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Historical Institutional Abuse Redress Process

Best Practice Guidance for Solicitors

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Introduction

- Solicitors play an important role within the Historical Institutional Abuse (HIA) redress process, for example, in providing independent advice on eligibility of applicants to apply for redress and in assisting individuals with making an application.
- This guide has been developed to assist members involved in making applications on behalf of clients to the HIA Redress Board, by providing important information regarding the entirety of the process.
- The guide provides important best practice guidance for practitioners representing victims and survivors, with the aim of ensuring that the process is completed as smoothly as possible, with the best interests of the client at its centre.
- Solicitors representing clients in this area should ensure that best practice is adopted throughout the redress process, and an empathetic, trauma-informed, victim/survivor focused approach should always be followed.
- It is vital that a holistic approach is taken from the perspective of the victim/survivor's journey. Therefore it is important to read and consider this document in its entirety before considering advising or representing a client in this area.
- This guide will assist the Society's Client Complaints Committee in determining the standards to be expected should any complaint be received regarding the inadequate professional service provided by a solicitor.

Background

- The Northern Ireland Executive established an Inquiry which investigated abuse of children aged under 18 who were living in an institution in Northern Ireland between 1922 and 1995. The report and findings were published in January 2017 (the Historical Institutional Abuse Inquiry Report, also known as the 'Hart Report').¹
- The Inquiry found that there had been systemic failures on the part of the Institutions and the State in their duties towards children in their care, who suffered widespread neglect and abuse (including physical, sexual, and emotional).
- Recommendations arising from the Inquiry included:
 - Establishing a Redress Board and financial compensation scheme
 - Appointing a Commissioner – The Commissioner for Survivors of Institutional Childhood Abuse
 - The appointment of an Advisory Panel
 - Establishment of support services
 - A public apology
 - A memorial
- The Hart Report highlighted the important role for legal representatives in assisting applicants to pursue their claims effectively and helping them to obtain the necessary evidence to support their application.
- The HIA Redress Board was established on 31 March 2020 and the application process is open for a period of five years from 3 April 2020.
- There are a number of important stakeholders within the redress process including victims/survivors, the Commissioner for Survivors of Institutional Childhood Abuse, the Victims and Survivors Service, and the Redress Board

¹ <https://www.hiainquiry.org/historical-institutional-abuse-inquiry-report-chapters>

Relevant Legislation

- The Historical Institutional Abuse (Northern Ireland) Act 2019² provides the legal framework for the establishment of the HIA Redress Board and the creation of the statutory Commissioner for Survivors of Institutional Childhood Abuse.
- The Historical Institutional Abuse Redress Board (Applications and Appeals) Rules (Northern Ireland) 2020³ is the secondary legislation which:
 - Sets out the statutory procedures that the HIA Redress Board must follow when processing and determining claims for compensation;
 - Advises applicants how they apply and sets out the documentation to be provided in support of the application; and
 - Provides for the payment of fees to legal representatives assisting applicants - the Schedule⁴ to the 2020 Rules sets out the costs payable to solicitors and counsel. Further details about costs are included below.

² https://www.legislation.gov.uk/ukpga/2019/31/pdfs/ukpga_20190031_en.pdf

³ <http://www.legislation.gov.uk/nisr/2020/50/contents/made>

⁴ <https://www.legislation.gov.uk/nisr/2020/50/schedule/made>

Overview of Stakeholders Involved in Redress Process

There are a range of stakeholders involved in the HIA redress process. It is important to consider their respective roles and the support that they can provide pre, during and post the redress process for victims/survivors.

Below is a brief overview of the stakeholders involved within the HIA redress process.



Commissioner for Survivors of Institutional Childhood Abuse (COSICA)

- The Commissioner for Survivors of Institutional Childhood Abuse’s (COSICA) principal aim is to represent and uphold the interests of victims and survivors of institutional historical childhood abuse.
- The Commissioner provides individuals considering whether to make an application to the HIA Redress Board with general advice and information about the redress process as well as information and referral to a range of supports and services.
- The Commissioner holds a wider range of powers and duties including monitoring specialist services for victims and survivors and the operation of the HIA Redress Board.
- Fiona Ryan was appointed as Commissioner for Survivors of Institutional Childhood Abuse and took up post on 14 December 2020.
- For further details, please click [here](#).

Victims and Survivors Service

- The vision of the Victims and Survivors Service (VSS) is *“to improve the health and wellbeing of victims and survivors”*.
- In December 2020, the Victims and Survivors Service launched a dedicated support service for survivors of historical institutional childhood abuse, which includes psychological therapies, counselling, persistent pain management, welfare advice, disability aids and social support.
- VSS work in partnership with the WAVE Trauma Centre and Advice NI to deliver a range of support and services across NI. They can also arrange support and services for those living outside of NI in their local area on a case-by-case basis.
- VSS provide support in relation to preparing the Statement of Experience (which is required when making an application) and adopt a therapeutic process in doing so to support the client.
- For further details, please click [here](#).

Solicitors

- It is the responsibility of solicitors to provide support and advice to the applicant in respect of issues such as:
 - Their eligibility to submit an application to the Redress Board or the alternatives open to them.
 - The preparation of their application including the completion of the Statement of Experience (in conjunction with the VSS).
 - The requirement to provide the necessary supporting evidence.
 - The Redress Board’s assessment process.
 - Merits of any appeal (if applicable).
- A Trauma Informed Approach should be applied to support the client throughout the entire process (see section below on [‘Adopting a Trauma Informed Approach’](#)).

