

**TERMS OF AN EX GRATIA SCHEME
FOR WOMEN WHO WERE ADMITTED TO AND
WORKED IN MAGDALEN LAUNDRIES,
ST MARY'S TRAINING CENTRE STANHOPE
STREET
AND
HOUSE OF MERCY TRAINING SCHOOL
SUMMERHILL, WEXFORD**

December 2013

CONTENTS

	Paragraph No.
Introduction	1-3
Application process	
- Application forms	4-9
- Acknowledgement of application	10
- Term of the Scheme	11
- Applications on behalf of eligible women unable to make an application	12
- Processing applications on behalf of eligible women who have died	13-14
- Commencement Date for Scheme	15
Deciding whether a person falls within the scope of the scheme	
- Notification of provisional assessment	16-18
Review/Appeals Process	19
Calculation of lump sum payment	20-23
Formal Offer	24-31
Women lacking capacity	32
Payment	33
Other supports under the scheme	34
Access to medical services	35-37
Weekly payment	38-41
UK residents	42
Appendix 1	
12 Institutions covered under the Magdalen Scheme	
Appendix 2	
Template – Acceptance Form & Statutory Declaration	

INTRODUCTION

1. The Government has decided to provide, on an *ex gratia* basis, a scheme of payments and benefits for those women who are determined, under the application process set out below, to have been admitted to and worked in one of the 12 institutions listed at Appendix 1. Payments and benefits under the scheme will only be made to those women who comply with all of the terms of this Scheme (including the signing of the Form and Declaration at Appendix 2) and who waive any right of action against the State or against any public or statutory body or agency arising out of their admission to and work within one of the 12 institutions concerned.
2. The scheme is informed by the Report of Mr Justice John Quirke "On the establishment of an *ex gratia* Scheme and related matters for the benefit of those women who were admitted to and worked in the Magdalen Laundries" May 2013 which is referred to in this scheme as the Quirke Report.
3. A Restorative Justice Implementation Unit has been set up in the Department of Justice and Equality, for a limited period, to process applications and payments under the Scheme.

APPLICATION PROCESS

Application forms

4. Where a person is applying on their own behalf, an application form must be completed. Applications forms can be requested from the Restorative Justice Implementation Unit in the Department of Justice and Equality at telephone number + 353 1 4768660.
5. Completed application forms must be accompanied by:
 - Proof of residence (e.g. a household bill)
 - Proof of Identity (e.g. Birth Certificate (long version), 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.
 - Photocopy of your records from the Institution that you resided in and worked in stating the period of time you were there.
6. Incomplete forms will be returned and if all the necessary support documents have not been provided a further written request will issue requesting those documents. This letter may be supplemented by a telephone call if telephone contact details have been provided. The applicant will be advised that the processing of their application is suspended pending receipt of the outstanding information/documents.
7. The application forms also request applicants to consent to the provision of personal information to the Department of Justice and Equality by any

Government Department, agency, health or educational institution and the religious congregations for the purpose of verification in relation to their application.

8. At any stage of the application process, the Restorative Justice Implementation Unit may request an applicant to meet with a staff member of the Unit for any purpose connected with her application including the verification of any matter relevant to the application or required under the scheme or the confirmation of the applicant's identity or capacity.
9. It is the responsibility of the applicant to notify the Restorative Justice Implementation Unit of any changes of address or contact details.

Acknowledgement of application

10. A written acknowledgment of receipt of the application will be sent to the applicant normally within 5 days of receipt of application. Original documents once copied will be returned to the applicant by registered post.

Term of the Scheme

11. The Scheme will run to at least the end of December 2014. When a decision is made to close the Scheme to new applications after that date, advance public notice will be given.

