on 22/08/2025 that the Inquiries activities will be closely monitored by TEO. TEO is required to monitor the activities of the Inquiry, and this will identify instances where the Inquiry has moved outside of the terms of reference. **Subsection 13(4)** also requires the chairperson to act with regard to the need to avoid any unnecessary cost to the public.

3.5 Supplementary Provisions

3.5.1 Offences

Clause 23 specifies that a person is guilty of an offence if they fail to comply with a notice (under **Clause 16**) or a restriction order (under **Clause 15**).

It is also an offence to do anything that is intended to distort or alter evidence, prevent evidence from being given, suppresses or conceals documents, or destroys a relevant document (**Subsections 23(2)** and **23(3)**).

Subsection 23(7) specifies proceedings for an offence under **Subsection 23(2)** and **23(3)** can only be instituted by or with the consent of the Director for Public Prosecutions.

Sentences and fines are not to exceed level three on the standard scale. The penalties for committing an offence are six months imprisonment and/or a £1000 fine.[27] These sentences and fines align with those in the Inquires Act 2005, Section 35.

3.5.2 Enforcement by High Court

Where a person fails or threatens to comply with a notice under **Clause 16** or a restriction order may be referred to the High Court under **Clause 24**. The High Court may then take steps to enforce the order.

3.5.3 Immunity from suit

Clause 25 gives the Inquiry panel, assessors, legal counsel, the advisory panel and other people providing assistance to the Inquiry from legal suit for anything done or said when carrying out their duty to the Inquiry.

[27] UK Public General Acts. Sentencing Act 2020. Section 122.

3.5.4 Time limit for applying for judicial review

> After receiving a decision made by TEO, the First Minister and Deputy First Minister or by the Inquiry, an applicant is allowed, under **Clause 26**, a two-week period in which to apply for judicial review on the decision.

3.5.5 Rules

> **Clause 27** enables TEO to make rules, subject to negative resolution by the Assembly, dealing with matters of evidence and procedure, the return or keeping of documents given to or created by the Inquiry and awards given under Clause 21.
>
> **Subsection 27(2)** enabled TEO to make provision for witness anonymity orders. **Subsection 27(3)** allows for the disclosure of evidence where this is required to avoid a breach of the Human Rights Act 1998.

Subject to negative resolution means that rules can be made, but are not subject to scrutiny. Whilst this is aligned with the Inquiries Act 2005, where an appropriate authority (in this case TEO) may make rules relating to the Inquiry, **Members may wish to consider** whether some scrutiny of these rules is appropriate.

3.5.6 Consequential amendment

> **Clause 28** is an amendment to the Commissioner for Children and Young People (Northern Ireland) Order 2003 by inserting the Inquiry name.

This Clause simply means that there are will be an amendment to the Commissioner for Children and Young People (Northern Ireland) Order 2003 legislation, Article 13(3)(a). The Article states that:

"The Commissioner shall not conduct an investigation in respect of any action which is, or has been, the subject of an inquiry . . ."[28]

This amendment adds the name of this Inquiry into Article 13(3)(a).

3.5.7 Interpretation of this part

Clause 29 is an interpretation clause that provides the definitions of key terms used throughout the Bill.

[28] Northern Ireland Orders in Council. The Commissioner for Children and Young People (Northern Ireland) Order 2003. Article 13.

4 The evidence base around deaths and burial grounds

Despite not appearing directly in the Bill itself, the evidence base relating to deaths and burials should be mentioned. The public consultation document stated that, at present, there is no specific site (within the jurisdiction of Northern Ireland) where there is evidence of "*large-scale, apparently illegal burials, as was the case in Tuam*."[29] The consultation goes on to state that:

> "*new substantial powers of entry or exhumations are, therefore, not considered justified in the absence of compelling evidence at specific sites. Legislation would need to be site specific and could have a substantial impact on how long it takes to set up the inquiry."*[30]

The Inquiry will still have the investigatory powers to compel the production of evidence (through **Clause 16**). The intention is to rely on those powers and await the findings of the Independent Panel, before any additional legislation is considered.

4.1 Note on burial legislation in the UK and Northern Ireland

There are different legal provisions, regarding burial sites, in place for local authorities and other types of burial authority. These other authorities include churches.

Northern Ireland introduced the Burial Grounds Regulations (Northern Ireland) 1992 for local authority burial grounds. This includes the provision that local authorities must maintain drainage, a map of the burial grounds and a record of exhumations for burial grounds they are responsible for. A local authority must maintain a register of burials.

For non-local authority burial grounds, aspects of the Cemeteries Clauses Act 1847 remain in force. This does not require other types of burial authorities

[29] The Executive Office, *Public Consultation on a Statutory Inquiry and Financial Redress* (2024) p22

[30] As cited immediately above.

(including churches) to maintain a map or register of who is buried within the grounds.

4.2 Private Cemetery Status (Burial Protection) Bill

A Private Members Bill (PMB) (Nuala McAllister MLA) concerning private cemetery status is currently out for consultation. The consultation also points out that while the Burial Grounds Regulations (Northern Ireland) 1992 exists for Council cemeteries, there is no equivalent legislation for privately owned cemeteries.

The consultation for the PMB provides a case study of the Milltown Cemetery, the largest Catholic burial ground in Belfast. From the text of the consultation:

> *"Cemetery records show that the area of land known as the 'Bog Meadows' contains the bodies of 11,000 people, including but not limited to stillborn babies, babies from mother and baby homes, and those with mental health issues, all buried from 1930s-1990. However, archaeological studies have uncovered that the size and scale of this mass grave is being underestimated and records have not included a significant number of cilliní burials."*[31]

Note that a 'cilliní burial', is an Irish historical burial site, primarily used for stillborn and unbaptised infants. The use of these sites largely ended by the early 20th century, but the practice is known to have survived in some areas, up until the 1960s.[32]

Members may wish to consider that although the Inquiry consultation concluded there is currently no need for additional legislation around burials, other sources have indicated that the extent of some grave sites may be underestimated and require further investigation.

[31] Non-Executive Bill Proposals. Private Cemetery Status (Burial Protection) Bill – Consultation.

[32] Donnelly, Seamus; Donnelly, Colm; Murphy, Eileen (1999). "The Forgotten Dead: The Cellini and Disused Burial Grounds of Ballintoy, County Antrim". *Journal of Ulster Archaeology*. **59**: 109–113. JSTOR 20568233.

5 Alignment with the Truth, Acknowledgement and Accountability Report

The Mother and Baby Institutions, Magdalene Laundries and Workhouses in Northern Ireland. Truth, Acknowledgement and Accountability Report (the Report) made several recommendations with the aim of progressing an inquiry into the Mother and Baby Institutions and Magdalene Laundries in Northern Ireland. This was later expanded to include Workhouses. Recommendation 3: An Integrated Truth Investigation, provides several recommendations for the Public Inquiry. These recommendations, and their alignment with the Bill, are laid out below.

5.1 Recommendations: Terms of reference and Inquiry Panel

The Report stated several principles that the Inquiry should abide by. These included:[33]

- respect for the human rights of victims and survivors and relatives and a commitment to protecting and fulfilling human rights;
- full access to information for victims and survivors and relatives of the deceased;
- central involvement of, and accountability to, victims and survivors and relatives;
- accessibility, particularly to persons with disabilities;
- inclusion of victims and survivors and relatives affected by cross-border practices and in the Diaspora, and relatives of the deceased.

Tables 1 and 2 outline the recommendations of the Report, and whether it has been included in the Bill. These recommendations can be found on pages 13 and 14 of the Truth, Acknowledgement and Accountability Report.