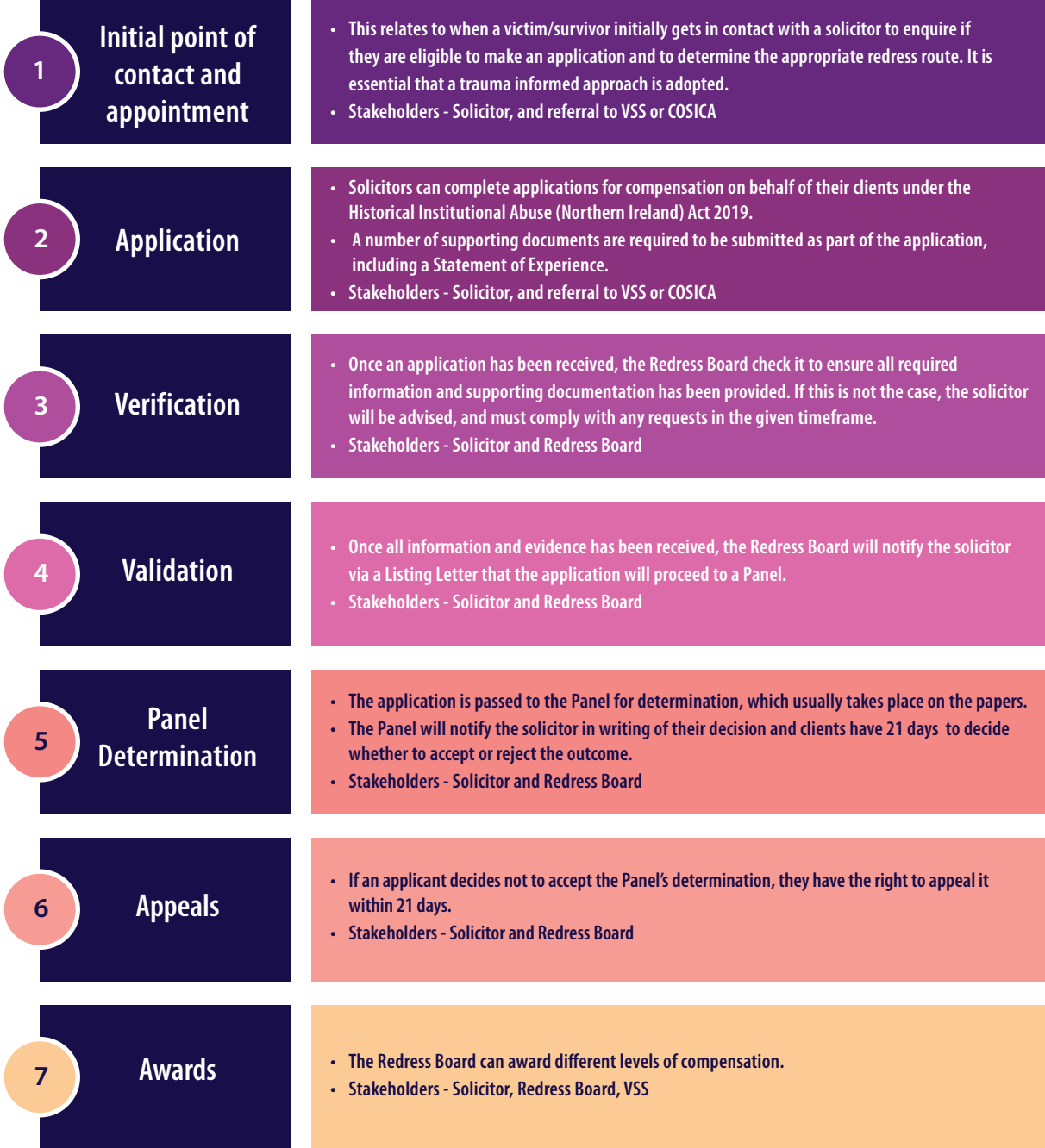
Historical Institutional Abuse (HIA) Redress Board

- The HIA Redress Board was set up in Northern Ireland to receive applications for compensation and make determinations on awards of compensation to victims and survivors of historical institutional abuse in accordance with the above legislation.
- The Redress Board has responsibility for receiving and processing applications for compensation.
- Applications are typically considered on the papers by a three-person Panel consisting of a judicial member (who chairs the Panel) and two non-judicial members from a health and social care background.
- The Redress Board is a 'body corporate' and operates independently from the Department of Justice and the NI Executive Office.
- For further details, please click [here](#).

Life cycle of case

It is important that a victim/survivor centred approach is adopted throughout the entirety of the redress process. The complex needs of the victim/survivor should be focused on from the outset, during and beyond the process to ensure that they are adequately supported and that the process is as smooth as possible for those individuals concerned.

A typical case life cycle involves:



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Adopting a Trauma Informed Approach

- From the point of initial contact, solicitors should strive to provide high levels of client care and adopt a victim/survivor centred approach. This approach, referred to as “Trauma informed”, takes account of the trauma that victims and survivors have experienced.
- The definition of Trauma “refers to experiences that cause intense physical and psychological stress reactions. This may be from a single event, multiple events or a set of circumstances experienced by an individual as physically and emotionally harmful or threatening and that has lasting adverse effects on the individuals physical, social and emotional, or spiritual wellbeing.” (Adapted from SAMHSA 2014)
- Adopting a Trauma Informed Practice is a way of increasing the understanding of trauma and its impact through supporting development of skills and knowledge throughout the workforce. It also recognises the correlation between trauma and poorer outcomes which may be caused by the direct impact of the trauma, the impact of the trauma on a person’s coping response or the impact of the trauma on a person’s relationships with others.

- Further information is available from the Safeguarding Board for Northern Ireland. It is recommended that members undertake the short online training courses (click below):
 - [Level One Adverse Childhood Experiences \(ACE\) Awareness \(E-Learning\) Programme](#)
 - [Level Two Developing Trauma Sensitive Approaches to Practice Training E-Learn Programme](#)
- Members can claim for CPD points following completion of the above courses.
- Solicitors should engage with all clients sensitively – matters surrounding historical institutional abuse are inherently sensitive, personal, emotional, and difficult to discuss.
- In some circumstances, the initial point of contact with a solicitor may be the first time that an individual has disclosed or shared personal information relating to their experiences with anybody. Making the phone call alone can be a highly emotional process for an individual.
- Talking about experiences can be distressing and re-traumatising for individuals and may bring back painful memories or cause other repressed memories which the survivor may not initially be aware of to surface. Therefore it is essential that the needs of victims and survivors are considered and made central throughout the redress process.
- Solicitors should be aware that victims and survivors may face difficulties with memory retrieval, which may result in gradual disclosure of information. Consequently, several appointments may have to be organised over an extended period of time to take account of emerging memories. The level of time and patience required should be considered before taking on a case.
- Solicitors should recognise that childhood abuse has lasting effects, and many victims/survivors may suffer from mental health issues, physical health issues, literacy and numeracy problems, employment problems, addiction problems etc.
- The age demographics of clients in this area tend to be 50+ (78% of victims and survivors are over the age of 50) and many are elderly. It may therefore be extremely difficult for those individuals to recall details about events that happened many years ago, particularly if they suffer from traumatic memory. Solicitors should take this on board when engaging with clients and ensure they are provided with the appropriate support from the relevant services e.g. VSS.
- Throughout the whole process, the survivor journey should be considered in its entirety, and high levels of empathy and client care should be adopted at all times.

Determining Eligibility

- It is important to establish if the client is eligible to apply for the scheme at the earliest opportunity. Individuals are eligible to apply for compensation if they:
 - Were resident in an “institution”⁵ in Northern Ireland between 1922 and 1995 (dates inclusive) as a child; **and**
 - Suffered or witnessed sexual, physical, emotional abuse or neglect or maltreatment, or experienced a harsh environment; **or**
 - Were sent to Australia from Northern Ireland under the Child Migrants Programme.
- Individuals can also apply on behalf of someone who died on or after 28 April 1953 if they are the deceased person’s:
 - Surviving spouse
 - Civil partner
 - Cohabiting partner
 - Surviving child (if that person is a residual beneficiary of the deceased’s estate)
- Given the passage of time, clients may find it difficult to remember the exact dates they were resident at an institution. They should be advised that they can avail of the services of VSS or the Commissioner who can assist them with accessing records, including admission and discharge dates.

⁵ “Institution” means an institution in Northern Ireland in which a body, society or organisation with responsibility for the care, health and welfare of children provided residential accommodation for children, took decisions about them and made provision for their day-to-day care.

Determining appropriate redress route

- It is important at the outset to determine what the most appropriate redress route is for your client to take.
- There are two redress routes for clients: litigation through the Civil Courts or applying to the Redress Board.
- Clients may face some difficulty in deciding which route of redress to take. Therefore, they should be provided with sufficient information about both processes, what they entail, and the advantages/disadvantages for each. Some examples of these are outlined in the table below (please note, the examples are non-exhaustive):

Application to the Court

Advantages:

- If successful, there is potential for the individual to receive an award in excess of the levels of compensation that may be available through the HIA scheme.

