

Survivor Guide to the Magdalene Restorative Justice Scheme

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. Some survivors have expressed difficulty in understanding their entitlements under the Magdalene Restorative Justice Scheme and have sought assistance with their applications. Therefore JFM Research has compiled this Guide to inform, empower and enable survivors and provide guidance in filling out the application form for the Scheme for those who are interested in availing of it.

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:

- Your entitlements under the Restorative Justice Scheme
- Important things you need to know about the Scheme
- How to apply
- Other questions you may have
- How to apply for your records

1. An enhanced medical card (the “HAA card”)

Under the scheme you will be entitled to an enhanced medical card, similar to the card provided to the women infected with the Hepatitis C virus through blood donations.

I already have the medical card, is this card different?

Yes, this medical card is an enhanced version of the one you may already have – please see below for a list of some of your entitlements. You can read about your entitlements in more detail in Appendix G of Mr Justice Quirke’s Report.

What does it entitle me to?

The services available under the HAA medical card include:

- GP services
- Prescriptions
- Dental services
- Ophthalmic services (e.g., eye glasses)
- Aural services (e.g., hearing aids)
- Aids and appliances (e.g., walking sticks, wheelchairs, shower rails/seats)
- Home support (e.g., for household chores, cooking and cleaning)
- Home nursing
- Counselling
- Chiropody/podiatry (e.g., treatment for foot problems)
- Physiotherapy
- Complementary therapies (e.g., massage, reflexology, acupuncture, aromatherapy, hydrotherapy)

2. A State Pension (Contributory)

Under the Scheme you are entitled to a State Pension (Contributory), in recognition of the fact that you “have worked within” and “arguably for” the State “for a period of time.”

How much is it?

You will receive €230 per week.

Will it affect my other payments?

No. It is not considered as part of a means test and it is tax free. If you are already receiving the non-contributory pension or another pension (e.g. the Widow's Pension), it will be topped up to the maximum level (€230 per week) of the State Pension (Contributory).

What if I am not old enough to receive the pension?

In this case, you will receive €100 per week until you reach pension age and after that you will receive the State Pension (Contributory). This payment is also tax free.

3. “Ex Gratia” payment

The Scheme also provides an “ex gratia” payment to survivors of the Magdalene Laundries. This payment is (i) intended to express the “sincere nature of the State’s reconciliatory intent,” and (ii) recognise the work undertaken for no pay in the Laundries. The amounts will vary, depending on the amount of time you spent there. Some of the details are set out below as a guide.

3.1 For those who were 3 months or less in a Magdalene Laundry

If you were 3 months or less in a Magdalene Laundry, you will receive €11,500 as a lump sum.

3.2 For those who were more than 3 months in a Magdalene Laundry

The following is a rough guide to payments for those who were more than 3 months in a Magdalene Laundry. As the payments are calculated for each month you were there, you should treat the following as a guide and not an exact calculation.

Time in laundry	Approximate payment
6 months	€14,500
1 year	€20,500
1 year, 6 months	€26,500
2 years	€32,500
2 years, 6 months	€38,500
3 years	€44,500
3 years, 6 months	€50,500
4 years	€56,500
4 years, 6 months	€62,500
5 years	€68,500

5 years, 6 months	€73,000
6 years	€76,000
6 years, 6 months	€79,000
7 years	€82,000
7 years, 6 months	€85,000
8 years	€88,000
8 years, 6 months	€91,000
9 years	€94,000
9 years, 6 months	€97,000
10 years	€100,000

Will this affect my other payments and will I have to pay tax?

No, the ex gratia payment is not considered as part of a means test and it is tax free.

What is the maximum ex gratia payment?

The maximum ex gratia payment a woman can receive is €100,000, even if she was more than ten years in the laundry.

Will I receive it all at once?

No. Payments up to €50,000 will be paid in a lump sum and the remaining money will be paid on a weekly basis as “Weekly Life Income”.

How much are the Weekly Life Income payments if my lump sum is over €50,000?