[33] Truth Recovery Design Panel, *Mother and Baby Institutions, Magdalene Laundries and Workhouses in Northern Ireland. Truth, Acknowledgement and Accountability Report* (2021) p13

Table 1: Terms of reference recommendations

Terms of Reference. The purpose of the Public Inquiry will be:	**Included in the Bill?**
to exercise powers of investigation equivalent to those of a Public Inquiry under the Inquiries Act 2005.	The Bill does closely mirror the Inquiries Act 2005, with some exceptions.
to gather, preserve, catalogue and digitise relevant records and archives that the Independent Panel was unable to access, including records concerning personal and family histories and information regarding the whereabouts of deceased relatives.	This is not included in the Bill itself, but a key component of the Truth Recovery Programme, has been the work done to preserve archival records.[34]
to commission geophysical surveys and archaeological investigations at former institutional sites with the aim of ascertaining the presence or otherwise of unmarked graves.	This has not been included in the Bill, with the consultation document laying out the reasons why. See 4. Graves and Burial Grounds for more information.
to consider the recommendations of the Independent Panel regarding issues requiring investigation.	Under **Paragraph2(4)(b)** of **Clause 2**, TEO must consider the findings of the Report when amending the terms of reference, but there is no explicit mention of the Independent Panel.

[34] The Executive Office, *Public Consultation on a Statutory Inquiry and Financial Redress* (2024) p4

Terms of Reference. The purpose of the Public Inquiry will be:	**Included in the Bill?**
to investigate issues of individual, institutional, organisational and state departmental/agent responsibility concerning human rights violations experienced in Mother and Baby Institutions, Magdalene Laundries, Workhouses and their pathways and practices (including the adoption system, related institutions such as 'baby homes' and private nursing homes, and cross-border and international transfers of children and women);	**Clause 2** Terms of Reference covers this. Other institutions are included under **Clause 3**.
to investigate the financial operations of the institutional, forced labour and family separation system; Mother and Baby Institutions, Magdalene Laundries and Workhouses in Northern Ireland Truth, Acknowledgement and Accountability.	There is no mention of the financial operations of the prescribed institutions. The terms of references only refer to systemic failings. **Members may wish to consider** whether this should be made explicit within the Terms of Reference.
to include in its investigation such additional institutions, organisations, agencies or practices as the Independent Panel recommends.	The power to include additional institutions in **Clause 3**.
through its procedures to seek to enable maximum possible participation in its investigation by victims and survivors and relatives.	Victims and survivors can be included through the advisory panel. Other methods to include victims and survivors are not explicit. **Members may wish to inquire** how the participation of victims and survivors in the Inquiry will be maximised.

Terms of Reference. The purpose of the Public Inquiry will be:	**Included in the Bill?**
to establish and publish a protocol for discharging its duty to disclose certain information for criminal investigation.	See Section 3.1.5 for response from TEO officials.
to provide comprehensive reports on the operation of each of the institutions specified by the Independent Panel.	Submission of reports is covered in **Clauses 18, 19 and 20**.
to publish interim reports and make interim findings and/or recommendations as necessary and appropriate, including, if warranted, in relation to the functioning of other justice mechanisms and to Ministers regarding the need for amendment of its Terms of Reference.	As above.
to publish an overarching, comprehensive report on its findings making recommendations in accordance with its findings.	As above.

Table 2: Inquiry panel recommendations

Inquiry panel recommendations	Included in the Bill?
The Chairperson should be appointed from outside the jurisdiction and should have established expertise in institutional and/or gender-based human rights abuses.	It is not stated in the Bill whether the Chair will be appointed outside of the jurisdiction of Northern Ireland. **Members may wish to inquire** whether the Chairperson will be appointed from outside of Northern Ireland.
The Chairperson should work with an Inquiry panel that includes a victim-survivor representative and others with specialist expertise in institutional, gender, class or ethnicity-based human rights abuse and intergenerational trauma;	The relevant expertise and make-up of the Inquiry panel is not covered in the Bill. However, provisions are made for the Inquiry Assessors and an Advisory Panel (**Clauses 9 and 10**).
TEO should seek nominations from victims and survivors for a list of potential Chairperson and Inquiry panel members, from which appointments will be made.	This is not expressly laid out in the Bill. **Clauses 4 and 5** only give mention to the Ministers appointing the Chair and Inquiry Panel. It is not clear whether victims and survivors will have input in this process.
The Chairperson and Inquiry panel should be assisted by independent researchers with all necessary expertise to enable the Public Inquiry to achieve its purposes; expertise acquired in the Independent Panel's work should be shared with the Public Inquiry.	**Clause 9** gives the Inquiry the authority to appoint Assessors.

Inquiry panel recommendations	Included in the Bill?
The Solicitor to the Public Inquiry should be an independent appointment.	No mention in the Bill itself regarding a solicitor to the Public Inquiry. But **Clause 22** includes the solicitor to the Inquiry as a person eligible of receiving payments.

Further recommendations were also included regarding the Inquiry's rules of procedure.[35] As these appear to be more relevant to the ToR and how the Inquiry will be conducted (location, safeguarding etc), they have not been included in this section.

[35] Truth Recovery Design Panel, *Mother and Baby Institutions, Magdalene Laundries and Workhouses in Northern Ireland. Truth, Acknowledgement and Accountability Report* (2021) p14

6 Part 2 - Payment of Redress

This part of the Bill paper covers Part 2 of the Bill relating to the payment of redress. This section will also cover Schedules 1, 2, 3 and 4 of the Bill, where relevant, which also relate to the payment of redress. Clauses are grouped in line with the sections within the Bill.

6.1 The Truth Recovery Redress Service

Clause 30 would establish the Truth Recovery Redress Service, and outlines that its duty would be to determine applications for redress in line with the eligibility requirements as set out in later clauses. Further detail on this is also set out in **Schedule 1** of the Bill which is outlined in this paper at Section 8.

6.2 Payments

This section of the Bill covers Clauses 31 and 32 which set out who would be entitled to a redress payment and the time limit for that application. It is important to note, as detailed below, that TEO have been clear that the Redress Scheme will consist of two parts: a Standardised Payment (SP) and Individually Assessed Payment (IAP). The Bill, as introduced, only makes provision for the SP. References in this paper to Redress Scheme also only relate to the SP as this is what is provided for in the Bill. Exceptions to this are where the IAP is mentioned specifically.

6.2.1 Entitlement to a payment

Clause 31 provides the criteria by which a person would be eligible for a redress payment as well as the amount of payment to which they are entitled.

Subsection (2)(a) specifies this eligibility through admittance to relevant institution within the relevant timescale (set out in

Schedule 2) with **(b)** clarifying that admission to such an institution must have been for the primary purpose of receiving shelter or maintenance (or both). **Subsection (3)(a)** and **(b)** sets out that an eligible person can be either an adult or a child, now adult, admitted to a listed institution and the "shelter or maintenance" should not be a by-product of medical services.

Subsection (4)(a) and **(b)** provides that a person would be eligible if they were born while their mother was "under the care of" a listed institution at the time of their birth or immediately before.

Subsection (5)(a) and **(b)** cover posthumous applications where a payment can be made to a relative of someone who has died but who would have been eligible under subsection (2) or (4) and who was alive on or after 29 September 2011. Relatives who qualify for this are listed in Schedule 3.

Subsections (6) and (7) would give TEO power to make regulations that people who would otherwise be eligible are not eligible and that such regulations would need to be approved by the Assembly.

Subsection (8) specifies that where someone was either admitted to more than one listed institution or who is eligible under both **subsections (2)** and **(4)** is only eligible for one payment (emphasis added).

Subsection (9)(a) and **(b)** provides for the amount to which an eligible person would be entitled to. A person admitted to a listed institution or a person whose birth mother was admitted to an institution is entitled to a £10,000 payment. An eligible family member of the deceased is entitled to a £2,000 payment.