Disadvantages:

- There may be limitation issues as the Article 50 statute of limitation requirements are a higher hurdle to reach.
- The defence may examine medical records during the hearing (which may be distressing/re-traumatising for the individual concerned).
- The process is likely to take considerably longer in comparison to the Redress Board process.
- The awarding of any compensation may have an impact on state benefit entitlements.

Application to the Redress Board

Advantages:

- The process is quicker in comparison to the Court route.
- Costs for legal representation are covered by the Board.
- The process is non-adversarial – most cases are dealt with on the papers alone, and usually an individual will not be called to provide oral evidence.
- The awarding of any compensation does not have an impact on state benefit entitlements.

Disadvantages:

- There is an upper limit of the level of compensation that an individual can receive.
- There is no opportunity to be compensated for 'loss of earnings' (which may be available through compensation obtained through the Court process).

- Different options should be considered adequately and appropriately, and clients should be provided with sufficient time to decide. Regardless of the route a client undertakes, they are eligible to engage with the Office of the Commissioner and VSS.
- Clients should also be made aware that if they have already commenced civil proceedings, and wish to apply to the Redress Board, those civil proceedings must be withdrawn. Applicants to the Redress Board must provide written confirmation that any pending civil proceedings have been withdrawn before an application can proceed to consideration.
- Section 4⁶ of the Historical Institutional Abuse (Northern Ireland) Act 2019 sets out exclusions from entitlement to claim compensation through the redress process.
- If a court has previously dismissed a claim for compensation in a relevant matter, an application cannot be made to the Redress Board. However, there are some exceptions to this. An individual can apply for compensation if a court dismissed the claim solely because the proceedings were not brought within the timeframe for bringing such a claim. In addition, if the application relates to abuse suffered in an institution which was managed by a different body, society, or organisation than that against which the previous claim was made, the individual can make an application to the Redress Board.
- If an individual has previously been awarded compensation for the same abuse through the Court process, any award received through the redress process may be adjusted downwards. Details on the actuarial adjustment of award can be found in Section 13⁷ of the Historical Institutional Abuse (Northern Ireland) Act 2019.
- Clients should also be made aware that if they are awarded compensation by the Redress Board, they may not, at a later date, claim for compensation through civil proceedings for any matter to which their application related in accordance with Section 15(6)⁸ of the Historical Institutional Abuse (Northern Ireland) Act 2019.

⁶ <https://www.legislation.gov.uk/ukpga/2019/31/section/4/enacted>

⁷ <https://www.legislation.gov.uk/ukpga/2019/31/section/13/enacted>

⁸ <https://www.legislation.gov.uk/ukpga/2019/31/section/15/enacted>

Overview of application process

- It is important that clients are provided with an overview of what the application process will entail, what to expect and how their application will progress.
- Clients frequently ask questions such as:
 - Am I eligible to apply?
 - How do I apply?
 - How long will the process take?
 - How can I access my records?
 - What do I need to provide you with?
 - Will I need to go to court?
 - How much will it cost?
 - If successful, what are the possible outcomes?
 - Can I apply on my parent's and/or sibling's behalf?
 - If I receive compensation, will it affect my benefit entitlements?
- Clients should be made aware of the role of the solicitor within the process, the levels of assistance that can be provided and of the respective roles of all the different stakeholders involved within the redress process.

Supporting Documentation

- Rule 4⁹ of the 2020 Rules sets out what supporting materials are **required** to support applications for compensation (see section [below](#) for further details). The Redress Board have advised that an application cannot be progressed without these essential proofs and will not be validated until **all** of the required information has been provided.
- Clients should be asked for supporting documents at the earliest opportunity. It may be useful when arranging a date for an initial appointment with a client to provide them with a list of the documents required and ask them to provide them in advance of the appointment, or alternatively to bring them with them to the appointment.

⁹ <https://www.legislation.gov.uk/nisr/2020/50/article/4/made>

Client Communications

- It is vital that the solicitor agrees with the client how they would like to be communicated with. The client may wish to be communicated with via a particular method or a combination of methods e.g. by post, e-mail, telephone call.
- It is important to offer clients a choice on how they would like to receive documents, particularly due to the highly confidential, sensitive, and often potentially distressing information they contain. Some may wish to collect documents in person due to their sensitive and highly personal nature, while others may wish for their documents to be sent via password protected emails. Survivors being able to exercise their choices is an important part of demonstrating respect and taking a trauma-informed approach, and agreeing the method of communication in advance minimises the risk of potentially causing distress, anxiety or upset.
- This is also important because the client's family and friends may be unaware of the abuse and the client may wish to proceed with an application without them being involved. They may not want letters arriving to their house but may prefer communication by e-mail or a telephone call at a time that suits them.
- Agreeing the method of communication is also particularly important in relation to seeking approval for the client's Statement of Experience. For many survivors, a Statement of Experience may be the first time they have fully disclosed their experiences; experiences that they can find highly challenging to acknowledge to themselves and may not have even shared with their loved ones. They contain extremely personal and sensitive information. For many, they are not just legal documents, they are written accounts of their early lives and the abuse they suffered as children, and the impacts of this abuse on them. The overall sensitivity of Statements of Experience must be considered in the context of communications with clients.
- It is also vital that there is clear and timely communication with the client at critical stages in the application process, especially when seeking approval, including:
 - Setting out clearly how the Redress application process works.
 - Ensuring that you seek the client's permission if making a referral to VSS or requesting documents related to their case.
 - Ensuring that the client has time to review and approve their Statement of Experience and make any necessary changes. The discussion and approval of the Statement of Experience should be noted in the client's file.
 - Inform the client as soon as possible about a successful or unsuccessful application.
 - Highlighting the significant importance of the need to provide written notification of their decision to accept or reject the award within 21 days of receiving the Determination Notice.
 - Explaining the appeals process if they wish to appeal the outcome (within the 21 days allowed).
 - Communicating the outcome of an appeal in a timely manner.

Legal Costs and other financial matters

- Clients are likely to enquire at an early stage about the legal costs involved within the redress process, whether they need to access legal aid, and about the impact any award may have on their benefit entitlements.
- Legal costs for the scheme are covered by the Redress Board. There is no need for clients to access legal aid and any award received does not affect benefit entitlements in the UK. Please note, if the applicant resides in another jurisdiction, the same guarantees may not be provided due to different tax and benefit regimes, and this must be checked.
- Further details on legal costs and other financial related matters which clients should be advised about can be found [below](#).

Section 5 referrals

- Clients should be made aware at an early stage that any information they provide regarding the abuse that they have suffered may be provided to the police in accordance with Section 5 of the Criminal Law Act (Northern Ireland) 1967¹⁰, and this may lead to an investigation and/or prosecution of any perpetrators of historical abuse.
- A declaration in respect of Section 5 referrals is required when submitting the application and you should draw your client's attention to it when making the application.
- When an application is submitted to the Redress Board, the Redress Board may share details with the Police Service of Northern Ireland (PSNI). The PSNI will review the statement and may contact the solicitor and/or client directly via phone or letter to confirm whether the individual wishes to engage with the criminal process.
- In adopting a victim-centred approach, it is important that clients are made aware of this at an early stage as it may be a particularly daunting prospect for them to be contacted by the PSNI at a later stage in relation to any personal information they have disclosed.

Managing Expectations

- It is important to manage the expectations of clients effectively and carefully from the outset.
- The Redress Board's scope of remit is quite discrete as it only deals with what happened to an individual in an institution before their 18th birthday. Clients may not remember if they were

¹⁰ <https://www.legislation.gov.uk/apni/1967/18/section/5>

aged 17 or 18 while resident in an institution. Clients should be made aware of the parameters of the 18-year-old cut off at the earliest opportunity. As part of the redress process, the Redress Board will access the records from the respective institution and will provide them if there is a query around the 17/18 eligibility point.

- Individuals may mistakenly believe they are entitled to an award for simply being present in an institution, however, clients should be made aware that a payment for “common experience” is not included within the scheme.
- Clients should also be made aware that the Section 14¹¹ initial payment order provision is not a “common experience” payment provision. Section 14 only enables the Panel, being satisfied on all the evidence submitted, that abuse has been suffered, to make an initial payment of £10,000 while it considers if this initial payment should be final or increased.
- There are difficulties around suggesting an average award to clients as the value awarded varies from application to application due to the wide range of abuse and the uniqueness of each individual case. Clients should be made aware of the scale of awards and that the highest award available under the scheme is £80,000.
- It is important to notify clients that where they have previously received compensation, their award must be adjusted to take account of this (as required by Section 13¹² of the Historical Institutional Abuse (Northern Ireland) Act 2019). It is important to manage expectations appropriately in this regard as the award can be adjusted downwards.

Availability of support services (for clients)

- There are several support services which provide assistance and support for clients pre, during and after the redress process.
- Solicitors should make clients aware of and signpost them to the specialist and dedicated support services of the Victims Support Service (VSS) for survivors of historical institutional childhood abuse. Further details of the services provided by VSS, including support for records retrieval, can be accessed [here](#).
- There may be occasions when the client is not comfortable recounting experiences of abuse, or they may have difficulty recounting directly to you. Help and assistance should be sought to help the client provide a full and clear Statement of Experience (see section below on [Statement of Experience](#) for more information).

¹¹ <https://www.legislation.gov.uk/ukpga/2019/31/section/14/enacted>

¹² <https://www.legislation.gov.uk/ukpga/2019/31/section/13/enacted>

- If you believe your client requires urgent help, there are a number of crisis support services in Northern Ireland. Details on these services can be accessed [here](#).
- Clients can also be signposted to COSICA who provide general advice and information on making applications and can provide information about and referral to a range of supports and services. Further details on the services provided by COSICA can be found [here](#).

Availability of support services (for solicitors)

- VSS also provides support and guidance to solicitors on how to engage in difficult discussions around trauma, recording lived experience and in choosing the right time to suggest a referral to them. This can be provided on an individual basis or group training can also be arranged.

For further details on the services provided or to arrange training, please contact the VSS on hiaenquiries@vssni.org or 028 9031 1678.

Solicitors can complete applications for compensation on behalf of their clients under the Historical Institutional Abuse (Northern Ireland) Act 2019.

It is recommended that solicitors read the below listed documents before commencing an application:

- [Online application guidance for solicitors](#)
- [Procedural guidance](#)
- [Checklists for submitting an application](#)
- [Redress Board Banding Guidance](#)

The information below provides some important details around preparing to submit the application.

Online applications portal

- Applications for compensation should be made via the online application portal.
- Solicitors must have a Northern Ireland Direct Account (NIDA) to complete an online application. If you do not have a NIDA, you must [register](#) an account online by selecting 'Create account'.
- You must then complete and submit the HIA Redress Board online [registration form](#) to enable access to the online application.
- The Redress Board aim to process the registration and notify you within two working days. You should not attempt to access the online application portal until you receive confirmation that your registration has been processed as this will cause delay.
- Once the NIDA registration has been completed, you can then make an application for compensation, on behalf of your client, via the [online application portal](#).
- Please see [Annex A](#) below which provides a flowchart of the online application form process.

Hart / Non-Hart Inquiry Applicants

- It is important to ask your client at an early stage if they provided evidence to the Hart Inquiry. Please note this relates to the public aspect of the inquiry, not the private Acknowledgement Forum.
- If an individual provided evidence to the Hart Inquiry, they do not have to provide any further evidence unless they wish to do so, although they should be reminded that determinations

are made solely on the strength of the evidence before a Panel. In every case, the individual still needs to submit a completed application and the supporting materials required under the Rules.

- The Redress Board will obtain a copy of their evidence from the Public Records Office Northern Ireland on their behalf.
- If additional evidence or a new statement is being provided, solicitors should be careful to ensure that there are no contradictions between old and new evidence. Where there are discrepancies, these should be fully explained in advance. If there are credibility issues, the Board may adjourn the case and write to the applicant's solicitor for clarification.
- If the client has not provided evidence to the Hart Inquiry, they will be required to provide the names of the institution(s) in which they were resident and the approximate dates they were there.

Applicant's Health

- If the applicant is suffering from a terminal, critical or other life-limiting condition, this should be made known to the Redress Board when completing the application so that they can aim to prioritise their application. A copy of a letter from a GP or hospital must be provided to support this claim.
- To do your best by your client, you should also message the Redress Board via the portal system to make them aware of the circumstances, and request for the application to be expedited.

Supporting Documents

- There are several documents which are required to be submitted as part of the application under Rule 4¹³.
- The documents required vary depending on the type of applicant. All applications must be supported by the following documents:
 - Certified copy of applicant's birth certificate;
 - Certified copy of photographic identity of applicant;
 - Proof of any name change since attending an institution (if applicable).

¹³ <https://www.legislation.gov.uk/nisr/2020/50/article/4/made>

- Appropriate forms of photographic identity include:
 - A UK, Irish or EEA driving licence (or provisional) (photographic part);
 - A UK, Irish or EU passport;
 - An Electoral Identity Card;
 - A Translink Senior SmartPass;
 - A Translink 60+ SmartPass;
 - A Translink War Disabled SmartPass;
 - A Translink Blind Person's SmartPass.

- An application made on behalf of a deceased person must also be supported on submission by the following documents:
 - Certified copy of deceased's death certificate;
 - Certified copy of the will (if one was made);
 - Certified copy of grant of probate or letters of administration;
 - Certified copy of any proof of relationship between spouse/cohabitee/child and the deceased.

- The Board will accept copies of proofs that are endorsed by a solicitor and read "certified by a solicitor as a copy of the original" for the following documents:
 - Birth Certificate;
 - Marriage Certificate;
 - Death Certificate;
 - Last Will & Testament;
 - Letters of Administration;
 - Deed Poll.

- Please pay particular attention to the need for documents to be certified as this will assist with the smooth processing of the application. If they are uploaded without being certified, they will be sent back by the Redress Board, meaning the application cannot move forward, and this will ultimately delay the process.

- If an application is being made on an applicant's behalf because they are incapable of managing their own affairs, it must be supported on submission by evidence of authority to act on behalf of the applicant.

- It is recommended that the relevant documents are scanned and saved to your computer before commencing the application.