The amount per week depends on your age. The different calculations are set out on pages 71 - 76 of Mr Justice Quirke’s Report. You will receive these additional Weekly Life Income payments as an add-on/top-up to your weekly pension payment.

Will the Weekly Life Income payments continue after my death?

No. When a woman dies, the Weekly Life Income payments will stop as will the pension entitlements.

What if something happens to me between now and the time my claim is completed?

If a woman has registered with the Department of Justice since February 19th when An Taoiseach gave the official State apology, then the initial payment up to €50,000 will still be paid, but the additional Weekly Life Income payments will stop.

4. Survivors in institutionalised settings

If you are a survivor living in an institutionalised setting (e.g., a nursing home run by a Religious Order or by the HSE), you are entitled to an advocate under this Scheme, to assist you in making decisions and to ensure that your wishes are carried out. Make sure you speak about this issue when contacted by the Scheme Administrator. If you are not in a nursing home, but would like an advocate, we encourage you to speak to the Scheme Administrator about this matter. If you are a relative or friend of a Magdalene survivor (in an institutionalised setting or otherwise) who may benefit from an independent advocate, please encourage her to request one.

5. Dedicated Unit

The government will be establishing a Dedicated Unit to provide help and advice to survivors. Here are some of the things included in the unit:

- A helpline to help you with processing your claim under this Scheme. You should contact the helpline with any questions or concerns you have. This service is there for you.
- Assistance with your housing needs, if this applies to you
- Assistance with your educational needs, if this applies to you
- Assistance to meet with the Religious Orders if you would like to

IMPORTANT: If you do not want to meet with the Religious Orders, you will not be forced to do so

- Assistance in meeting up with other survivors if this is something you would like
- The Unit will also work to set up a museum or memorial to the Magdalene women

Important things you need to know about the Scheme

- If you decide to avail of this Scheme, you will be required to sign a waiver that you will not pursue any legal action against the State in respect of your time in the Magdalene Laundry/Laundries.
- If you decide to avail of this Scheme, you will not be permitted to seek further compensation or redress through any tribunal that might be set up in the future. This does not mean you will not be permitted to give evidence at any such tribunal should you wish to do so.
- **IMPORTANT: This does not mean you cannot speak about your time in the laundries. This means there is no “gagging order” as part of this Scheme.**
- **You are entitled to free legal advice on this matter before you agree to the waiver.**
- Complying with the waiver does not mean you are not allowed to take legal action against the Religious Orders.

How to apply

If you would like to avail of the Scheme you need to do the following:

- Fill out an application form
 - You should have received an application form in the post – if not, phone 01-4768660 and ask for one to be sent out to you
- What you need to include with your application:
 - Proof of residence (e.g., a household bill)
 - Proof of identity (e.g., a photocopy of your passport or driving licence – if you have neither, phone the Scheme at 01-4768660 to ask what would be acceptable)
 - Proof of your PPS number (e.g., a photocopy of your Social Welfare Card or Medical Card)
 - Photocopies of your records from the laundry/laundries (**see below for how to apply**)
 - A recent passport size photograph

IMPORTANT:

- **DO NOT SEND ORIGINAL DOCUMENTS – PHOTOCOPIES ONLY**
- Keep a copy of your application
- We strongly recommend that you seek advice and help in filling out the form, for example, by visiting your local Citizen's Information Centre

If I have not registered, what should I do?

We suggest that you immediately contact the Department of Justice at 01-4768660 and register as soon as possible to protect your benefit entitlements.

Other questions you may have

Who is eligible?

Women who were in any of the ten Magdalene Laundries or in St. Mary's Training Centre Stanhope Street or House of Mercy Training School, Summerhill, Wexford can apply to the Scheme. It would appear that an appeals process is envisaged but we do not know how this will operate.

Where do I find Mr Justice Quirke's Report?

All women who have already registered with the Department of Justice will receive a copy of the Report together with an application form and additional instructions in the post.

If you have not received a copy of the report you can obtain a copy in two ways:

- If you have a computer you can access the report at this address:
<http://www.justice.ie/en/JELR/Pages/PB13000255>
- If you do not have a computer, you can phone 01-4768660 and ask for a copy for the report.