This clause would, as introduced, set out the eligibility criteria through which the Redress Service would consider an application as well as providing for the

payment amounts to which an eligible person would be entitled. The Bill's provisions in respect of redress would provide for a Standardised Payment (SP). As set out in TEO's Public Consultation Document, this acts as an acknowledgement payment. It recognises the impact that admission to Mother and Baby Institutions and Magdalene Laundries has on the lives of victims and survivors.[36] It also notes that these institutions were part of a system born from a historical discrimination against women, resulting in gender specific stigma and undeserved shame.[37]

The proposed Redress Scheme would be an admittance-based scheme rather than a harm-based scheme (such as the HIA Redress Scheme). TEO have proposed that an Individually Assessed Payment (IAP), which would focus on the harm suffered by individuals, would follow the findings of the Inquiry and would require further supporting evidence than would be required for the SP.[38]

This proposal for two payment schemes reflects the Truth Recovery Panel's recommendation for redress (Recommendation 5) which says:

"A financial redress scheme should be prioritised, comprising an automatic standardised payment and the entitlement to a further individually assessed payment."[39]

It was also supported by the majority (82%) of respondents to the public consultation.[40]

However, the Truth Recovery Panel's recommendation goes further than the proposals in the Bill. It says that:

"the scheme should include all women who spent time or gave birth in a Mother and Baby Institution, Magdalene Laundry, Workhouse or other related

[36] The Executive Office, *Public Consultation on a Statutory Inquiry and Financial Redress* (2024) p27

[37] As cited immediately above.

[38] As cited at footnote 36 p26

[39] The Truth Recovery Design Panel, *Mother and Baby Institutions, Magdalene Laundries and Workhouses in Northern Ireland - Truth, Acknowledgement and Accountability Report* (2021) p121

[40] The Executive Office, *Public Consultation on a Statutory Inquiry and Financial Redress* (2024) p10

institutions such as private nursing homes, and all those born to girls and women while institutionalised".[41]

The Bill's proposals for redress would only cover victims and survivors in some of the scenarios laid out in this recommendation. Table 3 is taken from Schedule 2 of the Bill. This sets out the "relevant institution" and "relevant years (inclusive)".

Table 3: Relevant Institutions and Relevant Years

Relevant Institution	Relevant Years
St Mary's Home (Good Shepherd Sisters), Rossmore Drive, Belfast	1922 to 1982
St Mary's Home (Good Shepherd Sisters), Dungiven Road, Derry/Londonderry	1922 to 1982
St Mary's Home (Good Shepherd Sisters), Armagh Road, Newry	1946 to 1984
Mater Dei (Legion of Mary), Antrim Road, Belfast	1942 to 1984
Marianville (Good Shepherd Sisters), 511 Ormeau Road, Belfast	1950 to 1990
Marianvale (Good Shepherd Sisters), Armagh Road, Newry	1955 to 1984
Belfast Midnight Mission/Malone Place Maternity Home, Malone Place, Belfast	1922 to 1948
Church of Ireland Rescue League/Kennedy House, Cliftonville Avenue, Belfast	1922 to 1956

[41] The Truth Recovery Design Panel, *Mother and Baby Institutions, Magdalene Laundries and Workhouses in Northern Ireland - Truth, Acknowledgement and Accountability Report* (2021) p121

Relevant Institution	Relevant Years
Hopedene House, Dundela Avenue, Belfast	1943 to 1985
Thorndale House Mother and Baby Home (Salvation Army), Duncairn Avenue, Belfast	1922 to 1977
Mount Oriel, 4 Mount Oriel, Belfast	1969 to 1978

Source: Taken from Schedule 2 of the Bill

Notably, the TRIP consultation response mentions a further Mother and Baby Institution, Clogrennan, in Larne. This appears to have operated as such for around five years until the early 1970s as came to the Panel's attention though a victim-survivor who engaged with their testimony process.[42] Despite the suggestion that this be included within the list of relevant institutions, the Bill does not list Clogrennan in **Schedule 2**.

Members may wish to ask TEO why this institution has not been added to the Bill and what consideration has been given to its addition.

The results of the public consultation on the scope of the SP show that there was an equal split between those who agreed and those who did not agree with it.[43] A number of organisations who responded to the consultation expressed their desire to see a wider scope for eligibility of the SP. This included the desire to see a mechanism to expand the scope of institutions covered, as necessary. **Paragraph 2 of Schedule 2** to the Bill allows TEO to make regulations to add or remove an institution as well as the relevant years for an institution. Such regulations would require the approval of the Assembly.

The TEO originally proposed, in the public consultation document, that in order to be eligible, a person must have been admitted to a listed institution for no

[42] The Truth Recovery Independent Panel, *The Executive Office Truth Recovery Public Consultation on a statutory Public Inquiry and Financial Redress Scheme Response* (2024) p6

[43] The Executive Office, *Summary of the Public Consultation Responses to a Proposed Statutory Public Inquiry and Financial Redress Scheme* (2025) p10

less than 24 hours.[44] The Consultation Report notes that 57% of respondents disagreed with the proposed eligibility criteria and that the main issue for respondents was the 24 hour requirement.[45] Following the consultation however, this was removed and the Bill, as introduced, contains no time limit of this nature.

Some other financial redress schemes contain a minimum period of residency in their eligibility criteria. The Mother and Baby Institutions Payment Scheme, in the Republic of Ireland, requires that a mother must have stayed in a listed institution for at least one night, or as a child, an applicant spent at least 180 days in an institution.[46] The Bill, as introduced, does not contain similar time-based eligibility requirements.

6.2.1.1 Relevant Institutions - Workhouses

The Bill does not provide for redress for victims and survivors who spent time in, gave birth in, or were born to someone admitted to a Workhouse. The "relevant institutions" listed in **Schedule 2** of the Bill are Mother and Baby Homes and Magdalene Laundries (see Table 3).

TEO's public consultation document explains that Workhouses were not established due to gender discrimination, as they also admitted men, and that the stigma associated with admittance was not necessarily gender specific. Therefore, as the proposed Redress Scheme is an admittance-based Scheme, singling out a specific group of people (such as women) in an institution as being eligible for redress and not others, would present a number of legal issues.[47]

The TRIP, in their response to the consultation, suggested that women who gave birth in Workhouses and were separated from their children should also be

[44] The Executive Office, *Public Consultation on a Statutory Inquiry and Financial Redress* (2024) p29

[45] The Executive Office, *Summary of the Public Consultation Responses to a Proposed Statutory Public Inquiry and Financial Redress Scheme* (2025) p11

[46] Irish Government, *Eligibility criteria for the Mother and Baby Institutions Payment Scheme* (2024) accessed 7 August 2025.

[47] The Executive Office, *Public Consultation on a Statutory Inquiry and Financial Redress* (2024) p27

included in the redress scheme, as well as those children, now adults, who were separated.[48]

In their response, WAVE Trauma Centre (WAVE) are critical of the proposal not to include Workhouses as part of the eligible institutions for redress payments. Their opinion is that anybody that spent time in a workhouse during the relevant time period, irrespective of gender, age, disability and pregnancy status should be included in the SP as the same mistreatment, discrimination and poor conditions existed there as other institutions included in the Scheme.[49] They say that their clients view it as "extremely harmful" to exclude certain victims and survivors from this part of the redress process.[50]

6.2.1.2 Relevant Institutions – 'Private' patients

The Bill, as introduced, does not include victims and survivors who spent time in private nursing homes and **Clause 31(2)(b)** specifically excludes those who were in a listed institution but who were paying for private medical care there. Thorndale House and Malone Place operated two separate facilities within the same buildings, one as a 'rescue home' for women and girls (who may be eligible for redress under the Bill) and a maternity business providing private medical care (who would not be eligible). In a response to a RaISe request for additional information, TEO officials clarified that this provision in the Bill is specifically designed to differentiate between these two groups as the shame and stigma experienced by those women in the 'rescue home' was not present in the same way for those in the private hospital.[51] 70% of those who responded to the public consultation, disagreed with this exclusion.[52]

[48] The Truth Recovery Independent Panel, *The Executive Office Truth Recovery Public Consultation on a statutory Public Inquiry and Financial Redress Scheme Response* (2024) p21

[49] WAVE response received via email from The Executive Office officials, 6 August 2025.

[50] As cited immediately above.

[51] Correspondence between RaISe and The Executive Office officials, 22 August 2025.