- You must ensure that all the necessary and relevant statutory proofs and evidence are submitted at the time of making the application. The Redress Board have advised that this position has been made clear to the profession through a number of Panel and appeal decisions.

- The Solicitors Online Application Portal requires you to make a number of declarations that you have complied with all of the relevant provisions of Rule 4¹⁴ before submitting your application. The Redress Board have advised that if the requisite information is not provided at the outset the application **cannot** be validated and will not be progressed.

Medical / Expert Reports

- Under Rule 4¹⁵, applications should be supported by any Expert Report relating to the application, which the applicant or the applicant's solicitor considers **relevant**.
- It is important to adhere to [Practice Direction No.2](#) on Expert Reports which has been issued by the Redress Board.
- It is important to submit relevant reports only which provide an analysis of the impact of the abuse and which, where possible, attribute responsibility for the impact. This may include GP records or letters.
- It is vital that all reports are prepared as adequately as possible and in accordance with the requirements of Practice Direction No.2. Therefore, experts should be properly instructed and should have sight of necessary medical records and the client's Statement of Experience prior to preparing the report.
- The Redress Board have identified several issues relating to Expert Reports, including for example reports which contain solely a verbatim repetition of the contents of the Statement of Experience, or have been prepared without consideration of GP records, hospital records, counselling notes and other relevant records. The Redress Board have advised that these are not acceptable (or useful) and may result in the Redress Board refusing to authorise reimbursement.
- Solicitors should make the relevant experts aware of the above Practice Direction when instructing them so they are clear about what should be included.
- It is important to ensure victims and survivors are aware of the range of documents and reports being considered and that they give permission for these to be submitted as part of their application.

¹⁴ <https://www.legislation.gov.uk/nisr/2020/50/article/4/made>

¹⁵ <https://www.legislation.gov.uk/nisr/2020/50/article/4/made>

Outstanding Documents and Reports

- If you are waiting on outstanding reports/evidence to be provided, **you should not submit an application as it cannot be progressed without them.** Applications submitted when completed and supported with all required and/or desired supporting evidence enable a quicker and easier passage through the process and help to manage any expectations of clients around the timescale involved.
- The Redress Board will manage incomplete applications in strict accordance with the provisions of Rules 8¹⁶ and 9¹⁷ and these timelines must be adhered to.
- If having received a Listing Letter you exceptionally request an extension of time to submit additional information, the Redress Board will ask for an explanation of the nature of the outstanding information which you propose to provide and the date by which it will be provided. The Redress Board will respond to the request either granting or refusing the request or providing you with the option to withdraw the application and to resubmit it when the outstanding information has been obtained.
- Incomplete applications cause delay in the process and ultimately frustration for the applicant. If there are difficulties in obtaining required documents, clients should be kept updated accordingly, particularly in respect of the impact of this on the overall timescale and progress of their application. You are again reminded that in practice **only fully completed applications with all of the supporting evidence must be submitted to the Redress Board.**

The Statement of Experience

- Applicants must provide a statement describing what happened to them while resident in an institution. The Statement of Experience is a vital document within the redress process, and therefore should be completed conscientiously and carefully. All determinations by the Redress Board are based on the cogency and quality of the evidence submitted by an applicant to the Panel.
- Since June 2021, the Victims and Survivors Service (VSS) has had the remit to help survivors record their lived experience. Health and Wellbeing Caseworkers are available to assist with this and a referral can be made either through VSS or directly to the WAVE Trauma Centre.
- It is important that the best applications are provided so that an appropriate award can be made. Solicitors should signpost clients to the VSS for support in drafting the statement and solicitors should ensure that sufficient evidence is included within the Statement of Experience.

¹⁶ <https://www.legislation.gov.uk/nisr/2020/50/article/8/made>

¹⁷ <https://www.legislation.gov.uk/nisr/2020/50/article/9/made>

This will assist the Panel in performing their statutory functions in assessing the appropriate amount of compensation.

- When considering the Statement of Experience with a client, solicitors should be live to the sensitivities and difficulties that will be experienced by individuals in discussing and disclosing information about the abuse they suffered. Solicitors should also be cognisant of other difficulties that may be faced by their client, such as literacy difficulties and traumatic memory.
- Solicitors should liaise closely with the VSS who can work with applicants to provide a therapeutic approach and ensure the victim/survivor is in a position to make a sufficiently detailed statement upon which the Panel can make a proper determination.
- It may be difficult for applicants to remember the exact details of their experience or to provide substantial detail in respect of a deceased person. Re-telling experiences can be distressing and re-traumatising for individuals. Solicitors should ensure a victim/survivor centred approach is adopted and should support their clients in ensuring that they do their best to provide as much detail as possible.
- It is important to advise clients to take adequate time to appropriately consider the work involved in preparing the statement.
- The decision about when to sit down and start drafting the statement should be victim/survivor led and should only be done when they feel ready and comfortable to do so. It should be noted that it is unlikely that the Statement of Experience would be completed in one sitting, nor would it be desirable to do so.
- If the applicant experienced abuse in more than one institution, a separate Statement of Experience must be provided for each.
- It is recommended that the Statement of Experience is drafted using the [template](#) developed by the Redress Board. A written Statement of Experience may be supported by any relevant audio or video material that an applicant or solicitor considers relevant.
- Solicitors should also refer to the [examples of abuse](#) document. It is recommended to use this document, along with the template document when consulting with clients. This can assist with navigating the client through the various types of abuse under the different headings, including physical abuse, sexual abuse, emotional abuse, neglect, and maltreatment.
- It is important to set out as much of the lived experience as possible as this is the detail that the Redress Board will rely upon when making a determination. The statement should cover the specifics, severity, duration, frequency, impact of the abuse, and if possible, the name or a description of the reported abuser. A vague Statement of Experience is unlikely to be successful.

- If the applicant is aware of the town or area where they were born, or in which they lived, prior to being placed in an institution, it is very helpful to detail this within the Statement of Experience to assist the Redress Board to undertake further investigations if the named institution cannot verify attendance.
- It is vital to detail the impact and sequelae of the abuse on the individual's life. It is important to consider the [Banding Guidance](#) prepared by the Redress Board which provides examples of abuse and the subsequent consequences of the abuse. For example, an individual may suffer from addiction, struggle to hold employment, or may have been diagnosed with a psychological illness due to the abuse they suffered.
- If relevant GP records, counselling notes or medical reports could help to explain the impact of the abuse suffered on the individual, they should be appended to the statement and submitted simultaneously with the application.
- Solicitors should ensure that information provided by applicants is shaped in a manner that answers all of the questions necessary and that the evidential material supports the best application that is feasibly possible. It should be as comprehensive and detailed as possible.
- Care must be taken to ensure that any additional information provided is not contradictory to any previous evidence given. If there are any discrepancies between information in the Statement of Experience with any other written account previously provided by the client by way of written statement to the Hart Inquiry, Police, Social Services, Criminal Injury Application or previous civil litigation, this must be highlighted and explained.
- Clients should be made aware of the importance of including all the information they wish to rely upon within their Statement of Experience. If the client subsequently wishes to appeal a decision of the Panel, the appeal is based on a **reconsideration** of the information provided and there are specific grounds around the admission of fresh evidence (see section below on [Appeals](#) for more details). It is thereby vital that the Statement of Experience is prepared adequately and includes all relevant information at the outset.
- The examples of abuse and banding guidance documents should be cross-checked before finalising the Statement of Experience.
- The process of preparing a Statement of Experience should be victim/survivor centred but must meet the evidential requirements of the Panel. The victim/survivor should have sight of the document and should be asked to approve its contents before it is uploaded. This is vitally important as it is the client's case, and it gives them a further opportunity before submitting the Statement of Experience to add any further information.