Applications on behalf of eligible women unable to make an application

12. Where a woman who was in one of the 12 institutions listed at Appendix 1 lacks the capacity to make an application, the application can be made on her behalf by a person properly authorised to do so. The Restorative Justice Implementation Unit will accept that a person is so authorised only where he or she provides the appropriate evidence –
 - a) as to the identity of the applicant;
 - b) that the woman who was in one of the relevant institutions is incapable of making an application, and
 - c) that the applicant is authorised to act on behalf of the woman who was in one of the relevant institutions for the purpose of the application.

Processing of Applications on behalf of eligible women who have died

13. Relatives of deceased women who were admitted to and worked in one of the 12 institutions are not covered by the Scheme with one exception. As recommended by Judge Quirke, where a woman who comes within the scheme was alive on 19 February 2013 and an expression of interest was or is received by the Department of Justice and Equality before her death, an application may be made on behalf of her estate. Such an application will be processed to finality even if the woman is now deceased or passes away before a payment can be made.

14. The lump sum to which the deceased person would have been granted under this Scheme will be paid to the estate of the deceased person. No weekly instalments, payments or other benefits will be made in respect of a deceased woman.

Commencement Date for Scheme

15. On 5th November 2013, the Government decided that the 1st August 2013 was to be the commencement date for the Scheme. Where a woman is determined to be eligible for the scheme, any weekly instalments on the lump sum and weekly payment due from the Department of Social Protection will be backdated to the 1st August 2013.

DECIDING WHETHER A PERSON FALLS WITHIN THE SCOPE OF THE SCHEME

Notification of Provisional Assessment

16. 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 on the basis of 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 and worked in one of the 12 institutions covered by the scheme and, if so, an assessment will be made of the length of time which she spent in the relevant 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. (The lump sum payment is just one of the benefits under the scheme but some of the other benefits which may be offered will depend on personal circumstances and a further process is required to determine exactly what other benefits will be due to persons under the scheme.)
17. The applicant will be asked whether she agrees with the provisional assessment. If she agrees with the provisional assessment, an applicant is required to notify the Restorative Justice Implementation Unit of her agreement within 2 months of the date of the letter. A formal offer in the same terms and subject to the signing of an Acceptance Form and statutory declaration will then be made, see below. If an applicant disagrees with the provisional assessment, she can seek a review of the assessment and should state the reasons why she disagrees with it and what evidence she has to support her view. If an applicant disagrees with the provisional assessment and seeks a review, she must notify the Restorative Justice Implementation Unit within 2 months of the letter. If an applicant fails to indicate her agreement or disagreement with the provisional assessment within 2 months of the date of the letter, her application will be deemed to have been withdrawn.
18. Where the Applicant has been determined to be eligible under the Scheme, as a condition precedent to the making of any payment or provision of any other benefit under this Scheme, she will be required to sign an Acceptance Form and complete a Statutory Declaration (see paragraphs 24 - 31 below) . (An applicant

can indicate in writing that she only wishes to receive specified parts of the payments and benefits under the scheme.)

REVIEW/Appeal PROCESS

19. If an applicant does not agree with a provisional assessment made by the Restorative Justice Implementation Unit, on whether she comes within the scope of the scheme or the duration of her stay in one of the relevant institutions, she can seek a review of that assessment within 2 months of the date of the letter of provisional assessment setting out her reasons. The application will be reviewed by an officer of a higher grade in the Department of Justice & Equality who will, having considered the matter, make a decision on the case and give written reasons for that decision. The applicant will be informed in writing of the decision, and the reasons for the decision and will also be advised that if she is not satisfied with the review decision, she may appeal that decision to the Office of the Ombudsman.

CALCULATION OF LUMP SUM PAYMENT

20. The lump sum payment includes a general payment and a payment to reflect the work done in the laundries. These payments will be made after a formal offer has been made and accepted and the Acceptance Form and statutory declaration have been signed. The amount to be paid and how it is to be paid will be calculated in accordance with recommendations 3 and 4 and Appendix A of the Quirke report and is based on the time spent in the laundries. The Quirke Report provides a number of tables (Pages 65 – 67) showing precise calculations, for example, a woman who spent 5 months in the laundry will receive a general payment of €11,000 plus a work payment of €2,500 which will give her a total payment of €13,500. If a woman was in the laundry for 10 years or more she will receive a general payment of €40,000 and a work payment of €60,000 which would give her a total of €100,000.

