ADDENDUM

TO

THE TERMS OF MAGDALEN RESTORATIVE JUSTICE

EX GRATIA SCHEME

In respect of women who worked in the laundries in the 12 Magdalen institutions and who were resident in one of the 14 adjoining institutions.

November 2018

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INTRODUCTION

1. This document is an Addendum to the terms of the *ex gratia* Magdalen Restorative Justice Scheme established by the Government in December 2013 - hereafter referred to as 'the Scheme'. The terms of the Scheme established in 2013 provided, on an ex-gratia basis, for payments and benefits for those women who were admitted to and worked in one of ten Magdalen institutions and two Domestic Training Schools. These twelve institutions are hereafter collectively termed the 'Magdalen institutions'.

2. A Report by the Ombudsman in November 2017 on the operation of the Scheme contained a number of recommendations. The principal one was that the Scheme should apply to women who worked in the laundries in those 12 institutions but who were resident in one of the 14 adjoining institutions.

APPLICATION OF SCHEME TO 14 ADJOINING INSTITUTIONS

3. On 28 May 2018, the Government agreed that the Scheme should apply to women who worked in the laundry of one of the 12 Magdalen institutions but who were resident in one of 14 adjoining institutions.

4. The commencement date for those women who are eligible under the terms of this Addendum is the same as that for the Scheme as a whole i.e. 1 August 2013. Where a woman is determined to be eligible for the Scheme under the terms of this Addendum, any weekly instalments on the lump sum and weekly pension type payments will be backdated to 1 August 2013. Back dated payments due under the lump sum category of *ex gratia* payments will be paid by the Department of Children, Disability and Equality. Back dated payments due under the pension type payment (if any) will be paid by the Department of Social Protection.

5. The terms of the 2013 Scheme apply to the women covered by the Government decision of May 2018 subject to the terms of this Addendum that, in certain respects (as set out below), supersede the relevant clauses in the Scheme as established in 2013. In effect, this Addendum sets out the differences in application of the Scheme as it applies to those women who resided in the 14 adjoining institutions and who worked in the laundry of the Magdalen institution.

IDENTIFICATION OF INSTITUTIONS INVOLVED

6. The table at Appendix 1 of this Addendum shows the 12 institutions covered by the Scheme as established in 2013 (Column A) and the 14 adjoining institutions covered by this Addendum arising from the Government decision of 28 May 2018 (Column B).

OTHER COMPENSATION PAYMENTS

7. For the avoidance of doubt, in assessing a claim for an award under this Addendum to the Scheme, no account will be taken of any compensation awarded to an applicant under the 2002 Residential Institutions Redress Scheme.

8. An applicant may be eligible for benefits under both the terms of the Scheme as established in 2013 and under the terms of this Addendum. Account will be taken of payments already awarded or to be awarded under the Scheme. In cases where an applicant is deemed to be entitled to, or has already received, a lump sum payment under the terms of the Scheme and is deemed to be entitled to an award under this Addendum, the following applies to the making of any further lump sum payment:

    a. The maximum combined lump sum payment under both the Addendum and the Scheme established in 2013 is €100,000. For instance, a woman whose lump sum payment had been calculated as €100,000 under the terms of the Scheme established in 2013 will not be entitled to any further payments arising from the application of this Addendum to the 14 adjoining institutions.

    b. Where a woman is entitled to an additional lump sum payment and the combined amount payable is calculated as being above €50,000, the provisions of paragraphs 21-23 of the Scheme established in 2013 will apply. That is to say, the lump sum payment will be paid by way of the provision of a maximum lump sum cash payment of €50,000 and the balance paid by way of weekly instalments.

PENSION TYPE PAYMENTS

9. In respect of the pension type payments, a claimant under both the Scheme and the Addendum is entitled to only one set of the payments as set out in paragraphs 39-42 of the Scheme. This involves a weekly top up payment of up to €120 if under 66 years of age and up to the equivalent of the weekly State Contributory pension (€289.30 per week as of January 2025) if 66 years or over. Pension type payments to women over 80 years of age, under both the Scheme and Addendum, will reflect increases in the State pension provisions for that age cohort.

ACCESS TO HEALTH SERVICES

10. In respect of applicants under the terms of this Addendum, paragraphs 35-38 of the Scheme applies. However, legislation is required to provide this benefit. As a result, this benefit will become available as soon as legislation is enacted and commenced.

APPLICATION PROCESS

11. In respect of applications under the terms of this Addendum, paragraph 5 of the Scheme is supplemented by the following.

