



Association of Child Abuse Lawyers

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Irish Child Abuse Survivors

A Guide

This guide has been created to help survivors of abuse learn what they may expect from the law and give them some guidance. A trip to see a solicitor can be apprehensive for anyone. Legal assistance is of course available in both Ireland and England. Should you decide to choose an English solicitor and he is a member of ACAL then members have to abide by a code of practise, which includes ensuring " *that he/she is fully aware of and will always seek to minimise the potential impact of legal advice/proceedings on a client who is a survivor of abuse*". Commitment to clients, together with a willingness to acquire knowledge and listening empathetically, are important to us.

Guidance cannot only be given by lawyers. The Irish Department of Education has provided funding for [outreach workers](#) who can provide advice, support and information of a generic type on all the usual advice services - housing, welfare rights, obtaining old records etc. See contact details at the end of this guide.

Background History

In 1999 the Irish Government announced that they would hold a Commission to hear evidence about abuse in Irish educational and care homes. The Commission officially finished hearing evidence in 2001 but a short extension to May 2002 has been granted.

In 2001 the Irish government set about forming a simple system for survivors to claim compensation, which would differ from the Court system in that it would not be necessary to prove fault. The Government announced that it would be setting up the [Redress Board](#). The function of the Board is to assess compensation for survivors by looking at medical evidence and making an assessment using a formalised system of "weighting factors". It is a direct alternative to the Court system.

What legal remedies are available to you?

Remember

- The law is never easy to use and there are bound to be **frustrations** along the way.
- Despite recent changes the law will **not** move as **quickly** as you want it to.

[The Residential Institutions Redress Board](#) - the Irish Government will allow survivors of abuse to pursue claims for compensation through the Board if they were in care as children in the Irish State at various institutions set out in a Schedule to the Act. The institutions included are broadly those managed or controlled by the government either in partnership with religious orders or alone. The Board however has power to add institutions to the list. The functions of the Board will become clearer as time goes by. The following points however are clear from the legislation

- **Compensation** will be assessed by using predetermined "weighting factors" depending upon the severity of the abuse, its medical effects, and losses arising from it.
- By English standards **the scales of compensation are generous** and higher than awards obtainable in the English Courts

- The Board will pay **legal fees** arising in addition to any compensation.
- The Board may arrange for **medical reports** to be prepared on survivors in order to assess the severity of the abuse and its effects. Alternatively the responsibility for arranging the medical examinations may fall on our shoulders. We will give you help and advice before you go and tell you what to expect.
- The Board may call for an informal **hearing** to deal with the case if it is thought desirable to do so, and will pay for the costs of legal representation. We will give you help and support and tell you what to expect.
- An **interim payment** is available up to a maximum level of €10,000 (About £6000) in appropriate cases.
- The spouse or children of a **deceased** applicant can stand in the shoes of a deceased eligible claimant, and make a claim in their place.
- **Claims** must be made to the Board **within 3 years of** the date it is established, but time can be extended in exceptional circumstances. 2nd December 2002 was **the establishment date**. Therefore all applications must be submitted to the Redress Board **before 2nd December 2005**.
- The Redress Board is a distinct **alternative to** going through **the Courts**, and is mutually exclusive. In other words one cannot go through the Irish Courts and then get another bite of the cherry by applying to the Board.
- If dissatisfied with the Board's decision any claimant is allowed to go through the Irish Courts but care must be taken before deciding to do so.
- The case may take some considerable time to conclude as it is dependant upon the speed of the Board to process the applications

Who are we and what do we do?

Abney Garsden McDonald, solicitors have the largest dedicated department of specialised child abuse compensation lawyers in the country. For more information go to our web site <http://www.abneys.co.uk/> We are all members of ACAL (Association of Child Abuse Lawyers). Indeed our head of department Peter Garsden is a founder member and designer of the Web Site. If you want to visit the site go to <http://www.childabuselawyers.com>. We are hoping to co-ordinate the Irish claims in this country on behalf of Irish Survivors. We will, where necessary, find you an ACAL solicitor close to where you live

What should I do before I go?

Initially a solicitor will want to get a basic grasp of what has happened to you. Sometimes they ask you to fill in documents before you go. If you do this it saves an enormous amount of time, and helps your solicitor to concentrate upon the main issues. It helps a great deal to put the main points down on paper or a small card. You no doubt have many questions you want to ask. Write them down and make sure you ask them. We have created a questionnaire to help us get the main facts of the case. We will send/fax/email you a copy on request.

Remember - a solicitor is there to help you but time is always precious. Try to get across the basic points, and do not expect to tell your whole story at the first visit. That will come later when the two of you have developed trust in each other, and you feel ready to talk.

Remember - we are all bound by a strict duty of confidentiality. **Whatever you say will remain completely confidential and will not be revealed to anyone without your authority.**

Remember - We are committed to treating you with understanding

What can a solicitor not do for you?

A solicitor's job is to advise you upon the law, and help you through any legal proceedings that you want to start. He/she must remain objective if he/she is to help you properly.

He/she is not qualified to counsel you or give you any psychological help. There are many organisations who can help you to recover, if you wish it. We can refer you to an appropriate person or organisation.

Whilst a solicitor will fight your case for you he/she will join not with you in the battle. If he/she did this he/she would lose his/her objectivity.

A solicitor does not usually get involved in the criminal prosecution of an abuser. That is the job of the police. They normally have a witness liaison officer who helps through the traumatic process. Your solicitor however may want to sit in at the trial to take notes of evidence

Records - According to English law you have a right to see your personal social services file. The Freedom of Information Act in Ireland Act in Ireland permits access to records held in Irish Government Departments. We may be able to help. Your records are usually vital evidence in your case. Your [outreach worker](#) might also be able to assist

Free Helpline We have set up a special free phone helpline for Irish Survivors who want to make initial enquiries: **0800 783 5969**

Outreach Workers – as stated above advice can be given upon several areas including housing, welfare rights, records tracing etc. With funding support from the Irish Department of Education the following regional offices have been set up.

London Irish Centre Rob Connor or Phyllis Morgan Tel 0207 916 7300

Coventry Irish Society Kevin Murphy Tel 02476 25 7943

Sheffield Irish Forum Eileen Burn Tel 0114 221 0481

Manchester Community Care Robyn Bailey Tel 0161 205 - 9105

Haringey Irish Centre -John O Donovan Tel 0208 885 3490

For advice on policy issues please email Sally Mulready of the Federation of Irish Societies at smulread@hackney.gov.uk

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