[52] The Executive Office, *Summary of the Public Consultation Responses to a Proposed Statutory Public Inquiry and Financial Redress Scheme* (2025) p11

In the TRIP response to the consultation, they disagreed with the proposal, now in the Bill, to exclude those who paid (or whose family paid) Mother and Baby Institutions privately. Their view is that those women and girls who were separated from their child in such circumstances, and those children, now adults, should also be eligible for a redress payment.[53] They note that these institutions were sustained financially by the State and that any financial payments made privately to the institution did not remove the shame and stigma. They contend that how the costs of a placement are met is not material in the context of redress for family separation and that it is important to consider that in some cases at least, private financial arrangements were made "to avoid scrutiny of a pregnancy, such as in cases of incest or child sexual abuse".[54]

The WPGNI also consider it vital that victims and survivors in private institutions are eligible for the SP and that they should not be excluded from the Scheme.[55]

QUB, in their consultation response, similarly do not agree that 'private' patients should be excluded from the Scheme, although suggest that if there is evidence they may have been less likely to suffer abuse, a different evidential standard could be required. For example, a statement of the abuse that they suffered.[56]

6.2.1.3 Applications from Children, now adults

Clause 31(4)(a) would provide for children, now adults, who were born while their mother was 'under the care of' a relevant institution to be eligible for redress.

Clause 31(4)(b) would further provide for those children, now adults, whose mothers were 'under the care of' a relevant institution until immediately before their birth to be eligible. In a response to a RaISe request for additional

[53] The Truth Recovery Independent Panel, *The Executive Office Truth Recovery Public Consultation on a statutory Public Inquiry and Financial Redress Scheme Response* (2024) pp22-23

[54] As cited immediately above.

[55] Women's Policy Group NI, *Response to Truth Recovery - Mother and Baby Institutions, Magdalene Laundries and Workhouses* (2024)

[56] A-M McAlinden, L Moffett, J Gallen, and M Keenan, *Truth recovery – mother and baby institutions, Magdalene laundries and workhouses, and their practices: response to public consultation on a statutory public inquiry and financial redress* (2024)

information, TEO officials clarified that the use of 'immediate' here is to prevent applicants whose mothers, for example, may have left an institution to give birth in a hospital from being ineligible for the Scheme. There is no specific definition of what time frame is covered by 'immediately' in this context and officials advised it would be discretionary for the Redress Service.[57]

Members may wish to consider whether a time frame is necessary or whether a definition or guidance around the term 'immediately' will be produced by the Redress Service or in further regulations to avoid inconsistency of approach.

6.2.1.4 Posthumous Claims

The TRIP's consultation response is critical of the next-of-kin approach suggested by TEO in the public consultation and suggests standardised payments for immediate family members are considered instead. This is the proposal contained in the Bill, as introduced, at **Schedule 3**.

Schedule 3 of the Bill clarifies eligible relatives in relation to posthumous claims under **Clause 31(5)** of the Bill. The Bill, as introduced, would allow posthumous claims to be made by a person who is either the partner or the child of the deceased. For these purposes, and outlined in **Paragraph 2(a) of Schedule 3** a "partner" is a person who lived together with the deceased, as if they were spouses or civil partners, for a continuous period of two years or more immediately preceding the deceased's death, or under **Paragraph 2(b)** if there is no person eligible by virtue of paragraph (a), a spouse or civil partner of the deceased at the time of the deceased's death.

It further notes that a child of the deceased includes a child of the deceased who has been adopted by another person. As TEO officials during the Executive Office Committee ('the Committee') evidence session clarified, this is necessary to ensure a child of the deceased does not lose out as legally the adopted child is no longer the child of the birth mother.[58]

[57] Correspondence between RaISe and The Executive Office officials, 22 August 2025.

[58] Northern Ireland Assembly Official Report 18 June 2025, *Committee for The Executive Office* p18

The public consultation also suggests a posthumous date for the Redress Scheme of 15 November 2021. The Consultation Report notes that 60% of respondent disagreed with this and that, of these, most felt that there should either be no date at all, or it should be 1922 in line with the period to be investigated by the Inquiry.[59] The Bill, itself at **Clause 31(5)(b)** proposes a posthumous date of 29 September 2011. This date was chosen as it is the date that the HIA Inquiry was announced. TEO officials note that this is a difficult and sensitive area and there is no consensus on what date should be used.[60]

A number of organisational responses suggest no cut-off date at all. The TRIP response notes that the HIA Redress Scheme was amended following a campaign by victims and survivors to 1953, the date at which an official Inspection Report into one of the children's institutions had been criticised.[61] They note that there is evidence of the State's knowledge of what was happening in MBIMLWs going back decades. They suggest, on this basis that there should be no posthumous cut-off date included in the Bill.[62] This is mirrored by the response of the WPGNI.[63]

In their response, WAVE is also critical of the 2021 cut-off date proposed in the consultation, but do not suggest a specific alternative. They explain as the first institution opened in 1922:

> "*there will be women that were impacted by this that have passed many years before 2021, and their experience should still matter and count."*[64]

[59] The Executive Office, *Summary of the Public Consultation Responses to a Proposed Statutory Public Inquiry and Financial Redress Scheme* (2025) p12

[60] Northern Ireland Assembly Official Report 18 June 2025, *Committee for The Executive Office* p13

[61] The Truth Recovery Independent Panel, *The Executive Office Truth Recovery Public Consultation on a statutory Public Inquiry and Financial Redress Scheme Response* (2024) p26

[62] The Truth Recovery Independent Panel, *The Executive Office Truth Recovery Public Consultation on a statutory Public Inquiry and Financial Redress Scheme Response* (2024) p26

[63] Women's Policy Group NI, *Response to Truth Recovery - Mother and Baby Institutions, Magdalene Laundries and Workhouses* (2024)

[64] WAVE response received via email from The Executive Office officials, 6 August 2025.

The 2011 date has also been criticised by campaigners, including victims and survivors and their families, some of whom have called this provision in the Bill "cruel", "unacceptable" and "unfair".[65]

6.2.1.5 Payment Amount

Under the Bill as introduced, victims and survivors who were admitted to a listed institution would be entitled to £10,000. An eligible family member of someone who is now deceased would be entitled to £2000. This is set out in **Clause 31(9)(a)** and **(b)**. A victim and survivor who was admitted to multiple institutions listed, is only entitled to one payment, under **Clause 31(8)**. However, a victim-survivor may be entitled to both a £10,000 and £2000 payment, if they meet the relevant eligibility criteria.

The £10,000 payment itself was an issue for the majority of respondents to the consultation (54%)[66]. The main concern was this amount was too low and should be raised to reflect inflationary pressures. During the evidence session on 18 June 2025 with TEO officials, Committee Members raised this point. In reply, officials noted that they have tried to find a balance as the Scheme is about trying to get "a bit of money to lots of people".[67] It was noted that this is also reflective of a wider balancing of the SP with an IAP in the future, to ensure appropriate redress can be provided within the available finances.[68]

The TEO Public Consultation Document notes that determining the payment level is challenging and that there is no direct comparison in terms of other redress schemes, although it is noted that, in the Republic of Ireland, the Mother and Baby Institution Payment Scheme, has a scale for Birth Mothers from €5,000 (for less than 3 months) up to €125,000 (for 10 year). If a child,

[65] The Irish News, *Stormont urged to remove 'cruel clause' in mother and baby homes Bill* (2025) accessed 14 August 2025.

[66] The Executive Office, *Summary of the Public Consultation Responses to a Proposed Statutory Public Inquiry and Financial Redress Scheme* (2025) p11

[67] Northern Ireland Assembly Official Report 18 June 2025, *Committee for The Executive Office* p16

[68] As cited immediately above p15

now adult, was in an institution for less than 6 months they are not eligible for redress.[69]

Scotland's Redress Scheme contains two types of redress:

- A fixed rate payment of £10,000, or
- An individually assessed payment of up to £100,000.[70]

A number of the organisational responses to the consultation were also critical of the proposed payment amount. A response provided by QUB outlined it was content with this amount on the basis that those applying are made aware that it is an initial, recognition payment and that there will be an IAP to follow.[71] Others, such as WPGNI, TRIP and WAVE believe it is too low with TRIP suggesting an amount of £15,000 as a minimum.[72]

Members may wish to ask TEO what considerations they have given to different SP amounts and what impact these changes might have on the affordability of the Redress Scheme.