- It is likely that there will be several drafts of the Statement of Experience. Therefore care must be taken when uploading the Statement of Experience to ensure it is the final version and that the client has approved it.

Outstanding or Dismissed Civil Claims

- Applicants are required to inform the Redress Board about:
 - Any pending proceedings before a civil court;
 - If the applicant previously issued civil proceedings which were dismissed and the reason for that dismissal; or
 - Any pending proceedings under an application to the Independent Inquiry into Child Sexual Abuse scheme.
- An application can only proceed if the pending civil proceedings are first withdrawn. There may be a need to obtain confirmation from the High Court or to seek a copy of an Order to be provided to the Redress Board to confirm the withdrawal. (The Statutory Inquiry for England and Wales, which was established under the Inquiries Act 2005 - Please see <https://www.iicsa.org.uk/>).

Previous Payments of Compensation

- If an applicant has previously received a payment of compensation, they are required to confirm both the amount of the award and the date on which it was paid. The Redress Board will require written confirmation on this.

Checklists

- Before submitting an application, you should refer to the relevant checklist below:
 - [Checklist for submitting an application](#)
 - [Checklist for submitting an application on behalf of deceased](#)
 - [Checklist for submitting an application on behalf of a person incapable of managing their own affairs.](#)

Online Portal and RB Reference Number

- Once an application has been submitted, you will receive an automated message and email of acknowledgment confirming the unique RB reference number. This is the reference number that the Redress Board will use when communicating with you. It is therefore important to record this number and it may be useful to note it on the client's file, so it is easily accessible.

- Receipt of the RB number is an indication that the client’s application has been lodged. It is recommended that the client is contacted at this stage to let them know that their application has been completed and lodged. At this stage, it may also be useful to remind clients about the next steps within the process and the availability of support services.
- Messages and correspondence from the Redress Board are uploaded on the portal. The portal has recently been updated so that solicitors can now create a new message to send to the Redress Board. This can be done by clicking on the ‘Send New Request’ option which is on the applications bar within a specific application.
- If you wish to receive auto-generated emails every time the Redress Board send a secure message, you must send an email to admin@hiaredresni.uk with the subject “Secure Messaging Emails” and provide one email address in respect of your firm in the body of the email. If you do not sign up for this service, it will remain your responsibility to continually review the portal to see if messages have been sent.
- The RB reference number will be quoted on all secure messages and auto-generated emails.
- It is important that the portal is checked regularly for any updates. It is also important to reply promptly to all correspondence issued via the portal, and the timeframes set out by the Redress Board should be adhered to.

Client updates

- The Solicitor Online Application Portal provides the solicitor with real time information about the status of the application.
- Clients should be kept up to date on the progress of their application. It is important to note that receiving correspondence can sometimes be distressing for applicants. They should be signposted to their GP or relevant support services if further assistance is required.
- Guidance on the meaning of different statuses on the online application portal can be accessed [here](#). This provides useful information that solicitors can use to provide applicants with updates on the status of their application.

Further detailed information and guidance on the application process can be accessed [here](#).

- The Redress Board check the application form once it is received to ensure all required information and supporting documentation has been provided. They will advise if any information is missing. If you receive notification about missing information or documents, it is important to send this promptly.
- The Redress Board may correspond with the solicitor to query information, dates, or other matters.
- The Panel can specify periods under Rules 8¹⁸ and 9¹⁹ within which they wish the material to be provided by or within which queries should be responded to. It is prudent that these are replied to promptly and within the timeframes directed to ensure the case can be moved forward swiftly. This is particularly important because if the material/information requested is not provided before the end of the period specified, the Panel may proceed to determine an application based on the information currently before it (which may be detrimental to a client's case).
- The Redress Board notifies the body, society or organisation involved that an application has been submitted (Rule 7²⁰ Notice of Application). The institution will be asked to confirm that the information provided is correct and have 7 days to respond. If they wish to submit written evidence, they must do so within a further 21 days.
- Where there is no record of attendance, the staff and the Redress Board will undertake further investigations on behalf of the applicant to help verify the attendance.
- The Redress Board may also send the solicitor documents to be considered with the client, such as institution records. If received, you should consult with your client and ensure that an appropriate reply is served on their behalf within the provided timeframe. If you are aware that you may need an extension of time to provide an adequate reply, you should seek this extension request immediately and within the timeframe set by the Redress Board in the previous Rule 8²¹ or 9²² correspondence.

¹⁸ <https://www.legislation.gov.uk/nisr/2020/50/article/8/made>

¹⁹ <https://www.legislation.gov.uk/nisr/2020/50/article/9/made>

²⁰ <https://www.legislation.gov.uk/nisr/2020/50/article/7/made>

²¹ <https://www.legislation.gov.uk/nisr/2020/50/article/8/made>

²² <https://www.legislation.gov.uk/nisr/2020/50/article/9/made>

- Once they have all information and evidence needed from all parties, the Redress Board will notify the solicitor via a Listing Letter that the application will proceed to a Panel. It is anticipated that **only on exceptional occasions** that a solicitor will make a request for an extension of time to provide additional evidence not provided on submission of the application.
- The above notification will include an Expenses Claim Form which must be completed and returned by a specified date. See section [below](#) for further details around costs and expenses.

- The application is passed to the Panel for determination, which usually takes place on the papers.
- The President of the Redress Board can prioritise the order in which applications are determined based on the age and health of the applicant, so far as it is disclosed in the application (Section 7²³ of the Historical Institutional Abuse (Northern Ireland) Act 2019).
- The Panel consists of three people, comprising a judicial member and two non-judicial members from a health and social care background.
- The Panel considers the following:
 - Application form.
 - Proofs of identity and other relevant matters (such as relationship to the deceased) which have been provided.
 - Statement of the applicant's Experience.
 - Any medical reports or medical evidence provided by the applicant.
 - Any written information provided by an institution.
 - Any written information provided in response to a Redress Board request.
 - Any other written statements or relevant material provided in support of the application.
- Where there is a very obvious gap in the information, the Panel may exceptionally direct or compel other information to be provided.
- The Panel is required to have regard to the findings of the Hart Inquiry if the application relates to an institution that was investigated as part of that Inquiry. However, solicitors should be aware that mere presence at such an institution alone does not automatically attract compensation.
- Compensation is assessed on the level of detail provided in the Statement of Experience and on the civil standard of the balance of probabilities as set out in [Practice Direction No.1](#).

