

Version 1, Published 19th February 2014

**Supplementary Survivor Guide
to the
Magdalene Restorative Justice Scheme**

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INTRODUCTION

The members of Justice for Magdalenes Research (JFM Research) have been assisting survivors in a personal capacity since JFM exited the political arena in May 2013. In July 2013, in response to the difficulty expressed by some survivors in understanding their entitlements under the Magdalene Restorative Justice Scheme (referred to as the 'Ex-Gratia Scheme'), JFM Research published a **Survivor Guide to the Restorative Justice Scheme** to provide guidance and inform, empower and enable survivors.

Some survivors have continued to express confusion and distress in navigating the Scheme and thus, JFM Research is now publishing this **Supplementary Guide**, which includes a breakdown of the Terms of the Scheme and sample letters which may be of assistance.

As survivors continue to report problems and concerns (even up to the time of publication of this document), this Guide is referred to as '**Version 1**' and it will be updated periodically as new issues arise. If there is an issue that we have not covered in this version of the Guide, please get in touch with us and we will be sure to include it in the next update.

As with the previous Survivor Guide to the Restorative Justice Scheme, the intention of this Guide is to provide information in an unbiased manner to enable survivors to make their own decisions about participating in the Scheme. JFM Research wishes to share this document freely with anyone it may benefit.

WHAT WILL THIS GUIDE TELL YOU?

This Guide will provide information to you about:

1. The Terms of the Scheme
2. Information for those who wish to appeal their provisional assessment
3. Information for those experiencing difficulties with obtaining records
4. Information for those who were resident in an institution other than a Magdalene Laundry but who worked in a Magdalene Laundry adjacent to that institution
5. Information and advice on engaging with the Restorative Justice Implementation Unit
6. Information and advice on dealing with solicitors
7. Information for survivors in nursing homes
8. Sample letters to assist you with your application

1. TERMS OF THE 'EX-GRATIA' SCHEME

In this section we will go through each paragraph of the Terms of the Scheme and explain it to you. If there is anything you still do not understand, please do not hesitate to get in touch with us.

Paragraphs 1 – 3: Introduction

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.

What do these paragraphs mean?

These paragraphs state that the Irish government has set up the Scheme based on Mr Justice John Quirke's Report. Following the publication of Mr Justice Quirke's Report, the government agreed to implement its recommendations in full.

Is there anything important I need to be aware of?

This section says that payments and benefits will only be made available to women who comply with all of the terms of the Scheme. Therefore, you should read this Guide carefully and ensure that you understand everything that you need to do to process your application. If you have any questions, do not hesitate to ask. JFM Research is concerned that this section indicates that the Restorative Justice Implementation Unit is in place 'for a limited period', because Mr Justice Quirke's sixth recommendation outlined the need for a 'Dedicated Unit', which would include a helpline for survivors to assist them to obtain the benefits to which they

are now entitled. We hope that while you wait for this helpline and Dedicated Unit to be set up that this Guide will be of assistance.

Paragraphs 4 – 9: Application Process

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.

What do these paragraphs mean?

The section on the Application Process outlines what you need to do to apply to the Scheme.

Is there anything important I need to be aware of?

You should ensure that you meet all of the requirements and enclose all of the items requested. For further information on this please consult our other **Guide to the Restorative**

Justice Scheme. If you need a copy, please get in touch with us. If you have already applied, you can disregard this section.

Paragraph 10: Acknowledgement of Application

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.

What does this paragraph mean?

This paragraph states that you will receive an acknowledgement when the Restorative Justice Implementation Unit receives your application.

Is there anything important I need to be aware of?

You should ensure that you let the Implementation Unit know if you have forwarded them original documents and get in touch with them if they have not returned them to you.

Paragraph 11: Term of the Scheme

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.

What does this paragraph mean?

This means that the Scheme will be in existence until at least the end of 2014. When the government decides to close the Scheme, there will be a public notice about it.

Is there anything important I need to be aware of?

You do not need to worry if you have already applied to the Scheme. However, JFM Research is concerned that those who have not heard about the Scheme will be excluded if they are not aware of it before the closing date. JFM Research is concerned that this section does not comply with Mr Justice Quirke's recommendation that **no time limit should apply** for applications to the Scheme (**Section 5.22 of the Magdalen Commission Report**).

Paragraph 12: Applications on behalf of eligible women unable to make an application

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.

What does this paragraph mean?

This means that if a woman is unable to apply to the Scheme on her own behalf, another person who is authorised may make an application on her behalf.

Is there anything important I need to be aware of?