6.2.1.6 Single Application

Finally, a number of the organisational responses to the consultation note their preference to see a single application for both the SP and IAP to prevent the potential re-traumatising of victims and survivors through multiple applications. The Bill itself does not explicitly allow for this. RaISe contacted TEO officials for additional information. They clarified that they have considered this but that there are a number of challenges, particularly around the retention of data and the different information required for each type of application.[73]

[69] The Executive Office, *Public Consultation on a Statutory Inquiry and Financial Redress* (2024) p31

[70] Scottish Government, *Redress For Survivors (Historical Child Abuse In Care) (Scotland) Act 2021: statutory guidance - assessment framework* (2021) accessed 23 July 2025.

[71] A-M McAlinden, L Moffett, J Gallen, and M Keenan, *Truth recovery – mother and baby institutions, Magdalene laundries and workhouses, and their practices: response to public consultation on a statutory public inquiry and financial redress* (2024)

[72] The Truth Recovery Independent Panel, *The Executive Office Truth Recovery Public Consultation on a statutory Public Inquiry and Financial Redress Scheme Response* (2024) p23

[73] Correspondence between RaISe and The Executive Office officials, 22 August 2025.

They have also had discussions with the Information Commissioner's Office in relation to these data concerns. They emphasised that application processes for both SP and IAP will be as trauma-informed and victim-centric as possible.[74]

Members may wish to further explore with TEO what barriers there are to a single initial registration or a consent-based data sharing framework. They may also wish to ask what considerations TEO have given to a similar redress process as that in Scotland with two separate types of payment possible and whether this could be provided for at a later date without the need for a further, and separate, process.

6.2.1.7 Time limit for applications for a payment

Clause 32(1)(a) makes provision for the length of time that applications could be made to the Redress Service and **(b)** that any application must be in line with provisions made by regulations under **Clause 42**.

Applications must be made within three years of the Redress Service being established. However, TEO, through **Clause 32(2)** can amend this up to a maximum of five years from the establishment of the Service by way of negative resolution **(Clause 32(3))**. This means such an extension would not require the agreement of the Assembly.

In the Public Consultation Document, TEO proposed that the Redress Service be open for two years, with a possible one year extension. The Bill, as introduced, however, would allow for a longer time period from applications with an initial period of three years which could be extended by two years by secondary legislation. This secondary legislation would be subject to negative resolution, meaning it would not require the agreement of the assembly and is therefore not subject to as much scrutiny.

[74] Correspondence between RaISe and The Executive Office officials, 22 August 2025.

Members may wish to consider whether negative resolution is appropriate for such an extension given this would incur additional costs and what consultation, if any, TEO will undertake before a decision on whether to extend the time period for redress applications is made.

QUB's response to the consultation would indicate support for this longer application time, noting that the two years initially proposed was considered too short.

In the Committee evidence session, Members suggested that potentially no cutoff date be given in any regulations to extend the Scheme.[75] However, TEO officials noted that such Schemes are expensive to keep open and that having a deadline can encourage people to apply.[76] Although not directly comparable, other redress schemes have deadlines by which applications must be made. For example, the Lambeth Children's Homes Redress Scheme was open for applications for 4 years[77] and the Historical Institutional Abuse Redress Scheme in Victoria, Australia opened in December 2024 and is expected to remain open for 18 months.[78] In Northern Ireland, the HIA Redress Scheme operated for 5 years, closing on 2 April 2025.[79]

6.2.2 Eligibility and Convention Rights

It is important to note that the Human Rights Impact Assessment (HRIA), published by TEO on 2 September 2025, highlights that a number of the eligibility provisions within the Bill, as introduced, would engage Protocol 1 of Article 1 ECHR (P1A1) (the right to property) and could engage Article 14 ECHR (prohibition of discrimination). Criminal injures compensation schemes have been held to be within the scope of this right.[80] In the case of *JT v First-Tier Tribunal*, the Court of Appeal in England and Wales referenced the

[75] Northern Ireland Assembly Official Report 18 June 2025, *Committee for The Executive Office* p4

[76] As cited immediately above p19

[77] Lambeth Council, *Lambeth Children's Home Redress Scheme* (2019) p3

[78] Victoria state Government, *Redress for Historical Institutional Abuse* accessed 21 August 2025

[79] Historical Institutional abuse Redress Board, *About the Redress Board* accessed 21 August 2025

[80] The Executive Office, *Human Rights Impact Assessment on a Statutory Public Inquiry and Financial Redress* (2025) p7

European Court of Human Rights' interpretation of "possessions" in relation to P1A1 as being broad and that:

> "*As well as tangible property, the term has been held to include various intangible rights and legitimate expectations to payments or assets of various kinds.*"[81]

Whilst the court judged criminal injuries compensation schemes in the UK to fall within the ambit of P1A1, this redress scheme has similarities but is not the same. The HRIA notes that it is not definitive whether SP would fall within the scope of this right.[82]

A1P1 rights then, when read with Article 14, could be interfered with in relation to the eligibility requirements in the Bill, as introduced. Specifically, in respect of the exclusions of 'private' patients, victims and survivors admitted to institutions other than those Mother and Baby Institutions and Magdalene Laundries listed in Schedule 2 and families of those who dies before the posthumous date of 29 September 2011.

The HRIA provides TEO's explanations as to why they believe the potential interference in P1A1, as read with Article 14, is proportionate.[83] Any interference or limitation on a Convention right must be proportionate (it must interfere no more than is necessary). Under the Northern Ireland Act 1998, it is outside the legislative competence of the Northern Ireland Assembly to legislate in a way incompatible with the Convention rights.[84]

Members may wish to consider TEO's explanations (contained in the HRIA[85]) as to how the policy is proportional in relation to potential interference with Convention rights in reference to the eligibility provisions in the Bill. **Members**

[81] England and Wales Court of Appeal, *[2018] EWCA Civ 1735* (2018)

[82] As cited at footnote 78 p7.

[83] The Executive Office, *Human Rights Impact Assessment on a Statutory Public Inquiry and Financial Redress* (2025) pp18-21

[84] *Northern Ireland Act* 1998, section 6(2)(c)

[85] The Executive Office, *Human Rights Impact Assessment on a Statutory Public Inquiry and Financial Redress* (2025) pp18-21

may wish to consider whether they are assured that the eligibility provisions within the Bill, as well as other provisions, are ECHR compliant.

6.3 Procedure for Applications

This section covers Clauses 33 to 38 of the Bill, as introduced. It outlines the panels through which decisions on applications are made, how applications are prioritised, requirements to request further information and to disclose information, how payments are made and the right of an applicant to appeal the decision of a panel.

6.3.1 Applications for Payments

Clause 33(1) sets out that the Redress Service would set out the form in which applications are to be made.

Subsection (2)(a) and **(b)** sets out that the President of the Service must assign each application to a judicial member or a panel, and;

Subsection (3) sets out that such a panel must consist of two or three members, at least one of whom must be a judicial member.

This Clause sets out who will decide each application and that applications will be considered by a judicial member of the service or by a panel of members. **Paragraphs 3 and 5 of Schedule 1** to the Bill further set out the provisions for membership of the Redress Service.

Paragraph 3 would provide for the membership of the Service. Under this, the Service would have to have at least two judicial members (one of which is the President of the Service) and at least one non-judicial member.

It also sets out that there may be as many additional judicial members as the President considers necessary (with the

approval of TEO) and such additional non-judicial members as TEO considers necessary.

Paragraph 5 sets out that it would be for the Lady Chief Justice to appoint a President of the Service and other judicial members. These members can only be appointed if they have held office as a judge at the Court of Judicature or as a county or deputy county court judge. The Lady Chief justice can also appoint an interim President if the serving president is unable to fulfil their duties.

This paragraph also sets out that it is for TEO to appoint non-judicial members and that they must have professional qualifications or experience that TEO considers relevant.

It will be the designated Department who is responsible for the remuneration of members of the Service and reimbursing them for reasonable expenses.