21. However, Judge Quirke has also recommended (Recommendation 4) that if an applicant is to be given a cash payment above €50,000 it should be paid in the form of a lump sum of €50,000 plus an annual instalment related to the notional remaining lump sum to be paid weekly on the following basis:

- If the applicant is 66 years of age or older annual instalments will be calculated on the basis of Appendix D.1, page 75 of the Quirke Report.
- If the applicant is under 66 years of age the instalments will be calculated on a two part basis:

(a) an instalment to be made until the applicant reaches the age of 66 calculated on the basis of Appendix D.2 page 76 (but not to exceed €130 per week) and

(b) any part of that portion of the lump sum exceeding €50,000 remaining after the payments in paragraph (a) above to be paid in instalments calculated on the basis of Appendix D.1, page 75 .

22. Depending on the amounts involved, smaller weekly instalments will be accumulated and be paid on a monthly basis. If calculations give rise to potentially very small weekly instalments (e.g. less than €5 per week) the lump sum amount will not be converted to weekly instalments but will be paid as part of the lump sum.
23. Payments under this element of the scheme are not liable to Irish income tax or capital gains tax.

FORMAL OFFER

24. If the applicant confirms in writing that she will accept the provisional determination, then a formal offer in the same terms as the provisional assessment will be made in writing and payment will be conditional on the signing of an Acceptance Form and a statutory declaration:

- a) agreeing to participate in the scheme,
- b) accepting its terms,
- c) attesting to the truth and accuracy of the information and documentation submitted in her application and on foot of which the offer is made;
- d) confirming that she is of sound mind (subject to paragraph 27 below)
- e) accepting the offer made;
- f) waiving any right of action against the State or any public or statutory body or agency arising out of her admission to and work in the institution or institutions concerned.
- g) agreeing to discontinue any proceedings instituted by her against the State or any public or statutory body or agency arising out of the circumstances of her application
- h) acknowledging the implications of making a false or misleading application including the acknowledgement that the making of a false statement in a statutory declaration is an offence.

25. This Acceptance Form must be witnessed by a practising solicitor and the Statutory Declaration must be witnessed by one of the persons specified under section 1 of the Statutory Declarations Act 1938 and set out in the template declaration form attached at Appendix 2.

26. If a solicitor witnesses the declaration, his or her fee for this service may be included in the fee for legal advice referred to below and, if so included, will be discharged by the Restorative Justice Implementation Unit and subject to the overall cap on the contribution which will be made towards legal fees outlined below.

27. Fees incurred by an applicant if the statutory declaration is witnessed by any other category of witness will not be discharged by the Restorative Justice Implementation Unit.
28. Before signing the Acceptance Form and statutory declaration the applicant is strongly advised to obtain legal advice. A contribution of up to a maximum of €500 + VAT will be made available to applicants residing either in Ireland or abroad towards the cost of obtaining their own legal advice. Any legal costs incurred by an applicant in excess of €500 + VAT will not be paid for by the State.
29. The applicant will be given 6 months from the date of the letter of formal offer to make a decision on the offer and to sign and return the properly completed and witnessed Acceptance Form and statutory declaration. However if it is established within that period that the applicant lacks the capacity to make the decision and there is no person with lawful authority to act on her behalf, that 6 month period will be extended until after the necessary legislation referred to below is enacted and commenced. The Restorative Justice Implementation Unit may ask for proof as to the capacity of an applicant and a medical certificate or other evidence may be required to be produced to the Unit before any payment can be made.
30. If the applicant accepts the offer and signs the Acceptance Form and statutory declaration, the applicant will be deemed to fall within the scheme.
31. If, on receipt of the letter of formal offer and prior to its acceptance, the applicant identifies any factual or methodological or other substantive error which has been made in the provisional assessment (and repeated in the letter of formal offer) and notifies the Restorative Justice Implementation Unit of that error and provides information to the Unit setting out what the applicant understands to be or maintains is the correct position then, notwithstanding her earlier indication of acceptance of the provisional assessment, that assessment will be reviewed in accordance with paragraph 20 above.

WOMEN LACKING CAPACITY

32. Special arrangements have to be made for a woman who does not have the capacity to apply, to make a decision regarding acceptance of the offer or to sign an Acceptance Form or statutory declaration. In such a case, only a person who has a legal power to act on behalf of the applicant may make the decision to accept an offer and sign an Acceptance Form or statutory declaration on her behalf. The fact that a person has made an application on behalf of a woman who may be eligible under the scheme does not mean that person has a legal right to act on behalf of the applicant. Where the applicant is a ward of court or has signed an enduring power of attorney, the relevant person or body appointed by the Court or empowered under that instrument will be entitled to act on behalf of the applicant. For other cases, as recommended by Judge Quirke, legislation is being introduced to cater for these cases where an applicant lacks capacity. It will provide for the appointment of a person by a court to act on behalf of the applicant

for the purposes of this Scheme, including accepting an offer and signing an Acceptance Form and statutory declaration on her behalf.

PAYMENT

33. When a person has accepted the offer and signed the Acceptance Form and statutory declaration, arrangements will be made to process the lump sum payment. Such payment will only be paid into an account in a financial institution held in the sole name of the applicant. As referred to above, the Restorative Justice Implementation Unit may ask for proof as to the capacity of an applicant and a medical certificate or other evidence may be required to be produced to the Unit before any payment will be made.

OTHER SUPPORTS UNDER THE SCHEME

34. The Department of Justice and Equality will notify the other relevant Departments and agencies that a decision has been made that the applicant is eligible for benefits under the scheme once the offer has been accepted and the Acceptance Form and statutory declaration have been signed. In the case of weekly payments to be made by the Department of Social Protection, that Department may require further details to enable the payments to be calculated and paid. Similarly additional information may be required before a card providing access to medical services can be provided. The relevant Department or agency will contact the applicant to obtain the necessary information.

ACCESS TO MEDICAL SERVICES

35. Applicants who are determined to be eligible under the scheme and who have accepted the offer made to them and signed the Acceptance Form and statutory declaration will be granted access to a range of public health services within the State once the necessary legislation is in place.
36. The range of public health services offered will (subject to Oireachtas approval) depend on the needs of the Applicant and may include general practitioner services, prescribed drugs and medicines (subject to the prescription charge), all in-patient public hospital services in public wards including consultants services, all out-patient public hospital services including consultants services, dental, ophthalmic and aural services and appliances.
37. Legislation is required to provide this benefit. As a result this benefit will not become available until after the legislation is enacted and commenced.

WEEKLY PAYMENT

38. Applicants who are determined to be eligible under the scheme for a payment in excess of €50,000 and who have accepted the offer made to them and signed the Acceptance Form and the statutory declaration will in addition and without regard to the lump sum payments receive **weekly top up payments** of up to €100 if under 66 and up to the equivalent of the State Contributory pension - €230.30 - if

over 66. These payments are to be calculated net of other Irish State benefits, see examples below.

- A person over 66 years of age receiving only a State non contributory pension of €219 would receive an additional €11.30 a week to bring her up to the figure recommended by Judge Quirke (if over 80 years of age the difference would be an additional €1.30 per week).
- A person receiving primary State benefits in excess of the threshold recommended by Judge Quirke would receive no additional weekly payment.
- A person who has for example a private pension or income and is not receiving any State benefits would receive the full amount of €230.30 if over 66 and €100 if under 66 years of age.

