

**A SHORT GUIDE**

**to the**

**REDRESS SCHEME**

**under the**

**RESIDENTIAL INSTITUTIONS REDRESS ACT, 2002**

**Issued by**

**The Residential Institutions Redress Board**

**December 2002**

## INTRODUCTION

The Redress Board was set up under the Residential Institutions Redress Act, 2002 to make fair and reasonable awards to persons who, as children, were abused while resident in industrial schools, reformatories and other institutions subject to state regulation or inspection.

The Board, which is wholly independent, is chaired by Kieran O'Connor, SC, a retired Circuit Court Judge.

All applications for redress are treated in the strictest confidence, and all hearings conducted by the Board are in private.

Making an application for redress does not require you to give up any right you may have to bring a claim for damages in the courts. You can wait and see if the Board makes an award which is acceptable to you. If you wish to accept the award made by the Board, however, you must then agree to give up certain legal rights. If the Board's award is not acceptable, you may simply reject it and proceed with any other legal claims which are available to you.

Please note that the Redress Board cannot decide any question of civil or criminal liability on the part of persons involved in the running of these institutions; that is the responsibility of the courts and the Commission to Inquire into Child Abuse (the Laffoy Commission).

This leaflet provides a general outline of the way in which the Board deals with applications for redress. All applications must, however, be considered in accordance with the provisions of the Residential Institutions Redress Act, 2002 and the Regulations made under the Act. For further information, please ask the Board to send you a copy of "A Guide to the Residential Institutions Redress Act, 2002". You can also get further information about the Redress Scheme by visiting the Board's website at [www.rirb.ie](http://www.rirb.ie).

Please note that new editions of this leaflet may be published from time to time.

## **SHOULD I APPLY FOR REDRESS?**

You should apply to the Board if you can answer “Yes” to all the following questions:

- ⊖ Were you resident in an industrial school, reformatory school, children’s home, special hospital or a similar institution at any time while you were under the age of 18?
- ⊖ Were you subjected to sexual, physical or emotional abuse or serious neglect while you were resident in that institution?
- ⊖ Have you suffered physical, psychiatric or other injury consistent with that abuse?

It is not necessary for a person to have been prosecuted or convicted of any criminal offence in connection with the abuse.

Please note that the Board may not be able to pay redress in the following circumstances:

- You were not resident in the institution at the time of the abuse.
- The institution in which you were resident is not listed in the Act.
- The person who was abused died before 11 May 1999.
- You have already received damages from a court or a settlement in respect of the abuse.
- You are unable to satisfy the Board that you are entitled to redress under the terms of the Act.

## **HOW DO I APPLY?**

To apply for redress you must complete an official application form which is designed to give the Board as much as possible of the information it requires to deal with your application. Please note that there are two different types of application form:

### **General application form**

This form should be used by any person who is applying for redress for himself or herself, or by any person who is applying for redress on behalf of a person under the age of 18 or a person who is incapable of managing his or her own affairs

### **Deceased application form**

This form should be used by any person who is applying for redress on behalf of a person who has died since 11 May 1999.

Copies of these forms are available from the Board by post or by downloading from the Board's website, and from Survivors' Groups and solicitors' offices.

The application form will ask you to provide evidence in support of your application, and it is important to remember that the more information you give the Board, the sooner the Board will be able to reach a decision in your case.

## **WHO CAN HELP ME TO APPLY?**

You may, of course, ask a solicitor to help you to make an application, and the Board will pay the solicitor's reasonable costs and expenses. But you may instead get help from a survivors' group, a member of your family or a friend. Or you may simply apply to the Board in person.

Where a person who may be entitled to redress is under the age of 18 or unable to manage his or her own affairs, the application may be made by a relative or other person on his or her behalf.

Where a person who may be entitled to redress has died since 11 May 1999, the application may be made by his or her spouse or children.

## **HOW WILL THE BOARD DEAL WITH MY APPLICATION?**

When the Board receives your application, it will obtain any further information necessary for making its decision in your case. In particular, the Board will wish to be satisfied that it has all the relevant medical evidence relating to your injuries.

The Board is also required by the Act to ask (a) any person named in your application as responsible for abuse which you suffered, and (b) the representative of the institution in which the abuse took place, to provide the Board with evidence appropriate to your application. For this purpose, they will be given a copy of your application and may be given such further information regarding your application as the Board considers appropriate.