Completed application forms must be accompanied by:

- Birth Certificate – Long Form
- Proof of address (e.g. a household bill)
- Proof of Identity (e.g. Passport, Driving Licence, Marriage Certificate or Pension card)
- Proof of your Personal Public Service Number (PPSN number) (e.g. your Social Welfare Card or Medical Card). For those resident outside the State, your Tax File Number or your National Social Insurance Number.
- Records from the institution that you resided in stating the period of time you were there.
- Records from that institution and/or from the relevant Magdalen institution stating that you worked in the laundry and the period of time involved.

DECIDING WHETHER A PERSON FALLS WITHIN THE SCOPE OF THE SCHEME

12. In respect of applications under the terms of this Addendum, paragraph 16 of the Scheme is supplemented by the following:

Provisional assessment

The first phase of processing a properly completed application will be the making of a provisional assessment as to whether the applicant comes within the scope of the Scheme. This assessment will be made based on the records of the institutions concerned and any other records or statements available. On this basis, a decision will be made as to whether, on the balance of probabilities the applicant was admitted to one of the 14 adjoining institutions listed in Appendix 1 covered by the Scheme and worked in the laundry of the relevant Magdalen institution. Evidence of working in the laundry of the Magdalen institution will be necessary.

Residence in an adjoining institution, without evidence of work in a laundry, is not sufficient in itself.

If the application is deemed to be within the scope of the Scheme, an assessment will be made of (a) the length of time the applicant resided in the adjoining institution and (b) the length of time she worked in the laundry of the Magdalen institution. The length of both periods involved may not match. That is to say, the time spent in the adjoining institution may be longer than the time spent working in the laundry of the Magdalen institution.

This provisional assessment will be set out in a letter to the applicant. An estimate of the lump sum payment, which will be paid to the applicant subject to the requirements set out below, will also be provided for information purposes.

All successful applicants will be required to sign the acceptance form and statutory declaration as shown at appendix 2.

CALCULATION OF LUMP SUM PAYMENT

13. In respect of applications under the terms of this Addendum, paragraph 20 of the Scheme is supplemented by the following:

Calculation of lump sum payments under both the terms of the Scheme and the Addendum will derive from the same table i.e. Appendix A of the Quirke Report. That table sets out the lump sum payment in respect of particular periods spent in the Magdalen institution. The lump sum payment is comprised of two elements, viz., a 'general' payment and a 'work' payment. The Magdalen Commission Report (Quirke Report) is available on the Department's website www.gov.ie/dcde

In the case of those who qualify under the main Scheme, the length of time involved covering both elements of the award is the same. For those who qualify under the Addendum to the Scheme, the calculation is different. Using the same table as set out in Appendix A of the Quirke Report, the 'general' payment of the lump sum payment is for the full length of stay in the adjoining institution. The second element of the lump sum payment - the 'work' element - is for whatever period the applicant actually worked in the laundry of the relevant Magdalen institution.

In calculating the 'work' element of the lump sum payment (i.e. the period actually worked in the laundry) the following rules will apply.

a) Any period of work in a week will be determined to be equal to a week.

b) In the overall calculation of the period spent working in the laundry, the number of weeks worked will be rounded up to the nearest month. A month will comprise 4 weeks.
c) If the applicant is deemed to have worked in the laundry for any period, a minimum payment equivalent to 3 months will apply.
d) The calculation will be made on the basis that no child under 12 years of age worked in a Magdalen laundry, unless an applicant provides evidence of such work before she reached the age of 12 years.

Appendix 1

List of 'Magdalen' institutions and adjoining institutions

Column A **'Magdalen' institution in 2013 Scheme**	**Column B** **Institutions adjoining the 'Magdalen' institutions**
Good Shepherd Sisters	
Magdalen institution New Ross	St. Aidan's Industrial School
Magdalen institution Waterford	St. Dominick's Industrial School Gracepark Training Centre Mayfield Training Centre
Magdalen institution Cork	St. Finbarr's Industrial School Marymount Training Centre
Magdalen institution Limerick	St. Georges's Industrial school St. Joseph's Reformatory School Rosemount Training Centre
Sisters of Our Lady of Charity	
St. Mary's Refuge, High Park, Dublin 9	An Grianán Training Centre St. Joseph's Industrial School Martanna House Hostel
Monastery of Our Lady of Charity Sean McDermott Street, Dublin 1	St. Anne's Hostel
Sisters of Mercy	
House of Mercy Domestic Training School, Summerhill, Wexford Magdalen asylum, Forster Street, Galway St. Patrick's Refuge, Crofton Road, Dun Laoghaire, Co. Dublin	St. Michael's Industrial School, Summerhill No relevant adjoining institution No relevant adjoining institution
Sisters of Charity	
St. Mary's Magdalen, Donnybrook, Dublin 4 St. Vincent's, St. Mary's Road, Cork Domestic Training School, Stanhope Street, Dublin 7	No relevant adjoining institution No relevant adjoining institution No relevant adjoining institution