There is nothing for you to be concerned about if you are capable of applying to the Scheme on your own behalf. If you know of a survivor who is not capable of making an application by herself and if you have concerns about how she is being treated, we encourage you to contact the National Advocacy Service which is an independent, confidential and free advocacy service for people with disabilities. They can be contacted on 086-8378757.

Paragraphs 13 – 14: Processing of Applications on behalf of eligible women who have died

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.

What do these paragraphs mean?

This section explains that most relatives of women who were in Magdalene Laundries are not covered by the Scheme. The exception to this is those cases where a (now deceased) woman was alive on 19th February 2013 (the day of the State apology) and if an expression of interest was received by the Department of Justice and Equality before she died. In these instances, only the lump sum will be paid out and the weekly instalments and other benefits will not be provided.

Is there anything important I need to be aware of?

If you spent time in a Magdalene Laundry, there is nothing in this section that you should be particularly worried about. JFM Research is deeply disappointed however that the relatives of deceased Magdalene women remain unacknowledged by the Irish State.

Paragraph 15: Commencement Date for Scheme

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.

What does this paragraph mean?

This means that the Scheme officially began on 1st August 2013 and if you are eligible for weekly instalments on the Scheme, they will be backdated to that date.

Is there anything important I need to be aware of?

No, however, JFM Research is of the opinion that it would be fairer to backdate the payments to (at least) the date of the State apology

Paragraphs 16 – 18: Notification of Provisional Assessment

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.)

What do these paragraphs mean?

The sections above explain that the Implementation Unit will determine your eligibility to participate in the Scheme based on 'records and other statements available'; however it is unclear what the term 'other statements' means. This means that it is extremely important for you to provide as much information as you can to the Implementation Unit about your time in the Magdalene Laundry. When this initial process is complete, a '**provisional assessment**' will be sent you in the form of a letter. You will have **two months** to respond to this letter and indicate whether you agree with this initial assessment. Section 18 states that before you can

receive any payment from the Scheme, you will have to sign an Acceptance form and complete a Statutory Declaration. We will explain more about this below.

Is there anything important I need to be aware of?

There are a number of things you need to be aware of in these paragraphs:

1. The **‘provisional assessment’** is the first stage in the process towards receiving your payment. You have **two months** to respond to this assessment. If it is accurate and you are happy to do so, you should ensure that you respond within the two month period.
2. As stated above, it is essential that you provide as much information as possible about your time in the Magdalene Laundry in your application. If the assessment is inaccurate and does not reflect the time you spent in the Magdalene Laundry/Laundries and you wish to appeal it, you should do so **within the two month period**. We have provided a sample letter in **Appendix 1** which you can use to appeal the assessment. Please also see the next section below (**‘Review/Appeal Process’**) for further information.
3. JFM Research is deeply concerned that the Terms state that eligibility for other benefits will depend on **‘personal circumstances’** and believes that this is utterly incompatible with the spirit of restorative justice. We suggest that you **provide as much information as possible about your circumstances** (e.g. if you require disability supports) so that you do not lose out on your benefits under the Scheme. You might find the checklist we included in our **Survivor Guide to the Magdalene Commission** useful in doing so and we have included that checklist in **Appendix 6**. If you have already filled out this checklist for Mr Justice Quirke, we suggest you use a copy of what you submitted to him so you do not have to fill it out again.

Paragraph 19: Review/Appeal Process

REVIEW/APEAL 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.

What does this paragraph mean?

As outlined above, if the assessment is inaccurate and does not reflect the time you spent in the Magdalene Laundry/Laundries and you wish to appeal it, you should do so **within the two month period**. As stated above, we have provided a sample letter in **Appendix 1** which you can use to appeal the assessment. If you appeal your provisional assessment, it will be reviewed by 'an officer of a higher grade' in the Department of Justice and Equality. That person will then make a decision on your appeal and you will receive a letter explaining that decision. If you are still not happy with the decision, you can appeal it to the Office of the Ombudsman.

Is there anything important I need to be aware of?

There are a number of things you need to be aware of in this section:

1. If you decide to appeal the provisional assessment you should ensure you do so within two months.
2. As stated above, you should ensure you give as much information as possible to back up your appeal – we have offered some suggestions in the sample letter in **Appendix 1**.
3. Please note, the Department of Justice and Equality has not explained how the appeals process works if you decide to take it to the Office of the Ombudsman. Therefore, JFM Research is unable to provide as much information as it would like to about this. If you

find yourself in this position, we suggest that you take legal advice before proceeding further, **however it is unclear as to whether the Department of Justice and Equality will cover these legal costs as outlined below.**

Paragraphs 20 – 23: Calculation of Lump Sum Payment

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.

What do these paragraphs mean?