The Consultation Report notes that most respondents (93%) agreed that the Redress Service should be an independent body headed by a judge. It also notes however that some respondents expressed concern that the process itself may to be too 'court-like'.[86] Responses to the public consultation also noted that there was a concern that the process may feel too quasi-judicial and adversarial.

This concern around a "court-like" set-up was also noted by QUB in their consultation response, who raised the concern that the Victims' Payment Board had had a backlog of claims for this reason and noting the range of disciplines and survivor representation in the redress panels.[87] They, therefore, suggested

[86] The Executive Office, *Summary of the Public Consultation Responses to a Proposed Statutory Public Inquiry and Financial Redress Scheme* (2025) p11

[87] A-M McAlinden, L Moffett, J Gallen, and M Keenan, *Truth recovery – mother and baby institutions, Magdalene laundries and workhouses, and their practices: response to public consultation on a statutory public inquiry and financial redress* (2024)

that redress panels should consist of a range of disciplines and victim and survivor representation.[88]

The WPGNI raised their concerns at a judicial led process, stating their belief that the process should be more victim-centred with a number of positions in the Service reserved for victims and survivors of the relevant institutions.[89]

For comparison, the Chair of Redress Scotland, at present, has a professional background as a chartered psychologist and systemic psychotherapist.[90]

In their response, TRIP, are content that the body is independent and contains judicial and non-judicial members, however, they also believe that the participation of victims and survivors is essential.[91]

Redress Scotland has a wide range of backgrounds within its panel membership, for example, legal, medical and social work.[92] Under the Scottish legislation, all applications are decided by panels of two or three members and there is no requirement for any to be judicial members.[93]

In the EFM, TEO consider it likely that non-judicial members would be from health or social care professions.[94]

Members may wish to examine the rationale for requiring every application to be considered by a panel that includes at least one judicial member. They may also wish to explore whether adopting a broader, multi-disciplinary panel composition—similar to the approach taken by Redress Scotland—could provide a process that feels less adversarial and more inclusive of diverse expertise and survivor perspectives. **Members may also consider it helpful to**

[88] As cited immediately above.

[89] Women's Policy Group NI, *Response to Truth Recovery - Mother and Baby Institutions, Magdalene Laundries and Workhouses* (2024)

[90] Redress Scotland, *Our People* accessed 30 July 2025

[91] The Truth Recovery Independent Panel, *The Executive Office Truth Recovery Public Consultation on a statutory Public Inquiry and Financial Redress Scheme Response* (2024) p23

[92] As cited at footnote 87

[93] Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021 section 35

[94] inquiry-mother-and-baby-institutions-magdalene-laundries-and-workhouse-and-redress-scheme-bill-efm.pdf p22

understand from TEO what other experience it considers desirable for non-judicial members of the Service and how it intends to appoint these members in a timely manner. **They may also wish to ask** TEO as to how many members of the Service they consider might be necessary.

6.3.2 Priority of Applications

Clause 34 would provide for the circumstances in which certain applications can be prioritised by the Service.

Subsection (1) sets out that the Service must give priority to applications from people who are terminally ill. **Subsection (2)** defines this.

Subsection (3) sets out that the Service can decide the priority it gives to determining applications, but **subsection (4)** would mean that it must do so regarding the age and health of each applicant.

The concern around the age and health of potential applicants given the period of time in which most institutions were operating and the harm that was caused was raised in the responses to the public consultation. This Clause, if enacted, would mean that the Service would have to prioritise applications from individuals with a terminal illness, defined in the Bill at **Clause 34(2)** as "a progressive disease and death in consequence of that disease can reasonably be expected within 12 months". It also means that although the Service would also be able to decide on any other prioritisation of applications, it would have to do so regarding the age and health of each applicant.

6.3.3 Power to require further information or oral evidence

Clause 35 would provide for a judicial member of the Redress Service to compel evidence to determine an application.

Subsection (2) would allow a judicial member to request, in writing, that a person provide specified written evidence or to provide oral evidence on or by a specified date.

Subsection (3) would allow a person who has been asked to provide this evidence to claim that they cannot comply or that it's not reasonable to comply. In such a circumstance, under **subsection (4)**, the judicial member may confirm, revoke or vary the notice.

Subsections (5) and **(6)** outline that where the release of records requested would disclose information about a person not related to the application or where a breach of confidentiality would occur, these records must be redacted.

Subsections (7) and **(8)** would provide that a person must comply with any notice to provide information unless, if, in proceedings before the High Court, the person would be entitled to refuse to comply with the requirement or if it contravenes data protection legislation.

Subsections (9) and **(10)** set out that failure to comply with a request under this clause would be an offense and that it would also be an offense is someone deliberately conceals, destroys or alters the information or arranges for this.

Subsection (11) sets out that a person found guilty of an offense under **subsections (9)** or **(10)** would be liable on summary conviction to imprisonment for a term not exceeding six months, a fine not exceeding level 3 on the standard scale or both.

Through this clause, judicial members of the Service would be empowered to request information to allow them to decide an application.

The HRIA notes these powers to compel evidence and that they are done in "pursuit of the truth and in the public interest".[95] Such information, as will be required by the Redress Service may engage Article 8 ECHR.

Members may wish to consider whether there will be guidance to ensure, for example, that information is appropriately redacted. **They might also wish** to understand whether TEO foresees this power being frequently used or whether much of the information is likely to be already available, particularly given the Redress Scheme is designed to be straightforward in terms of evidence required. For example, is this power only applicable when requesting information from individuals or is it sufficient to ensure institutions are obliged to comply?

Members may also wish to consider whether the Bill appropriately balances Convention rights. This means considering whether the Bill gives the Service sufficient powers to gather evidence while also ensuring that individuals' privacy rights are protected through clear and proportionate safeguards. Any inference with Article 8 ECHR must be considered necessary in a democratic society and interference must be proportionate.

[95] The Executive Office, *Human Rights Impact Assessment on a Statutory Public Inquiry and Financial Redress* (2025) p6

6.3.4 Power to Disclose Information

Clause 36 sets out the circumstances in which the Service can disclose information where it considers it necessary to determine an application.

Subsection (2) allows for the person who received the disclosure to use or disclose it further but only as necessary to assist the Service in its functions.

Subsections (3) and **(4)** would make clear that information cannot be disclosed if it would contravene the Data Protection Act 2018.

The EFM notes an example of when this clause could be used. It notes that it may be necessary to disclose a certain amount of information about an individual when asking another person or organisation to supply whatever information it has about that individual.[96]

The Clause also contains the safeguard that all disclosures must be in line with the relevant data protection legislation.

The HRIA notes that any information sharing with other bodies to verify an application for redress will be compliant with the relevant laws, such as data protection law, the law of confidentiality and Article 8 ECHR.[97]

Members may wish to consider whether the Bill contains appropriate safeguards to ensure that Article 8 rights are not interfered with.

[96] Inquiry (Mother and Baby Institutions, Magdalene Laundries and Workhouses) and Redress Scheme Bill, *Explanatory and Financial Memorandum* (2025) p19

[97] The Executive Office, *Human Rights Impact Assessment on a Statutory Public Inquiry and Financial Redress* (2025)p6

6.3.5 Payments

Clause 37 sets out how payments will be made to applicants and how these payments will be treated regarding specific means-tested benefits.

Subsection (1) sets out that is an individual is eligible for a payment, that payment is to be made to them and that this is to be paid in a single lump sum (**Subsection (2)**). If regulations made under **Clause 42(2)(e)** allow for it then payments can be held on trust.

Subsections (3), (4) and **(5)** provides that a payment from the Service will be disregarded for the purposes of assessing that person's social security benefits, residential care costs and means-tested legal aid. **Schedule 4** makes the appropriate amendments required to social security legislation.

In their response to the public consultation, QUB suggested that victims and survivors who were eligible for a payment should be given the choice as to whether they preferred a lump sum or monthly payments.[98] The Bill, as introduced, would only allow for a lump sum to be paid.