39. Only primary benefits will be taken in to account when calculating what amount an applicant is receiving from the State above the minimum threshold (€100/€230.30) specified by Judge Quirke. Therefore, for example, an applicant on a non contributory pension who has living alone and rent supplement might be receiving in excess of €230.30 in State benefits but for the purpose of this scheme only her primary benefit - i.e. her non contributory pension of €219 - will be taken into account so she will receive a weekly top up of €11.30 to bring her up to €230.30. This will not affect her other benefits.

40. Weekly payments to women, under the Scheme, from the Department of Social Protection will date from 1st August 2013. These payments will not be liable for assessment for income tax purposes.

41. It should be noted that the Department of Social Protection may not be in a position to commence these payments until early 2014. Applicants will be paid the arrears dating back to 1st August 2013.

UK RESIDENTS

42. Provision will be made for the additional payment of a maximum of STG£1,000 in the case of an applicant who is determined to be eligible under the scheme and who has accepted the offer made to her and signed the Acceptance Form and statutory declaration and who resides in the UK towards the cost of establishing a personal injury trust fund, if they wish to establish such a fund. Contact should be made with the Restorative Justice Implementation Unit before incurring any expenditure on the establishment of such a trust fund.

APPENDIX 1

The twelve institutions covered under the Magdalen Scheme

• THE TEN MAGDALEN LAUNDRIES

Good Shepherd Sisters

The Magdalen Laundries at

- St Mary's Cork Road, Waterford
- St Mary's New Ross, Wexford
- St Mary's Pennywell Road, Limerick
- St Mary's Sunday's Well, Cork.

Sisters of Our Lady of Charity

The Magdalen Laundries at

- St Mary's Refuge, High Park, Grace Park Road, Drumcondra, Dublin 9
- Monastery of Our Lady of Charity Sean McDermott Street (formerly Gloucester Street), D1;

Sisters of Mercy

The Magdalen Laundries at

- Magdalen Home (formerly Magdalen Asylum), 47 Forster Street, Galway
- St Patrick's Refuge, Crofton Road, Dun Laoghaire, Co. Dublin

Sisters of Charity

The Magdalen Laundries at

- St Mary Magdalen's, Floraville Road, Donnybrook, Dublin
- St Vincent's, St Mary's Road, Peacock Lane, Cork

• TWO OTHER INSTITUTIONS

Sisters of Mercy

House of Mercy Training School Summerhill, Wexford (Laundry operated in the Training School)

Sisters of Charity

St Mary's Training Centre Stanhope Street (Laundry operated in the Training Centre)

Note

Institutions listed in the Schedule to the Residential Institutions Redress Act 2002 are not covered by this Scheme.

APPENDIX 2

Template – Acceptance Form and Statutory Declaration

ACCEPTANCE FORM

**EX GRATIA SCHEME FOR WOMEN WHO WERE ADMITTED TO AND
WORKED IN MAGDALEN LAUNDRIES, ST MARY'S TRAINING
CENTRE STANHOPE STREET AND HOUSE OF MERCY TRAINING
SCHOOL SUMMERHILL, WEXFORD**

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

43. agree to participate in the above Scheme and I accept all of the terms of the Scheme as set out in the document entitled "*Terms of Ex Gratia Scheme for Women who were admitted to and worked in Magdalen Laundries, St. Mary's Training Centre Stanhope Street and House of Mercy Training School Summerhill, Wexford.*"
44. accept the offer made to me by the Restorative Justice Implementation Unit by letter dated [insert date of letter].
45. waive any right of action against the State or any public or statutory body or agency arising out of my admission to and work in [insert name of institution or institutions concerned].*
46. 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.
47. 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.
48. acknowledge that, prior to signing this document, I have been advised by the Restorative Justice Implementation Unit in the Department of Justice 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

**EX GRATIA SCHEME FOR WOMEN WHO WERE ADMITTED TO
AND WORKED IN MAGDALEN LAUNDRIES, ST MARY'S TRAINING
CENTRE STANHOPE STREET AND HOUSE OF MERCY TRAINING
SCHOOL SUMMERHILL, WEXFORD**

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 and work in *[insert name of institution or institutions concerned]*.*

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*]*.