The paragraphs above explain how your payments (lump sum and weekly, if applicable) will be calculated. Section 22 states that if your weekly instalments are likely to be very small,

they will be paid to you as part of your lump sum payment. These payments are discussed in further detail in Section 3 of our other **Survivor Guide to the Restorative Justice Scheme**. If you would like a copy, please get in touch with us.

Is there anything important I need to be aware of?

No, but you should ensure that you are happy with the calculations made. You should also be aware that these payments are not taxable.

Paragraph 24: Formal Offer

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.

What does this paragraph mean?

This paragraph states that if you accept the provisional assessment within the two month time limit, you will receive a formal offer from the Implementation Unit.

Is there anything important I need to be aware of?

By signing the Acceptance Form and Statutory Declaration, you are agreeing to a number of conditions as outlined above and we will go through each of these in turn and explain them:

- a) ***agreeing to participate in the scheme***
- b) ***accepting its terms***

These two sections mean that you agree to participate in the scheme, which involves complying with the conditions set out below.

- 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*

This means that you are confirming that you have made a truthful and accurate application

- d) *confirming that she is of sound mind (subject to paragraph 27 below)*

This means that you confirm you are able to make decisions for yourself. We do not understand why paragraph 27 is referenced here. **We believe that this is done in error and that paragraph 29 is the relevant section.**

- e) *accepting the offer made*

This means that you accept the offer that is made to you.

- 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*

This means that by participating in the Scheme, you agree not to take legal action against the state. **It does not mean that you cannot take legal action against the religious orders.**

- 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*

This means that by participating in the Scheme, you agree to stop any legal action that might be in progress against the State. **It does not mean that you must discontinue any legal action against the religious orders.**

- 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.*

This means that by signing the Acceptance Form and Statutory Declaration you acknowledge that there are implications to making a false or misleading application,

however it does not state what those implications are. The following section of the Statutory Declarations Act (1938) discusses those implications:

6.—Every person who makes a Statutory Declaration which to his knowledge is false or misleading in any material respect shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

Paragraphs 25 – 27: Acceptance Form and Statutory Declaration

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.

What do these paragraphs mean?

This section states that your Acceptance form must be signed by a practising solicitor (e.g. you cannot use a solicitor that has retired) and the Statutory Declaration must be witnessed by one of the following:

- (a) a notary public
- (b) a commissioner for oaths
- (c) a peace commissioner
- (d) a person authorised by law to take and receive Statutory Declarations

If your Statutory Declaration is witnessed by a solicitor, that fee can be included as part of the legal costs covered, as outlined below.

Is there anything important I need to be aware of?

Important: If you have your Statutory Declaration witnessed by someone other than a solicitor, the cost will not be covered. By signing the Acceptance Form and Statutory Declaration, you are agreeing to the conditions outlined above and you should therefore take it very seriously and as outlined below, **we strongly encourage you to seek legal advice before doing so.**

Paragraph 28: Legal Advice

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.

What does this paragraph mean?

This section strongly advises you to obtain legal advice before signing the Acceptance Form and Statutory Declaration. **JFM Research also strongly encourages you to do so.** This section also says that the State will cover the cost of legal advice up to **€500 + VAT (€615 including VAT).**

Is there anything important I need to be aware of?

The State does not make it clear how you go about availing of this benefit and we suggest that you ask your solicitor to get in touch with the Department of Justice and Equality to find out how to proceed.

Paragraph 29: Time Limit for Response to Letter of Formal Offer

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.

What does this paragraph mean?

This means that you have **six months** from the date of your Letter of Formal Offer to decide whether you are going to accept your offer. If it is established that you are unable to make the decision for yourself, this time limit will be extended until after the government enacts legislation. If you know of a survivor who is not capable of making an application by herself and if you have concerns about how she is being treated, we encourage you to contact the National Advocacy Service which is an independent, confidential and free advocacy service for people with disabilities. They can be contacted on 086-8378757.

Is there anything important I need to be aware of?

You should ensure that you respond to the offer **within the six month time limit** and again, we encourage you to obtain legal advice before doing so.

Section 30: Acceptance of the offer

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.

What does this paragraph mean?

This means that if you accept the offer and sign both the Acceptance Form and Statutory Declaration, you 'fall within the scheme' and are bound by its conditions.

Is there anything important I need to be aware of?

You should bear in mind the conditions set out above.

Paragraph 31: If there is an error in your provisional assessment and letter of formal offer

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.

What does this paragraph mean?

This paragraph states that if after you receive your Letter of Formal Offer and you discover an error in the Provisional Assessment (which is repeated in the Letter of Formal Offer), you can notify the Restorative Justice Implementation Unit about this error and provide whatever information you have to the Unit about the correct position. **You must do this before finally accepting the Formal Offer.** The paragraph also states that your Provisional Assessment will then be reviewed in accordance with Paragraph 20, however we believe this is an error and that it should read **Paragraph 19**.

Is there anything important I need to be aware of?

The important thing to remember here is that you can come back to the Implementation Unit if you discover an error and we encourage you to do so if this is the case. **You must be careful to check for errors before signing the final Acceptance Form and Statutory Declaration, as you cannot appeal after you have sent these forms to the Department of Justice.**

Paragraph 32: Women Lacking Capacity

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.

What does this paragraph mean?

This paragraph states that legislation needs to be introduced to cater for women who cannot make decisions for themselves. In these cases a court will appoint a person to act on behalf of the women concerned.

Is there anything important I need to be aware of?

If you know of a survivor who is not capable of making an application by herself and if you have concerns about how she is being treated, we encourage you to contact the National Advocacy Service which is an independent, confidential and free advocacy service for people with disabilities. They can be contacted on 086-8378757.

Paragraph 33: Payment

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.

What does this paragraph mean?

This paragraph states that once you have accepted your offer and have signed the Acceptance Form and Statutory Declaration, arrangements will be made to process your lump sum payment. This will be paid into an account held in your name only.

Is there anything important I need to be aware of?

If you do not have a bank or credit union account in your own name, you need to ensure that you make arrangements to open one. In order to protect vulnerable women, the Restorative Justice Implementation Unit may seek proof that she can make decisions for herself. If you are experiencing any difficulties with this issue we encourage you to contact the National Advocacy Service which is an independent, confidential and free advocacy service for people with disabilities. They can be contacted on 086-8378757.

Paragraph 34: Other Supports under the Scheme

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.

What does this paragraph mean?

This paragraph states that once you have accepted your offer and have signed the Acceptance Form and Statutory Declaration, the Department of Justice and Equality will notify other Departments and agencies so that your other benefits can be processed. It also states that the Department of Social Protection and other departments might need to get in touch with you to obtain further details.

Is there anything important I need to be aware of?

Your existing benefits are not affected by the Scheme, so you should not be concerned when contacted by other departments. If you are worried and/or need assistance in communicating

with these other departments, we encourage you to contact your local Citizen's Information Centre.

Paragraphs 35 – 37: Access to Medical Services

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.

What do these paragraphs mean?

This means that before you can obtain your enhanced medical card, legislation needs to be introduced.

Is there anything important I need to be aware of?

You should be aware that you may be asked to sign off on your formal offer before this legislation is introduced. JFM Research believes this is unfair and we strongly advise that you obtain legal advice before making a final decision. **Please also note that you can postpone your application prior to the enactment of the legislation – please see Pgs 29-30 below for further details.**

Paragraphs 38 - 41: Weekly Payment

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.

What do these paragraphs mean?

These paragraphs explain that you will receive weekly top-up payments (irrespective of your lump sum), to bring you up to the rate of the State (Contributory) Pension (€230). If you are not of pension age you will receive €100 per week until you reach pension age and after that you will receive the State Pension (Contributory). Both types of payment are tax free.

Is there anything important I need to be aware of?

The Scheme officially began on 1st August 2013 and your pension/weekly top-up will be backdated to that date. JFM Research is of the opinion that it would be fairer to backdate the payments to (at least) the date of the State apology.

If the Department of Justice explains to you that your payment will be paid monthly instead of weekly, and you would prefer it to be weekly, JFM Research advises you to bring **Paragraphs 38 to 41** of the Terms of your offer to their attention, as this is the basis on which you have signed the Acceptance Form and Statutory Declaration.

Paragraphs 42: UK Residents

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.

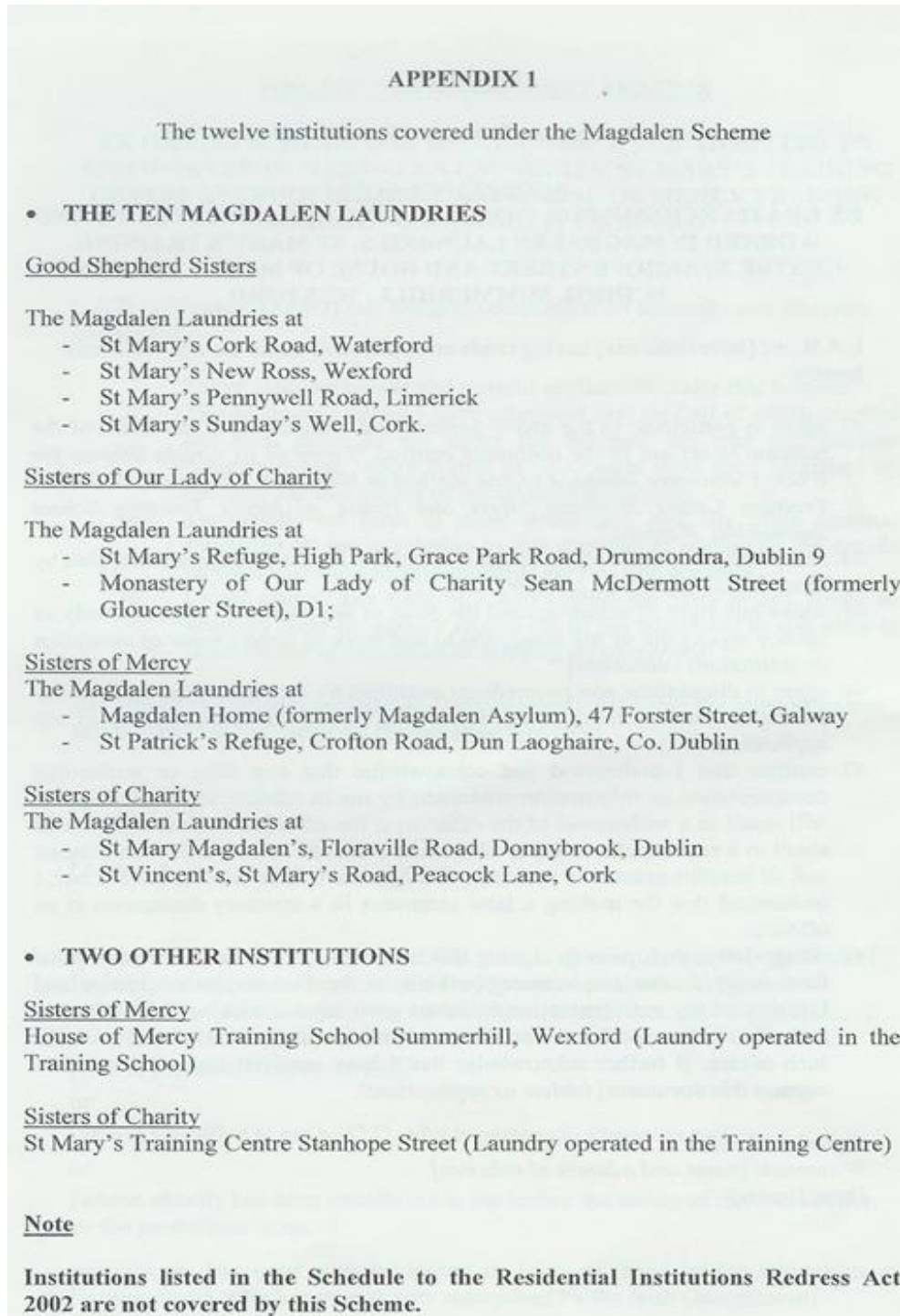
What does this paragraph mean?

This means that if you are resident in the UK, in order to avoid tax implications and effects on your existing benefits, you may wish to set up a personal injury trust fund. The Department of Justice and Equality will provide an additional payment up to STG£1,000 towards the cost of setting up this fund.

Is there anything important I need to be aware of?

You need to contact the Implementation Unit before you proceed with setting up this fund to ensure that your costs are met.

Appendix 1: The twelve institutions covered under the Magdalen Scheme



What does this mean?

Appendix 1 outlines the twelve institutions that are covered under the Restorative Justice Scheme.

Is there anything important I need to be aware of?

Institutions that are covered under the Residential Institutions Redress Act are not covered by the Magdalene Restorative Justice Scheme.

Appendix 2 – Part 1, Acceptance Form

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]

What does this mean?

Appendix 2, Part 1 contains a template for the Acceptance Form you will be asked to sign.

Is there anything important I need to be aware of?

You should read your Acceptance Form very carefully and obtain legal advice before you sign it. We will go through each of the sections in turn and explain them:

- 43. agree to participate in the above Scheme and I accept all of the terms for the Scheme as set out in the document entitled “Terms of Ex Gratia Scheme for Women who were admitted to and worked in Magdalene Laundries, St. Mary’s Training Centre Stanhope Street and House of Mercy Training School Summerhill, Wexford.”***

This means that you agree to participate in the Scheme and accept all of the terms that are outlined above.

- 44. accept the offer made to me by the Restorative Justice Implementation Unit by letter dated [the date of your letter of offer will be inserted here]***

This means that you accept the offer – i.e. the amount of money offered to you.

- 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 [the name of the laundry/laundries you were in will be inserted here]***

This part is important: It means that by participating in the Scheme, you agree not to take legal action against the state. **It does not mean that you cannot take legal action against the religious orders.**

- 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.***

This part is also important: It means that by participating in the Scheme, you agree to stop any legal action that might be in progress against the State. **It does not mean that you must discontinue any legal action against the religious orders.**

- 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 be under this Scheme will be withdrawn. Further I understand that the making [sic] a false statement in a Statutory Declaration is an offence.**

This means that by signing the Acceptance Form and Statutory Declaration you acknowledge that if you make a false or misleading application, the offer will be withdrawn and you will have to return any money paid to you and all benefits under the Scheme will be withdrawn. It also means that you understand that it is an offence to make a false statement in a Statutory Declaration. The following section of the Statutory Declarations Act (1938) discusses this:

6.—Every person who makes a Statutory Declaration which to his knowledge is false or misleading in any material respect shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

- 48. acknowledge that, prior to signing this document, I have 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)**

This means that by signing the Acceptance Form and Statutory Declaration you acknowledge that you have been advised by the Implementation Unit to obtain legal advice. JFM Research strongly advises you to obtain this legal advice before signing the Acceptance Form and Statutory Declaration. There might also be an additional line in this part that asks you to acknowledge you have received the advice.

Appendix 2 – Part 2, Statutory Declaration

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]”.

What does this mean?

Appendix 2, Part 2 contains a template for the Statutory Declaration you will be asked to sign.

Is there anything important I need to be aware of?

You should read the Statutory Declaration very carefully and obtain legal advice before you sign it. We will go through each of the sections in turn and explain them:

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

This means that you are stating you have made an honest and truthful application

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

This means that you confirm that the documents you have submitted in support of your application are genuine and that if you have supplied copies, those copies are true.

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

This means that you confirm that any details you have supplied in your application are true and accurate.

- iv. **I have waived any right of action against the State and public or statutory body or agency arising out of my admission to and work in [insert name of institution or institutions concerned]**

This means that by participating in the Scheme, you agree not to take legal action against the state. **It does not mean that you cannot take legal action against the religious orders.**

Declaration and signature:

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]

What does this mean?

This means that by signing you are making a true declaration under the Statutory Declarations Act.

Is there anything important I need to be aware of?

Once again, you should ensure you have read everything thoroughly before you sign.

Declaration before witness:

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]”.

What does this mean?

This section is where your witness signs your Statutory Declaration. This witness can be one of the following:

- (a) a notary public
- (b) a commissioner for oaths
- (c) a peace commissioner
- (d) a person authorised by law to take and receive Statutory Declarations

Is there anything important I need to be aware of?

As stated above, if your Statutory Declaration is witnessed by a practising solicitor, **this can be included in the €615 (including VAT) worth of legal fees covered by the Department of Justice and Equality.**

2. APPEALING YOUR PROVISIONAL ASSESSMENT

Some survivors have reported that their provisional assessments have been considerably lower than expected and do not reflect the length of time spent in the laundry/laundries. In most cases this is due to absent, non-existent and/or inaccurate records. If you are in this position, we have supplied a sample letter in **Appendix 1** to assist you with appealing your provisional assessment. Please also see the next section below for assistance with obtaining your records.

Important: if you wish to hold off on deciding to participate in the Scheme until after all of the legislation is in place, you can do so by not proceeding with your application until that time.

You should notify the Department of Justice that this is what you intend to do. You can use the sample letter in Appendix 2 to assist you. If you have already submitted an application, you can also contact the Department of Justice and tell the Implementation Unit that you wish to hold off your decision until the legislation is enacted. There is a sample letter in **Appendix 2** to assist you. If you are having difficulties in obtaining your records, we have provided suggestions in the next section below which may assist you.

3. ISSUES OBTAINING RECORDS

Some survivors have expressed difficulties with obtaining complete (or in some cases any) records from the religious orders. We have provided sample letters in **Appendix 3** to assist you in obtaining records that may help support your case and in addition, we offer the following suggestions:

- You should write a letter to the Implementation Unit outlining the following:
 - You should include any information about how you entered the laundry
 - Any information about how you left the laundry
 - Any names of religious sisters from the time you spent in the laundry
 - Any names of women and girls who spent time in the laundry while you were there
- You should check the electoral register from the time to see if your name is on it. You will need to visit either your local library or County/City Council offices to do this – you should ask staff for assistance. If you have questions about this, we would be happy to answer them.
- If you entered the laundry via a government department/agent/official, you should write to that department and ask them for your records.
- If you were **removed from school** prior to your entry into the laundry, you should apply to the Department of Education for your records, which may show when you left school and help prove you were moved to a laundry.

