

**WRITTEN QUESTION TO THE CHIEF MINISTER
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 11th SEPTEMBER 2012**

Question

With reference to the Historic Abuse Redress Scheme will the Chief Minister advise

- (a) the number of claims that that have been submitted for compensation up to the close of business on 3rd September 2012;
- (b) how many claims have been fully settled;
- (c) how many claims are still under investigation and an estimate as to when he believes they are likely to be settled;
- (d) how many claims have been rejected and the grounds for each rejection;
- (e) how many claimants have been asked to agree to a psychiatric and/or psychological harm report being compiled on them and whether any have refused and if so how many;
- (f) details of the people/organisations undertaking these psychiatric/psychological harm reports, their experience and qualifications and the exact instructions or guidance issued to them by or on behalf of the States of Jersey when determining their assessments.

Would the Minister confirm:

- (i) whether all claims will be accepted under the Scheme regardless of the identity or status of the alleged abuser;
- (ii) that, in order to qualify under the Scheme, applicants do not have to meet an evidential burden more exacting than if they had been brought in civil proceedings?

Answer

- (a) The Scheme remains open until 30th September 2012 and claims are being received on a regular basis. The number of application forms received by close of business on 3rd September 2012 was 91.
- (b) The Scheme is still open and so the focus is presently on processing and advancing new claims. At the present time, 5 claims have been settled.

- (c) The rest of the claims therefore remain to be considered and more claims are expected in advance of the deadline of 30th September 2012 being reached. It is likely that most claims will be settled in 2013.
- (d) No claims have been rejected at this stage.
- (e) The matter of whether a report is required is one discussed between the Scheme Lawyers and the claimant or their appointed lawyer. Approximately twenty claims are currently in the process of reports being prepared by agreement with the claimant or their legal advisor. In one case, as a result of the ill health of the claimant, matters proceeded without a report and by agreement between the Scheme Lawyers and that claimant's own lawyer. No claimant has refused a report.
- (f) The psychiatrists appointed to prepare reports were appointed with the agreement of lawyers acting for the claimants. The terms of any appointment are discussed and agreed between the Scheme Lawyers and the claimant or their lawyer.
 - (i) The decision to accept or reject any individual claim does not rest with the Chief Minister.

The question is ambiguous. The identity or status of the alleged abuser is only relevant as to whether the claim falls within the scope of the scheme. The Scheme was devised to address abuse alleged to have taken place in full time residential care. A number of claims have raised issues by virtue of where the abuse is alleged to have taken place. These are matters that the Scheme Lawyers are referring to the Council of Ministers in October 2012 for clarification of the appropriate scope of the Scheme.

- (ii) The Scheme Lawyers are responsible for reviewing and assessing claims, including evidential matters, and then making recommendations. The Scheme was established in the knowledge and belief that these claims would very likely fail in Court proceedings for a number of reasons. It is not intended for the Scheme to be run as a process akin to Court proceedings therefore, and as a matter of principle, the evidential burden being applied is less exacting than in civil proceedings. However, each claim is reviewed to ensure, so far as possible, its reliability.