²³ <https://www.legislation.gov.uk/ukpga/2019/31/section/7/enacted>

Oral Hearings

- In exceptional circumstances, the Panel may direct that an oral hearing takes place, where it considers it is necessary to do so in the interests of justice.
- The Redress Board will give an applicant and/or their legal representative at least 21 days' notice of the hearing. If the applicant is unable to attend the hearing, the Redress Board must be notified in writing as soon as is reasonably practicable and at least 14 days before the date for hearing.
- The oral hearing will be conducted by a Panel of three members appointed by the President of the Redress Board.
- Any legal representative present during the hearing, whether on behalf of the Redress Board, the applicant, or another person, must comply with the directions of the Panel and bear in mind that the process is non-adversarial.
- The prospect of attending an oral hearing may cause considerable stress for the applicant concerned. To alleviate any worries, the solicitor should talk their client through what to expect at an oral hearing. The solicitor should also signpost the client to the relevant support service agencies.
- Further information around oral hearings can be accessed [here](#).

Determination Notice

- The Panel will notify the solicitor in writing of their decision via the online portal. This written notification will contain a summary of the Panel's reasons for the determination.
- A leaflet containing details of appropriate support services is also provided alongside the Determination Notice. This should be provided to your client for their information, and clients should be encouraged to avail of these services.
- It is important that applicants are given copies of the documents provided so that they understand the reasons for the decision. The solicitor should talk through the documents in detail with the client, so they know exactly what the outcome is and how the Panel reached their decision.
- If the client has been refused compensation, or has gained an amount less than expected, this can be a particularly distressing experience for them. In these scenarios, it is particularly important to look at the Panel's reasons for determination and to advise the client of potential next steps e.g. appealing the decision. However, in doing so, it is essential to manage the client's

expectations appropriately. In addition, if the client is distressed, they should be referred to the relevant support agencies.

- Clients should be advised that they have 21 days from the date of issue stamped on the notice to decide whether to accept it and should be advised on the merits of the outcome. Within the same 21-day period, they must lodge an appeal if that is what they wish to do.
- If the client wishes to accept the outcome, they must provide written confirmation of acceptance of the award and must specify details of the bank account into which the person wishes the award to be paid.
- If they do not provide notification of acceptance or rejection within 21 days, the award will be deemed to have been rejected. No award will be paid, and the applicant loses their right to appeal.
- Therefore, it is **significantly important** to highlight to clients the need to provide written notification of their decision to accept or reject the award within the timeframe provided.
- If an individual rejects the award without lodging an appeal, the Redress Board process comes to an end. Solicitors should advise the applicant of the provisions of Section 15(6)²⁴ of the Historical Institutional Abuse (Northern Ireland) Act 2019 if an applicant is considering pursuing their claim through the civil courts.

²⁴ <https://www.legislation.gov.uk/ukpga/2019/31/section/15/enacted>

- If an applicant decides not to accept the Panel's determination, they have the right to appeal it within 21 days.
- The following can be appealed:
 - A decision not to award compensation.
 - The amount of compensation awarded.
- Solicitors should make themselves aware of the Redress Board guidance on appeals which can be viewed at:
<https://www.hiaredressni.uk/publications/appeals-procedural-guidance-time-extension-fresh-evidence-oral-hearings>
- The reasons for appeal must be stated in detail, and it is recommended that you use the [Notice of Appeal template](#) to lodge the appeal.
- An appeal is determined by a single judicial member and is dealt with by way of reconsideration of the material previously before the Panel.
- Fresh evidence will only be considered where exceptional circumstances exist, and it is necessary in the interests of justice to do so. It is therefore essential that that all information upon which you wish to rely on is put forward before the initial Panel as an appeal is by way of reconsideration of that information. Clients should also be advised of the importance of this (particularly when considering the Statement of Experience).
- The judicial member can uphold the original decision, reverse the decision, or increase or reduce the award of the Panel. A decision by the Redress Board on appeal is final, so clients should be made aware of this.
- When the outcome of the appeal is received, it is important to provide the relevant documents to your client and talk them through it in detail and to advise on any other legal routes which may be available. It is important at this juncture to again remind clients about the availability of support services.

- Section 12²⁵ of the Historical Institutional Abuse (Northern Ireland) Act 2019 sets out the amounts of compensation that the Redress Board can award, which include:
 - A standard award payment of £10,000 only.
 - An enhanced award payment of between £10,001 and £80,000.
 - An amount of £20,000 if the application is made by or in respect of a person who was sent to Australia under the Child Migrant Programme.
- [Practice Direction No.1](#) sets out the approach of the Redress Board to the assessment of compensation.
- The Redress Board published '[Banding Guidance](#)' which sets out 5 broad bands of compensation and examples of abuse and consequences relating to each.
- Under Section 14²⁶ of the HIA Act 2019, an initial payment of £10,000 may be provided if the panel is satisfied that abuse has been suffered but requires further information to establish the final value of the award. Once this further information is provided, the amount to be awarded is reviewed and if appropriate, a further award is made.
- It is important to note that there has been confusion between a 'standard' payment and an 'initial' payment, which both amount to £10,000. The difference should be explained and clarified to the applicant.
- As noted above, under Section 13²⁷ of the HIA Act 2019, the Panel can make an adjustment to the amount of compensation if the person making the claim has previously been paid compensation for the same abuse considered by the Panel and their determination is in excess of this.

Payment of Awards

- When an applicant accepts an award, they are required to send details of the bank account into which the person would like the award to be paid along with the written confirmation of acceptance.
- In some circumstances, compensation awards may be issued to the solicitor firm representing the survivor applicant.

²⁵ <https://www.legislation.gov.uk/ukpga/2019/31/section/12/enacted>

²⁶ <https://www.legislation.gov.uk/ukpga/2019/31/section/14/enacted>

²⁷ <https://www.legislation.gov.uk/ukpga/2019/31/section/13/enacted>

- In cases where it is proposed the Redress Board will pay the client’s compensation directly to the client’s solicitor or into the client’s solicitor’s client bank account, the client must sign an express authority to this effect. This in turn must be provided to the Redress Board, which will permit a direct payment to or into the client’s solicitor’s client bank account.
- The client’s express authority and their completed Form of Discharge is both an important protection for them, and an important check and balance and safeguard for their solicitor.
- Solicitors are reminded of their obligations under the Solicitors Accounts Regulations 2014²⁸ (“SAR 2014”), particularly in relation to the treatment of payments into the client bank account.
- Solicitors should pay particular attention to the following provisions within Regulation 13 of SAR 2014:
 - i. (13.1) Client money must without delay be paid into a client account. “Without delay” means, in normal circumstances, either on the day of receipt or on the next working day.
 - ii. (13.2.5) provides that in no circumstances money which does not relate to a current or ongoing matter or transaction may be held in or transacted through any client account.
 - iii. (13.4) Client money must be returned to the client (or other person on whose behalf the money is held) promptly as soon as there is no longer any proper reason to retain those funds. Payments received after the solicitor has already accounted to the client, for example by way of a refund, must be paid to the client promptly.
 - iv. (13.5) A solicitor must promptly inform a client (or other person on whose behalf the money is held) in writing of the amount of any client money retained at the end of a matter (or the substantial conclusion of a matter), and the reason for that retention.
- Solicitors should also refer to Regulations 21-23 which relate to interest.
- If awards are being transferred internationally, it is important to check whether there are any special requirements as early as possible, including the currency of the receiving amount, to avoid any technical issues and delays. Delays to the receipt of payment can risk further re-traumatising victims and survivors.
- It is important to be mindful of issues around scams and cybercrime. Solicitor firms must actively engage with clients to ensure that their data and monies are well protected. Therefore it is strongly recommended that information around scams and cybercrime is provided to clients at the outset and included within the Terms of Business agreed with the client.