Where organisational responses to the consultation mentioned the impact of the payment on benefits, they were supportive of the redress payment being disregarded as described in the Bill.

Subsections (3), (4) and (5) would provide for the redress payment being disregarded for the purposes of assessing that person's social security benefits, residential care costs and means-tested legal aid. The Bill can only amend Northern Ireland legislation to this effect so for those victims and survivors who live outside the jurisdiction, these benefits could still be impacted.

[98] A-M McAlinden, L Moffett, J Gallen, and M Keenan, *Truth recovery – mother and baby institutions, Magdalene laundries and workhouses, and their practices: response to public consultation on a statutory public inquiry and financial redress* (2024)

Members may wish to ask TEO whether monthly payments could be possible and whether this was considered.

Members may also wish to ask TEO how far discussions with the UK Government and Irish Government have progressed in terms of agreement that victims and survivors subject the law of these jurisdictions have any benefits protected in a similar way to those who live in Northern Ireland under **Clause 37 subsections (3), (4) and (5)**.

6.3.6 Right to Appeal

Clause 38 sets out how an application which has been refused can be appealed.

Subsection (1) would allow a person to appeal against a decision their application. This would have to be done, as set out in **subsection (2)** within 30 days of the decision being made. The Service can extend this 30-day deadline in 'exceptional circumstances'.

Subsection (3) sets out that an appeal would have to be made in writing, setting out the grounds for the appeal. It must also comply with any requirements set out in regulations made under **Clause 42**.

Subsections (4) and (5) would require the President to assign any appeal to a judicial member to consider but that they cannot have been part of the original decision making (either alone or part of a panel).

Subsection (6) means that the judicial member will decide on the appeal subject to the same procedures used in making the original decision on the application.

Subsection (7) sets out that the appeal decision can be either a confirmation or reversal of the initial refusal. If it is reversed, a

payment must be made to the applicant, subject to any regulations under **Clause 42(2)(e)**.

Subsection (8) would make clear that the appeal decision is final.

This Clause would allow for determinations on applications that have been refused to be appealed, with the appeal determination being final. Given that the Scheme is an admittance-based scheme rather than harm-based one, TEO officials, in discussions with RaISe, believe that there is unlikely to be a large number of appeals.

It would also stipulate that appeals must be considered by a single judicial member rather than a panel or a non-judicial member of the Scheme. This is different to Redress Scotland, for example, where any review is considered by a panel. These panels do not require a judicial member but must not include any member of the panel who made the decision which is being reviewed.[99]

Subsection (2)(b) would allow the 30-day deadline by which an appeal must be received to be extended by the Service in 'exceptional circumstances'. This may be outlined in any regulations under Clause (42)(2)(g) which would cover the procedure for appeals, or it may be for the Service's discretion.

Members may wish to ask TEO what is likely to be considered 'exceptional circumstances' and whether there will be written guidance to allow for this power to be used on a consistent basis (as much as possible).

Members may wish to consider whether appeals could also be determined by non-judicial members and to ask TEO whether this option has been considered.

[99] *Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act* 2021, section 55

6.4 Supplementary

Clauses 39-42 are supplementary provisions which cover the areas of advice and assistance, restriction of the disclosure of information, advisers to the Service, and Regulations which may be made by TEO.

6.4.1 Advice and Assistance

Clause 39 would allow for the provision of advice and assistance to applicants.

Subsection (1) would allow the Redress Service to provide access to advice and assistance to anyone making or considering an application and access to financial management advice to someone who receives a payment.

Subsection (2) would place a duty on the secretary to the Redress Service to provide the Department of Justice, when requested by them, with the names and addresses of applicants who have received legal advice and assistance and the details of the solicitors who have provided this.

As the EFM sets out, the duty on the secretary of the Service as provided for in **Clause 39(2)** is to allow the Legal Services Agency to check that there is no duplication of advice being offered to applicants through legal advice and assistance arrangements under the Bill and advice and assistance provided under the statutory legal aid scheme.[100]

TEO have stated, in an answer to RaISe, that as the Redress Scheme is based on admittance to a listed institution and requires an applicant to provide the name of the institution and the dates that they (or their mother) were there, it is envisaged that, unlike in other schemes which require a statement of

[100] Inquiry (Mother and Baby Institutions, Magdalene Laundries and Workhouses) and Redress Scheme Bill, *Explanatory and Financial Memorandum* (2025) p20

experience, the vast majority of applicants to the will not need to avail of formal legal advice.

If the Redress Service cannot verify admittance through institution records or other archival methods, then legal support (with prior agreement from the Redress Service) may be needed for:

- signed affidavit from the applicant and/or
- support at an oral hearing.

Whilst it is difficult to estimate how many applicants would require this, TEO, through conversations with PRONI and the organisations, believe that the institutional records will be sufficiently detailed to provide verification in most straightforward cases.

Members may wish to ask TEO whether there are any concerns around the validity or record keeping or if it is possible there are cases where mothers, for example, gave a different name to an institution, or were not recorded at all. **Members may also wish to ask** TEO whether PRONI have made any assessment on the quality of record keeping in this regard and what safeguards there will be for any victim-survivor who applies in these circumstances.

TEO, in response to a request for further information, have confirmed to RaISe that the relevant secondary legislation will detail the amount that will be paid in legal fees. As an example, HIA pays £298 to solicitors for a claim worth £10,000.[101]

They have confirmed it will be for the Redress Service to decide what arrangements they put in place regarding financial advice; however, it is envisaged that, similar to HIA and Victims Payments, Advice NI will provide financial capability and debt advice should an applicant seek it, and initial discussions have taken place in this regard.[102]

[101] Correspondence between RaISe and The Executive Office officials, 1 September 2025.

[102] As cited immediately above

To date, TEO have advised that no-one from HIA or Victims Payments has availed of this service from Advice NI. A similar uptake is expected for this Redress Scheme, particularly as the amounts in question are much lower than what is available through other redress schemes.[103]

The Equality Impact Assessment (EQIA) for the Bill notes that a small but significant number of women with learning difficulties and mental health issues who were admitted to Magdalene Laundries and, in addition, due to their experiences a significant number of victims and survivors may be experiencing long-term mental and physical health issues. In the public consultation, almost half of those who answered yes or no said that they had a long-term health condition.[104]

It is also important to note the age of a number of victims and survivors, given the years the institutions were open and that they may also require additional support.

Members may wish to ask TEO what measures will be in place to support victims and survivors with a disability or long-term health condition to apply to the Redress Service as well as support throughout with their applications and whether support organisations, such as VSS, will be provided additional resource.

6.4.2 Orders restricting disclosure of information

Clause 40 would allow the President of the Redress Service to make an order restricting the disclosure or publication of any evidence or documents given, produced or provided to the Service, or on the disclosure of a person's identity.

[103] Correspondence between RaISe and The Executive Office officials, 1 September 2025.

[104] The Executive Office, *Equality Impact Assessment on a Statutory Public Inquiry and Financial Redress* (2025) pp25-26

Subsection (2) would allow a panel or single judicial member to also impose such an order on the determination of an application or appeal.

Subsection (3) would limit the restrictions that can be made to those required by law or which the person making the order considers necessary in the public interest.

Subsection (4) sets out that a restriction order may remain in force indefinitely or may have an expiration date included within it.

Subsection (5) would aloe a restriction order to be varied or revoked by the panel or judicial member who made the order or by the President of the Service.

This power, as noted in the HRIA in relation to the Inquiry engages Article 10 ECHR. It notes that the exercise of the power provided for in this clause must be done in accordance with statutory provisions or the rule of law.[105]

Members may wish to consider asking TEO under what circumstances they envisage such orders to be used or whether there will be guidance with which panels, judicial members and the President may consult when considering such a restriction order, particularly to ensure its use complies with Article 10 rights. There is no explicit provision in the Bill for such a restriction order to be challenged or appealed, will this be possible if required?

6.4.3 Advisers

Clause 41 would allow the Redress Service to appoint advisers as it sees fit, providing they deem them to have relevant expertise.