Do I need a solicitor?

As this Scheme is operated on a non-adversarial basis, you will not be required to give evidence and no "hearings" will take place and so a solicitor may not be necessary in this sense. However, it is advisable to 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 are worried, you can contact the Law Society at 01 879 8700 or email complaints@lawsociety.ie.

Will I have to talk about my time in the laundry?

No, you will not be required to give evidence in order to receive a payment. The only requirement is to prove you were in a Magdalene Laundry.

If I received a payment from the Residential Institutions Redress Board (RIRB), will I be ineligible to apply for this Scheme?

No, payments under the RIRB are not taken into account and once you were in one of the designated laundries, you are eligible to apply.

I live outside of Ireland (e.g., the United Kingdom/United States), will the Scheme affect my other payments?

The Scheme proposes that agreements should be made with other countries to ensure that your payment under the Scheme are tax free and not counted for means tests, however it is unclear if these agreements have been established. We strongly recommend that you seek advice on this matter before proceeding.

How do I access my records?

We suggest that you first write to the Religious Order(s) and ask for your records. If you have difficulty in writing a letter, we have provided one for you at the end of this Guide. **Make sure you keep a copy of the letter.** Names and contact details for the different Orders are also provided at the end of this Guide.

What if my records are incorrect, or if the Order has no records for me?

If you find that the records do not accurately reflect the time you spent in the Magdalene Laundry/Laundries, or if the Order(s) tells you they have no records for you, you should forward your letter to the Order(s) to the Scheme at the following address: **Restorative Justice Implementation Team, Department of Justice and Equality, Montague Court, Montague Street, Dublin 2.** From there you will be advised further about confirming that you worked in the laundry/laundries.

Is there a time limit?

There is no time limit to apply to the Scheme.

Do I have to communicate with the Religious Orders?

You may have to write to the Order(s) to obtain your records. You will not be forced into a reconciliation forum as part of this Scheme. If you have specific requirements regarding communication with the Orders, e.g. you may not want your details passed on to them, or you may not want them to communicate directly with you – we suggest that you make this clear to the Scheme administrator in writing.

Does the Scheme include relatives of deceased women?

Relatives of deceased women are not eligible to apply to the Scheme.

I spent time in a mother and baby home, am I eligible?

Women who spent time in mother and baby homes are not eligible to apply. Visit the Adoption Rights Alliance website at www.adoption.ie if you would like information on the adoption campaign.

Contact details for Religious Orders

IMPORTANT: If at all possible, deal with the Religious Orders in writing only so you have a record of your communication with them.

Good Shepherd Sisters

Sr. Bríd Mullins
Good Shepherd Provincialate
245 Lower Kilmacud Road
Goatstown
Dublin 14

Telephone: 051-873241 / 021-874294

Email: mbridmullins@eircom.net

Sisters of Our Lady of Charity

The Ministries Desk
Sisters of Our Lady of Charity
63 Lower Sean McDermott Street
Dublin 1

Telephone: 01 8711109 or 087 7719723

Email: ministeriesdesk@olc.ie

Sisters of Mercy

Ms. Marianne Cosgrave
Catherine McAuley Centre
23 Herbert Street
Dublin 2

Telephone: 01-6387521

Email: info@mercyarchive.ie

Sisters of Charity

Sr. Christina Gorman
Mary Aikenhead House
St. Mary's
Donnybrook
Dublin 4

Telephone: 01-2698744 or 087-2127245

Email: generalate@rsccharitas.com

A sample letter is provided on the next page if you need assistance in writing to the Orders. Feel free to fill in your details and use it, alternatively you might like to use it as a guide to writing your own letter. **We strongly encourage you to keep a copy of all correspondence.**

Your name:

Your address:

Date:

Name of Religious Order:

Address of Religious Order:

Name of laundry/laundries:

Approximate year of entry:

To whom it may concern:

I was in a Magdalene Laundry (named above) run by your Order. Please supply me with any information you have on file in relation to me.

I would appreciate if you could give this matter your immediate attention.

Yours sincerely,

Signed:
