Historical Institutional Abuse
Consultation Questionnaire
Historical Institutional Abuse Consultation

Overview

The Executive Office (TEO) is seeking your views on the draft legislation required to implement a number of the recommendations in the Historical Institutional Abuse (HIA) Inquiry Report (the Hart Report).

The Historical Institutional Abuse Inquiry Report was published in January 2017, shortly before the collapse of the Northern Ireland Executive. Preparatory work around those recommendations in the HIA Inquiry Report which require a statutory foundation has been completed and a public consultation has now been launched on the following draft legislation:

- a Bill for a Commissioner for Survivors of Institutional Childhood Abuse (COSICA);
- a Bill for an HIA Redress Board; and
- subordinate legislation dealing with the detail of compensation proposals.

Views are being sought on the draft legislation and associated documents. TEO is consulting on draft legislation so that proposals for the final legislation can be put to Ministers for consideration. In finalising the legislation, TEO will take full account of the comments it receives during the consultation period.

Historical Institutional Abuse - Consultation on draft legislation

1 What is your name?
Name ____________________________
2 What is your email address?
If you enter your email address then you will automatically receive an acknowledgement email when you submit your response.
Email

3 What is your organisation?
Organisation

Commissioner for Survivors of Institutional Childhood Abuse (COSICA)

4 The consultation paper refers to the Commissioner as the "Commissioner for Survivors of Institutional Childhood Abuse" and to those who suffered abuse as "HIA victims and survivors". (Para. 3.1) Do you agree that these are the correct terms?

Please select only one item

☐ Yes  ☐ No  ☐ Partly  ☐ No opinion

[Blank space for additional comments]
5 The Commissioner would be independent of government and the organisations that ran the institutions, and would support all those who were abused as children in residential institutions in Northern Ireland between 1922 and 1995. The Commissioner would be supported by an Advisory Panel made up of HIA victims and survivors. (Para. 3.2) Do you agree with these proposals?

Please select only one item

☐ Yes  ☐ No  ☐ Partly  ☐ No opinion

6 The Commissioner would have the duties set out in the consultation paper, which would include providing advice on the interests of victims and survivors to any person including the Executive Committee of the Assembly and to anyone providing services. (Para. 3.3) Do you agree that these are the appropriate duties of the Commissioner?

Please select only one item

☐ Yes  ☐ No  ☐ Partly  ☐ No opinion
7 Some of the Commissioner's powers set out in the consultation paper are included because they are part of what we think it means to be an Advocate for victims and survivors. (Para. 3.4) Are these the powers that you would expect an Advocate to have?

*Please select only one item*

- Yes
- No
- Partly
- No opinion

8 Would you expect the Commissioner to have any function other than those listed in the consultation paper?

*Please select only one item*

- Yes
- No
- No opinion
Redress Board

9 The consultation paper refers to the creation of a Redress Board comprised of individuals who hold or have held senior judicial posts. It would receive applications for five years from the date the Board comes into operation. (Paras. 4.3 & 4.5) Do you agree with these provisions?

Please select only one item

☐ Yes  ☐ No  ☐ Partly  ☐ No opinion

10 The consultation paper sets out who can apply for compensation. This is anyone who suffered abuse as a child and whilst resident in an institution in Northern Ireland at some time between 1922 and 1995. It also provides a definition of abuse. (Paras. 4.4 & 4.5) Do you agree with this?

Please select only one item

☐ Yes  ☐ No  ☐ Partly  ☐ No opinion
11 The consultation paper outlines that you cannot apply to the Redress Board for compensation if you have already received compensation through the civil courts. (Para. 4.6) Do you agree that this is appropriate?

*Please select only one item*

- [ ] Yes  
- [ ] No  
- [ ] Partly  
- [ ] No opinion


12 The consultation paper explains that the draft legislation allows for an application to be made by a surviving spouse or children in respect of a person who died on or after 29 September 2011. Where an award is made, the applicant (spouse or children) would receive 75% of the award that would have been given to the person had they been alive. (Paras. 4.4 & 4.7) Do you agree that this is appropriate?

*Please select only one item*

- [ ] Yes  
- [ ] No  
- [ ] Partly  
- [ ] No opinion
13 The consultation paper explains that the Board will normally decide applications on the basis of the application form and any other written material provided. However, in exceptional circumstances an individual may be asked to attend an oral hearing. (Para. 4.9) Do you agree with these provisions?

Please select only one item

☐ Yes  ☐ No  ☐ Partly  ☐ No opinion

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14 The consultation paper states that compensation would be paid as a lump sum and would not be subject to Income Tax or National Insurance, nor would it be taken into consideration when assessing a person's eligibility for means tested social security benefits, their ability to pay for residential accommodation or entitlement to legal aid. (Para. 4.11) Do you agree that this is appropriate?

Please select only one item

☐ Yes  ☐ No  ☐ Partly  ☐ No opinion
15 The consultation paper outlines that where an individual is unhappy with the outcome of their application to the Board, they can appeal this decision. (Para. 4.12) Do you agree with this right of appeal?

Please select only one item

☐ Yes  ☐ No  ☐ Partly  ☐ No opinion

Subordinate legislation

16 The consultation paper sets out the procedure for making an application to the Board. (Paras. 5.4 - 5.8) Do you agree with this procedure?

Please select only one item

☐ Yes  ☐ No  ☐ Partly  ☐ No opinion
17 The consultation paper explains what the draft legislation says about amounts of compensation. (Paras. 5.11 - 5.16) Do you agree that this is appropriate?

Please select only one item

○ Yes  ○ No  ○ Partly  ○ No opinion

18 Solicitors' costs for successful applications would be paid based on the County Court Scale fees. (Para. 5.20) Do you agree that this is appropriate?

Please select only one item

○ Yes  ○ No  ○ Partly  ○ No opinion
19 Is there anything else you would like to add?