[105] The Executive Office, *Human Rights Impact Assessment on a Statutory Public Inquiry and Financial Redress* (2025) p7

Subsection (3) allows the termination of any such appointment at any time.

Members may wish to enquire as to the type of expertise that may be required and how long these appointments are likely to last. Under what type of contract would such an appointment be made?

6.4.4 Regulations

Clause 42 would allow TEO to make regulations in relation to payments and applications to the Service.

Subsection (2) lists the areas for which regulations can be made. These are:
(a) evidential requirements to support an application or subsequent appeal;
(b) imposing time limits;
(c) costs incurred in connection with legal advice and assistance;
(d) reimbursement of expenses;
(e) enabling payments to be made in trust;
(f) process if the applicant dies before an application is determined;
(g) procedure for appeals;
(h) recovery of payments made in circumstances specified in the regulations);
(i) withdrawal of an application or an appeal.

Subsection (5) sets out that regulations made under this clause would require the approval of the Assembly.

This Clause sets out that TEO will be able to make regulations which will, in effect, set out how the scheme will run in practice. During a Committee evidence session in June 2025, TEO officials set out the intention to consult on

these regulations prior to the Bill being given Royal Assent which, despite the risk this brings, they believe is an appropriate timeframe.[106]

Subsection (5) provides that these important regulations will be laid before, and approved by, the Assembly. This provides for scrutiny for these regulations which will ensure the Redress Scheme can begin as soon as possible.

Members may wish to consider what discussions TEO have had with those running other redress Schemes, such as HIA and Redress Scotland to ensure these regulations can be drafted quickly and to learn lessons from previous schemes.

[106] Northern Ireland Assembly Official Report 18 June 2025, *Committee for The Executive Office* p18

7 Part 3 – General

This part contains more general clauses in relation to the Bill as a whole. This covers:

- **Clause 43** which binds the Crown, except for in relation to **Clauses 16 and 35,** in relation to providing evidence. **Subsection (2)** sets out that these Clauses in relation to providing evidence are not exercisable in relation to the UK Government, Scottish Government or Welsh Government.
- **Clause 44**, which would provide TEO with regulation making powers. Any regulations made under this Clause must be approved by the Assembly.
- **Clause 45**, which is an interpretive clause for several provisions in the Bill, such as clarifying that “public authority” has the same meaning as in the Freedom of Information Act 2000.
- **Clause 46** would commence the Bill, if passed as introduced, on the day after Royal Assent for Parts 1 and 3, and on the day ordered by TEO for Part 2.
- **Clause 47** states the name that the Bill would generally be known as the Inquiry (Mother and Baby Institutions, Magdalene Laundries and Workhouses) and Redress Scheme Act (Northern Ireland) 2025.

8 Schedule 1 – The Truth Recovery Redress Service

This Schedule sets out further provisions relating to the establishment of the Redress Service.

Paragraphs 1 and 2 would set out that the Redress Service is an independent body, as with the HIA Redress Board, and its establishment must be advertised in the Belfast Gazette.

Paragraphs 3 and 5 would provide for the membership of the Service and their appointments, including that of the President. Further detail on these can be found at section 6.3.1 - Applications for Payments.

Paragraphs 4, 7 and 11 would provide for responsibilities for the Service that could be designated to another Department.

> **Paragraph 4** would require TEO to designate itself or another Department to exercise the administrative functions of the Service.

TEO officials, at the Committee evidence session in June 2025, indicated that the Department of Justice, who administer the Victims' Payments Board and HIA Redress Board have been undertaking preparatory work on what the Service would look like, for example, its policies and procedures and operational arrangements, such as the number of staff that will be needed and IT systems. The advised that the Justice Minister has been engaged with the First Minister and deputy First Minister, but formal designation can't take place until the Bill is passed.[107]

> **Paragraph 7** would require the designated Department to provide staff for the Service as office accommodation and equipment. If it is not the designated Department, TEO must also approve the number of staff.

[107] Northern Ireland Assembly Official Report 18 June 2025, *Committee for The Executive Office* p17

The staff provided must include a Secretary to the Service and may also include a Deputy Secretary.

Paragraph 11 sets out how it is intended that the Redress Scheme will be funded. It provides that the designated Department will receive funds from TEO.

The EFM notes that annual grants to the designated Department will form part of TEO's budget, and the designated Department will be invited to submit a budget bid to TEO for each financial year.[108]

Members may wish to note that there is no legal requirement, within the Bill as introduced, for the listed institutions to provide financial contributions towards the Redress Scheme. In response to a request for further information from RaISe, officials from TEO noted that the Standardised Payment is unusual in that it is being paid before a formal investigation has taken place. They explained it is important that it is not perceived to be pre-empting the findings of the Public Inquiry. Further, they note that suggesting specific institutional wrongdoing before a public inquiry publishes its findings, risks being seen as prejudicial and undermining the procedural fairness of the entire process.

TEO also stated that they are committed to seeking financial contributions from institutions at the appropriate time and they remain committed to exploring all options available to the Department in this respect.[109] Further information on the financial aspects of the Bill can be found in the relevant RaISe paper, NIAR-109-2025, which should be read in conjunction with this paper.

Members may also wish to note that neither TEO nor RaISe have found examples in other jurisdictions where institutions have been legally obliged to pay towards redress. In the case of Redress Scotland, institutions can

[108] Inquiry (Mother and Baby Institutions, Magdalene Laundries and Workhouses) and Redress Scheme Bill, *Explanatory and Financial Memorandum* (2025) p22

[109] Correspondence between RaISe and The Executive Office officials, 1 September 2025.

voluntarily provide contributions in exchange for a waiver against future action against them.[110]

Paragraph 6 sets out that is the President's responsibility for the effective and efficient discharge of the Service's functions and that the Service can take whatever action it sees fit to ensure it can exercise its functions, apart from borrowing money. While **Paragraph 8** would provide for the President to authorise any member of the Service to undertake any of their functions and allows committees to be set up to advise the President and to undertake these functions.

Paragraph 9 would require that the President's signature, or that of staff authorised by them, is required to authenticate the Seal of the Service. While **Paragraph 10** would mean that any document with this Seal or that is signed by or on behalf of the Service is admissible as evidence in legal proceedings.

Paragraph 12 would mean that the Redress Service must send a report to TEO on the exercise of its functions after the end of each financial year. TEO would be required to lay this report before the Assembly.

Finally, **paragraphs 13, 14** and **15** would amend other legislation to ensure that the Redress Service is added to:

- the Northern Ireland Assembly Disqualification Act 1975;
- the Freedom of Information Act 2000 (in relation to its administrative functions), and;
- the Public Services Ombudsman Act (Northern Ireland) 2016.

[110] These contributions must be 'fair and meaningful' under the *Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act* 2021, section 15

9 Schedules 2, 3 and 4

These Schedules are discussed earlier in the paper and for ease are not discussed again here.

Information on Schedule 2 – Relevant Institutions and Relevant Years can be found in section 6.2.1 - Entitlement to a Payment.

Detail of Schedule 3 – Eligible Relatives can be found in section 6.2.1.4 - Posthumous Claims.

Schedule 4 – Status of Payments, amends social security legislation in relation to payments. There is further information on this at section 6.3.5 – Payments.

10 List of Abbreviations

Abbreviation	Definition
ECHR	European Convention on Human Rights
EFM	Explanatory and Financial Memorandum
FOI	Freedom of information
HIA	Historical Institutional Abuse
HRIA	Human Rights Impact Assessment
IAP	Individually Assessed Payment
IICSA	Independent Inquiry into Child Sexual Abuse
MBIMLW	Mother and Baby Institutions, Magdalene Laundries and Workhouses
NIHRC	Northern Ireland Human Rights Commission
PMB	Private Members Bill
PPS	Public Prosecution Service
PSNI	Police Service for Northern Ireland
QUB	Queen's University Belfast
SP	Standardised Payment

TEO	The Executive Office
ToR	Terms of Reference
TRDP	Truth Recovery Design Panel
TRIP	Truth Recovery Independent Panel
UU	Ulster University
WPGNI	Women's Policy Group Northern Ireland