APPENDIX 2

Template – Acceptance Form and Statutory Declaration

ACCEPTANCE FORM

MAGDALEN RESTORATIVE JUSTICE EX GRATIA SCHEME AND ADDENDUM TO THE TERMS OF MAGDALEN RESTORATIVE JUSTICE EX GRATIA SCHEME

In respect of women who worked in the laundries in the 12 'Magdalen' institutions and who were resident in one of the 14 adjoining institutions.

I, A.B., of [*insert address*] having made an application under the above Scheme hereby:

agree to participate in the above Scheme and I accept all of the terms of the Scheme as set out in the documents entitled "*Terms of Magdalen Restorative Justice ex gratia Scheme" and "The Addendum to the Terms of the Magdalen Restorative Justice Ex Gratia Scheme"*

i. accept the offer made to me by the Restorative Justice (Magdalen) Team by letter dated [*insert date of letter*].

ii. waive any right of action against the State or any public or statutory body or agency arising out of my admission to [*insert name of an institution listed in Column B of Appendix 1]* and work in [*insert name of an institution listed in Column A of Appendix 1*].

iii. agree to discontinue any proceedings instituted by me against the State or any public or statutory body or agency arising out of the circumstances of my application.

iv. confirm that I understand and acknowledge that any false or misleading documentation or information submitted by me in relation to this application will result in a withdrawal of the offer or, if the offer has been accepted, will result in a requirement to repay all monies received by me under this Scheme and all benefits granted to me under this Scheme will be withdrawn. Further, I understand that the making a false statement in a statutory declaration is an offence.

v. acknowledge that, prior to signing this document, I have been advised by the Restorative Justice (Magdalen) Team in the Department of Children, Disability and Equality

of my entitlement to obtain my own legal advice as to its meaning and effect in law and I understand that it would be in my best interest to obtain such advice. [I further acknowledge that I have received such advice before signing this document] *(delete as appropriate)*

Signed: [*A.B.]*
Witnessed: [*name and address of solicitor]*
Date: *[insert]*

FORM OF STATUTORY DECLARATION

MAGDALEN RESTORATIVE JUSTICE EX GRATIA SCHEME AND ADDENDUM TO THE TERMS OF MAGDALEN RESTORATIVE JUSTICE EX GRATIA SCHEME

In respect of those women who worked in the laundries in the 12 'Magdalen' institutions but who were resident in one of the 14 adjoining institutions.

I, A.B., of [*insert address*] and being of sound mind do solemnly and sincerely declare that:-

i. I have made an honest and truthful application under this Scheme;

ii. The documents which I have submitted, and on foot of which an offer has been made to me under the Scheme, are true and genuine documents and, where copies of documents have been furnished by me, they are true copies of the relevant document;

iii. The details set forth in those documents and any other material submitted by me in relation to this application (including the details on the application form submitted) are true and accurate;

iv. I have waived any right of action against the State or any public or statutory body or agency arising out of my admission to [insert name of an institution listed in Column B of Appendix 1] and work in [*insert name of an institution listed in Colum A of Appendix 1*].

and I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1938.

[*Signed*] A.B.

[*Address*]

Declared before me……. ..... [*name in capitals*] a [solicitor] [notary public] [commissioner for oaths] [peace commissioner] [person authorised by [*insert authorising statutory provision*]..... to take and receive statutory declarations] by A.B.

[who is personally known to me],

or

[who is identified to me by C.D. who is personally known to me]

or

[whose identity has been established to me before the taking of this Declaration by the production to me of

passport no. [*passport number*] issued on [*date of issue*] by the authorities of [*issuing state*], which is an authority recognised by the Irish Government]

or

national identity card no. [*identity card number*] issued on [*date of issue*] by the authorities of [*issuing state*] [which is an EU Member State, the Swiss Confederation or a Contracting Party to the EEA Agreement]

at.....[*place of signature*] this.....day of.
.....[*date*]

.....

[*signature of witness*]".