- If you were transferred from an **industrial school** to the laundry, you should obtain your records from that institution as they may record when you left.
- If you were transferred from a **mother and baby home** to the laundry, you should obtain those records as they may indicate the circumstances of your departure.
- If you were sent to the laundry via the **courts system**, you should contact the Department of Justice to ask for your records.
- If you were sent to the laundry from a **county home**, you should contact the relevant Health Service Executive for your records.
- If you have family members or friends who have information about your time in the laundry we suggest that you submit a statement made by them.
- If the religious order has a record of your entry into the laundry but no record of when you left, we suggest that you provide as much information as possible about your departure, including any jobs you went to, if you had to register with the Revenue Commissioners or the Department of Social Protection. If a family member or friend assisted you at that time, we suggest you obtain a statement from them.
- If you gave your testimony to Justice for Magdalenes for the McAleese Committee and would like an additional copy to submit to the Implementation Unit, please let us know.

4. INFORMATION FOR THOSE WHO WERE RESIDENT IN AN INSTITUTION OTHER THAN A MAGDALENE LAUNDRY BUT WHO WORKED IN A MAGDALENE LAUNDRY ADJACENT TO THAT INSTITUTION

If you were a resident of an institution which was located in the same campus as a Magdalene Laundry (e.g. An Grianan at High Park, Drumcondra) and you worked in the Magdalene Laundry while you were there, you may receive correspondence from the Restorative Justice Implementation Unit which states that it cannot process your application. If this applies to you, we have included a letter in **Appendix 4** that may be of assistance to you.

5. DEALING WITH THE RESTORATIVE JUSTICE IMPLEMENTATION UNIT

JFM Research understands that survivors will often prefer to conduct their business via phone, but at the same time, many women have reported that they find these phone calls confusing. If you would prefer to deal with the Restorative Justice Implementation Unit in writing only, we have supplied a sample letter in **Appendix 5** for you to use.

We also offer the following suggestions which you might find helpful (note, it is of course your decision whether to follow these ideas or not). We recommend that you:

- Always communicate in writing
- Do not give a contact number. If you absolutely have to contact the Implementation Unit by phone, we advise that you use a private number (this can be done from any Irish landline by placing 141 before the number to be dialled).
- If you have already given your phone number and would prefer that the Implementation Unit communicate with you in writing only, please see the sample letter in **Appendix 5**.
- Remember, you are a client of the Implementation Unit and you should expect to be treated respectfully.
- Keep track of your paperwork in a folder or file and keep a copy of any correspondence sent to the Implementation Unit, the religious order or other government departments
- If you wish, copy your correspondence to JFM Research, clearly stating that you have done so at the end of the letter.

4. INFORMATION AND ADVICE ON DEALING WITH SOLICITORS

JFM Research strongly advises that you seek legal advice before availing of the Scheme and the State will be providing this free of charge as part of your entitlements. If you have consulted with a solicitor in the past and s/he is now seeking payment for that work out of your benefits under the Scheme, we strongly recommend that you seek advice before agreeing to anything. If you have any concerns at all about how your solicitor is treating you, you can contact the Law Society at 01 879 8700 or email complaints@lawsociety.ie.

5. INFORMATION FOR SURVIVORS IN NURSING HOMES

In our other Guide, JFM Research omitted an important element of Mr Justice Quirke's recommendations. His 9th Recommendation is as follows:

I do not believe that payments made to those Magdalen women in care will or should have an adverse effect on funding received under s.38 or s.39 of the Health Act 2004 but I am aware that under s.10 of the 2004 Act the Minister for Health is entitled to issue "general written directions"⁵ to the Health Service Executive ("the HSE").

Since the Minister for Health is empowered to direct the HSE (in respect of s.38 or s.39 funding) not to take into account any monies received by individuals or groups such as the Magdalen women so as to reduce the funding that their carers (including Religious Congregations) will receive I am recommending that the Minister should make such a direction in relation to the Magdalen women.

The Minister for Health is, separately, empowered by section 36(1) of the Nursing Homes Support Scheme Act 2009 to make Regulations to give full effect to that Act. I am therefore recommending that the Minister should make Regulations under section 36 of the 2009 Act providing that any monies received by the Magdalen women under the Scheme are not to be taken into account for any purposes under the 2009 Act.

What does this mean?

This means that Mr Justice Quirke has recommended that the government amend current legislation on nursing homes to ensure that any payment you receive is not affected or taken into account should you need to be admitted to a nursing home.

Is there anything important I need to be aware of?

If you find that you need to go to a nursing home, we suggest you take advice from your solicitor or your local Citizen's Information Centre regarding your rights. If you are already resident in a nursing home, you should also take advice on this and ensure that you are receiving your full entitlements under the Scheme. The legislation required has not yet been introduced and therefore we are as of yet unaware of the details.