When it has obtained all the evidence which it requires, the Board will deal with your application as follows.

### **Informal settlement**

Where the Board is satisfied that you are entitled to redress, it may make an offer in settlement of your application, which you are free to accept or reject. If you accept the settlement offer, no further proceedings are necessary. If you reject the settlement offer, your application will proceed to a hearing by the Board.

### **Hearing by the Board**

If it is not possible to deal with your application by way of a settlement, the Board will allocate a date for the hearing of your application. This hearing, which will be as informal as possible, will be conducted by a panel consisting of two or three members of the Board. The hearing will enable you or the Board to call witnesses to give oral evidence and to question other witnesses.

Any person named in your application as responsible for the abuse which you suffered, and the representative of the institution in which the abuse took place, may also take part in the hearing.

Hearings will normally be held in Dublin, but arrangements will also be made for hearings in other cities in Ireland. Where an applicant lives outside the State, the Board may make arrangements for the taking of evidence on commission.

All hearings are in private and are not open to the public or to the media. In exceptional circumstances, the Board may at your request allow a close relative or other appropriate person to be present at the hearing of your application.

## **HOW WILL MY REDRESS BE ASSESSED?**

The Board may make an interim award and a final award of redress.

### **Interim award**

Where the Board has made a preliminary decision that you are entitled to an award and, having regard to your age and infirmity, considers it appropriate, it may pay you an interim award of not more than •10,000. This interim award will be deducted from your final award.

### **Final award**

The final award made by the Board, which will be a fair and reasonable sum having regard to your unique circumstances, will be assessed under the following four headings.

#### **1. *The severity of the abuse and injury***

On the basis of the medical and other evidence available to it, the Board will assess your redress award with reference to the severity of (1) the abuse which you suffered, (2) your physical and mental injuries, (3) the emotional and social effects of your injuries, and (4) your loss of employment and other opportunities.

Please note that no redress is payable for loss of earnings as such, and the Board will not take into account any actuarial material presented on your behalf.

#### **2. *Additional redress***

In exceptional cases, the Board may make an additional award not exceeding 20% of the normal redress award where it is satisfied that it is appropriate to do so.

#### **3. *Medical expenses***

The Board may make an award for reasonable expenses incurred in respect of past, present or future medical or psychiatric treatment for the effects of the injuries which you have suffered as a result of the abuse.

#### **4. *Other costs and expenses***

The Board may also make an award for any other costs and expenses which you have reasonably incurred in making your application for redress. This includes the reasonable costs of legal representation for the making of your application.

## **HOW WILL MY REDRESS AWARD BE PAID?**

Redress awards will normally be paid in one lump sum, by means of a cheque or by payment into a bank or building society account. The Board in appropriate cases may pay an award by instalments or in accordance with the terms of a trust or other arrangement made on behalf of the applicant.

## **WHAT CAN I DO IF I AM NOT SATISFIED WITH THE AWARD MADE BY THE BOARD?**

A person not satisfied with an award made by the Board following a hearing may apply to the Residential Institutions Redress Review Committee for a review of the Board's award. The Review Committee may uphold the Board's award, or increase or decrease the amount of the award.

## **HOW DOES A REDRESS AWARD AFFECT MY RIGHT TO CLAIM DAMAGES IN THE COURTS?**

If you accept the award made by the Board, or by the Review Committee on review, you must agree in writing to give up any right you may have to bring a claim for damages in the courts in respect of the abuse and injuries covered by the award. You will be given one month in which to decide if this is what you wish to do.

If you decide NOT to accept the award made by the Board, or by the Review Committee on appeal, any right you may have to bring a claim for damages in the courts is not affected in any way. But you cannot come back to the Board a second time if you find out later that the damages to which you are entitled from court proceedings are lower than the award of redress made by the Board or by the Review Committee.

## **HOW CAN I CONTACT THE REDRESS BOARD?**

You may contact the Board by using any of the following:

Postal address:       The Residential Institutions Redress Board  
                              Belfield Office Park  
                              Beech Hill Road  
                              Clonskeagh  
                              Dublin 4  
                              Ireland

Email address:        [info@rirb.ie](mailto:info@rirb.ie)

Telephone:            1 800 200 086 (Freephone)  
                              01 268 0029

Website:              [www.rirb.ie](http://www.rirb.ie).

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