²⁸ https://www.lawsoc-ni.org/dataeditoruploads/doc/solicitorsaccountsregs_2014%5b1%5d.pdf

Compensation Awards management

- Individuals who receive an award will not have to pay tax or national insurance contributions on the award (in the UK).
- The award is also to be disregarded in assessing a person's eligibility to receive means-tested social security benefits (in the UK), in assessing a person's liability for paying towards the cost of their residential accommodation and in assessing a person's eligibility for access to publicly funded legal services i.e. Legal Aid.
- It is important to make clients aware that while any compensation they receive will not affect any means tested benefits they receive, they need to declare it to the relevant benefits office as it is a change in circumstance.
- Legislation²⁹ to provide similar financial protection for NI redress recipients now living in GB and in receipt of means tested benefits was passed on 10 December 2021. It ensures that survivors of Institutional Childhood Abuse in NI, and who now live in GB and are in receipt of means tested state benefits, will not have any redress payment taken into account as income.
- For applicants living outside of the UK, it is important to check whether awards have an impact on tax, national insurance contributions and benefit entitlements in the relevant jurisdiction, and clients should be advised around this.
- Clients can be referred to [Advice NI](#) who deliver a range of advice and support services across Northern Ireland for victims and survivors and can assist survivors living outside of NI to access the support and services they need. They have a dedicated HIA advisor on issues relating to benefits and financial matters, who can be contacted by telephone: 028 9244 8750 or via email: lucinda@adviceni.net
- Clients may require financial advice or other assistance following receipt of an award. This may also trigger wider considerations such as the need to address related capacity or succession issues.
- Solicitors should signpost clients to established regulated financial advisors who can provide appropriate financial support for the individual concerned.

²⁹ The Social Security (Income and Capital Disregards) (Amendment) Regulations 2021

Other important information

Payment and Costs

- The redress process has been designed so that solicitor's costs are not required to be met from a survivor's award, rather the Redress Board pays costs as set out in the legislation.
- It is important for solicitors, from a client care perspective, to update the retainer letter to reflect the position on costs.
- The [2020 Rules](#) contain provisions relating to recovering costs and expenses.
- The [Schedule](#) to the Rules sets out the scales for determining costs payable to solicitors in cases where compensation is awarded.
- Solicitors should refer to the HIA Redress Board's [Costs & Expenses Protocol](#) which contains general information and guidance as to how the Redress Board will deal with matters relating to costs and expenses.
- Solicitors should note that legal costs are paid via your Account NI. You will receive a remittance email from Account NI. In this, the client's name does not feature, but it includes the RB number.

Legal Advice and Assistance

- Rules 14³⁰ and 15³¹ enable solicitors to recover costs. The amount recoverable is generally determined by the scales in the Schedule.
- Where compensation is awarded, the amounts recoverable vary according to whether a hearing was held or whether the application was determined mainly on the papers.
- Where compensation is not awarded, the solicitor is generally entitled to a sum of £150.

³⁰ <https://www.legislation.gov.uk/nisr/2020/50/article/14/made>

³¹ <https://www.legislation.gov.uk/nisr/2020/50/article/15/made>

Expenses

- Rule 16³² enables solicitors to recover travel expenses where a hearing was held.
- Rule 17³³ enables solicitors to recover the costs of obtaining medical records and expert reports in support of an application for compensation if reasonably required and on provision of a receipt proving payment by the solicitor to the expert.
- In respect of proofs of status/identity which are required under Rule 4³⁴, expenses will only be paid to a solicitor for costs incurred in obtaining supporting copies of proofs or documentation on behalf of an applicant, which they would otherwise not have been required to obtain.
- Expenses should be claimed by submitting an Expenses Claim Form to the Redress Board. When the application is ready to be listed, the Redress Board will issue you with the Expenses Claim Form, in which you should set out disbursements incurred. All expenses should be invoiced and supporting documentation should be provided.
- The Redress Board will automatically pay legal costs as set out in the Schedule³⁵ to the Rules on receipt of the Award Acceptance Form. In respect of applications or appeals in which no compensation has been awarded, costs will be paid following the appeal lapse date or Appeal Determination Notification date.
- Solicitors should be aware of the provisions of Section 18³⁶ of the Act, which requires the Redress Board to provide information about legal advice and assistance to the Department of Justice on request.

Case Transfers

- In some circumstances, an individual's case may have to be transferred internally within a solicitor's firm to another colleague.
- It is important to note that victims/survivors build rapport and trust with their solicitor, who acts as their single point of contact. Therefore, transferring cases internally should be avoided where possible.

³² <https://www.legislation.gov.uk/nisr/2020/50/article/16/made>

³³ <https://www.legislation.gov.uk/nisr/2020/50/article/17/made>

³⁴ <https://www.legislation.gov.uk/nisr/2020/50/article/4/made>

³⁵ <https://www.legislation.gov.uk/nisr/2020/50/schedule/made>

³⁶ <https://www.legislation.gov.uk/ukpga/2019/31/section/18/enacted>

- If a case is being transferred to another colleague, the victim/survivor must be informed at the earliest stage possible. Not informing a client of the transfer has the potential of breaking trust and of also re-traumatising them.
- Cases may also be transferred from firm to firm where a solicitor moves to a new firm.
- In terms of the distribution of legal costs between the solicitor firms involved, this is an issue which should be agreed at the time of transfer as only one fee is payable.
- It is important also that the Redress Board is informed of the change in solicitor, and a form of authority should be sent to the Redress Board of the change.
- If an applicant has transferred instructions to a new solicitor, the Redress Board administration can transfer an application to another solicitor firm via the portal, subject to the provision of the required proofs of instruction from the new solicitor.
- It is important that all case records are held and maintained to a high standard for the purposes of ensuring adequate professional service and in the event that the file is uplifted for examination by the Society.
- You should email admin@hiaredressni.uk advising of any applications in which instructions have been transferred to you. Their administration team will be able to transfer these to your list of online applications.

Timeframe

- The time taken to process an application can vary for a number of reasons, including volume of applications received, complexity, availability and accuracy of records, status of the institution, queries around jurisdiction, behaviours of the parties, whether all of the necessary statutory proofs and evidentiary documentation required under the Rules have been submitted with the application.
- The Redress Board has a 20-week [indicative timeline](#) for processing fully compliant applications through to determination. The timeline will be extended for incomplete applications. Therefore it is important to ensure that applications are fully complete before submission.

Useful websites for additional information

<https://www.nidirect.gov.uk/articles/historical-institutional-abuse>

<https://www.hiaredressni.uk/>

<https://www.cosica-ni.org/>

<https://www.victimsservice.org/historical-institutional-abuse-hia/>

Contact details

Commissioner for Survivors of Institutional Childhood Abuse – Info@cosica-ni.org

Victims and Survivors Service – hiaenquiries@vssni.org

HIA Redress Board – admin@HIAredressNI.uk

Law Society of Northern Ireland - policy@lawsoc-ni.org

Annex A – Flowchart of application