APPENDICES / SAMPLE LETTERS

In the following pages you will find sample letters that we hope will assist you in progressing your application. You will also find a checklist which you may find helpful if you are asked for information on your personal circumstances in order to avail of other benefits under the Scheme. If you wish, you can use the samples as letters by filling in the blanks with your own details. **We strongly advise that you keep a copy of all correspondence.**

Appendix 1

Sample Letter Appealing Provisional Assessment

Your name:

Your address:

Date:

Restorative Justice Implementation Unit
Department of Justice and Equality
Montague Court
Montague Street
Dublin 2

Dear _____,

Further to your letter of _____ regarding the provisional assessment of length of stay, I am writing to inform you that I disagree with this assessment and wish to have it reviewed.

I was in _____ Magdalene Laundry from _____ to _____ and I do not believe I should be penalised for the inadequate records held by the religious orders.

The following information is offered in support of my case:

[Insert any helpful information here]

I remember the following women and girls who were in the laundry with me – these names might be ‘house names’:

[Insert the names of anybody you remember from the laundry here]

I remember the following religious sisters from my time in the laundry:
[Insert the names of religious sisters you remember from the laundry here]

I look forward to hearing from you on this matter.

Yours sincerely,

Signed:

Appendix 2

Sample Letter to Postpone Participation in the Scheme

Your name:

Your address:

Date:

Restorative Justice Implementation Unit
Department of Justice and Equality
Montague Court
Montague Street
Dublin 2

Dear _____,

Please be advised that I wish to postpone participation in the Restorative Justice Scheme until all of the legislation on healthcare and other issues is enacted.

I would be obliged if you could confirm if this is in order as I do not wish to jeopardise my application.

I look forward to hearing from you.

Yours sincerely,

Signed:

Appendix 3

Sample Letters to Obtain Your Records

Your name:

Your address:

Date:

Restorative Justice Implementation Unit
Department of Justice and Equality
Montague Court
Montague Street
Dublin 2

Dear _____,

I was in _____ Magdalene Laundry from _____ to _____. I have been informed by the religious sisters that they do not have any record of my stay/they have inadequate records in relation to my stay. I do not believe I should be penalised because of the lack of record keeping of the religious orders. My house name was _____ and the following information is offered in support of my case:

[Insert any helpful information here]

I remember the following women and girls who were in the laundry with me – these names might be ‘house names’:

[Insert the names of anybody you remember from the laundry here]

I remember the following religious sisters from my time in the laundry:
[Insert the names of religious sisters you remember from the laundry here]

I look forward to hearing from you on this matter.

Yours sincerely,

Signed:

Your name:

Your address:

Date:

[Insert name and address of the government department/institution here]

To whom it may concern:

I would be obliged if you could forward all records you have concerning me. I am particularly interested in records between _____ and _____ *[insert the dates you were in the Magdalene Laundry here]*.

My date of birth is: _____

My PPS number is: _____

I look forward to hearing from you.

Yours sincerely,

Signed:

Appendix 4

**Sample letter for those who were resident in an institution other than a
Magdalene Laundry but who worked in a Magdalene Laundry adjacent
to that institution**

Your name:

Your address:

Date:

Restorative Justice Implementation Unit
Department of Justice and Equality
Montague Court
Montague Street
Dublin 2

Dear _____,

I was resident in _____ institution from _____ to _____.

While there I worked in _____ Magdalene Laundry, which was part of the same campus. [If applicable] My house name was _____ and the following information is offered in support of my case:

[Insert any helpful information here, including the hours you worked, what kind of work you did, if you remember doing laundry for any particular clients, etc.]

I remember the following women and girls who were in the laundry with me – these names might be ‘house names’:

[Insert the names of anybody you remember from the laundry here]

I remember the following religious sisters from my time in the laundry:
[Insert the names of religious sisters you remember from the laundry here]

I look forward to hearing from you on this matter.

Yours sincerely,

Appendix 5

Sample Letter Regarding Phone Contact

Your name:

Your address:

Date:

Restorative Justice Implementation Unit
Department of Justice and Equality
Montague Court
Montague Street
Dublin 2

Dear _____,

I would like to request that all future communications with me be in writing only as I find it confusing and it is difficult to understand what is being said over the phone.

I would like to request a summary in writing of all matters related to me via phone to date.

Yours sincerely,

Signed:

Appendix 6

Checklist to assist survivors who have been asked to provide details of their 'personal circumstances' in order to establish eligibility for other benefits under the Magdalene Restorative Justice Scheme.