THE INQUIRY (MOTHER AND BABY INSTITUTIONS, MAGDALENE LAUNDRIES AND WORKHOUSES) AND REDRESS SCHEME BILL

RESPONSE TO PUBLIC CONSULTATION

15 September 2025 [unabridged version]

Part 1 – Truth Recovery Public Inquiry

Clause 1

The Inquiry

Clause 1(5): Nothing in subsection (4) prevents the inquiry from considering the effect on any person after 1995 of anything that occurred during the period referred to in subsection (4) in so far as it is relevant to the inquiry's terms of reference.

Comments re Clause 1(5): The scope for including inter-generational aspects of harms is welcome and important here

Clause 1(7): Clauses 3 and 4 provide definitions for the purposes of this Part.

Comments re Clause 1(7): While clause 3 on prescribed institutions' and clause 4 on 'relevant persons' 'may be prescribed in regulations made by the Executive Office', it is important that these terms are interpreted widely and left open.

Research demonstrates the complex network of institutions and processes of institutionalisation across the island of Ireland, North and South, where victim/survivors were resident in many different forms of institutions across their childhood/early adulthood or lifetime and that there were multiple routes in and out of Magdalene laundries, mother and baby institutions and workhouses (including, for example, foster care, adoption and children's homes). This was also highlighted by survivors in the Truth, Acknowledgement and Accountability Report (Oct 2021). As such, it is important that the consideration of "other institutions" is interpreted widely and should include the norms and values of closed institutions beyond institutions defined as particular buildings.

Further, the interpretation and understanding of "institution" should be left open to accommodate survivor experiences emerging from testimonies to the independent panel or directly to the statutory inquiry.

The definition of "institution" for the purpose of an inquiry can often have an impact on the design and scope of reparations including not only any final award of redress, but also the content of an apology, so having a broad approach at this stage is critical.

Clause 1 (4) – The Bill intends the Inquiry to cover the timespan 1 January 1922 – 31 December 1995. Is this timespan appropriate, and if not, what are your suggested dates? [Box 2]

Comments: Yes, as Clause 1(5) has flexibility for broadening this timeframe, to include the relevant experiences of those affected after 1995 including via intergenerational harms.

Clause 1 (5) – Should someone who may have been affected after 1995 be included in the Inquiry if their experiences are relevant? [Drop down box]

Yes

Clause 2

Terms of reference

Comments: It is welcome that the Truth, Acknowledgement and Accountability Report of the Truth Recovery Design Panel (TRDP) (Oct 2021), which contains the voices of survivors, will be consulted before preparing or amending the terms of reference. It is also important within the terms of reference that due regard is had to the report of the Independent Panel, if published, to guarantee that the findings of the Independent panel are integrated within the terms of reference of the inquiry. Inquiries should be understood as aiming to provide truth about what happened in the past, why it happened and who bears responsibility, but not limited to legal liability. In doing so, they can frame their terms of reference, conclusions and recommendations in terms of human rights standards – the ongoing Afghanistan inquiry in England and Wales has a mandate to determine whether there is "credible information" relating to arbitrary and unlawful killings, which are serious human rights violations, and whether further investigations are required. A similar "credible information" regarding human rights violations here seems a plausible way forward. This would be more than a "human rights compliant" investigation, whereby the Inquiries Act 2005 or equivalent legislation such as the present Bill are deemed to discharge the UK's international obligations without explicit reference to or substantive engagement with, international human rights law specifics. Further, due regard should also be had to the cross-border dimensions of these core institutions, consistent with the TRDP report. The North South Ministerial Council could take leadership on establishing mechanisms for cross-border dimensions, as will not happen in good time without political will and leadership as well as direct collaboration between relevant aspects of the civil service in Ireland and Northern Ireland.

Clause 3

Definition of "prescribed institutions"

Comments: It is very welcome that Clause 3(d) enables an open list of public institutions. This facilitates and encourages survivor engagement on further institutions eg births and residences in hospitals and in private maternity homes where unmarried women and girls there were subject to the same social shame and stigma, with an additional possible transfer subsequently to a mother and baby home.

Clause 4

Definition of "relevant persons"

Comments: Again we welcome TEO capacity to expand the definition of "relevant persons". Further, in keeping with the broader definition of "relevant persons" in relation to "a prescribed mother and baby institution or a prescribed Magdalene laundry" in Clause 4(1)a), the definition of "relevant person" in relation to "a prescribed workhouse" in Clause 4(1)(b) should also include "any person admitted to the institution" - Our recent research, along with previous research and inquiries in the Republic of Ireland, demonstrate that women and girls were incarcerated for a range of reasons other than pregnancy and childbirth including social marginalization via poverty, disability etc; so this fact needs to be explicitly recognized in the definition of "relevant person" [See McAlinden, A.-M., Keenan, M. and Gallen, J.

Transforming Justice Responses to Non-recent Institutional Abuses (Oxford University Press, 2025), see esp Chapter 2. Available to read for free/open access at: https://academic.oup.com/book/59821].

Clause 4 (1). Have all 'relevant persons' (people on whom the Inquiry will focus) been included in this clause? If not, who else should be included?

Comments: see previous comment

Clause 5

Inquiry Panel

Comments: A broad, inter-disciplinary range of expertise is needed to address non-recent offences and their impact on victim/survivors. It would be preferable for an inquiry panel to have a broad range of expertise as the Independent Panel did. Further, it is also critical that survivors are among those appointed to an inquiry panel as happened successfully in Canada and Australia, without issue.

In Clause 5(2)(d) – the phrase "Any person's liability" is used – what about state agents?

Clause 6

Appointment of members – *see below*

Clause 6(4)(b) –

Comments: no issue with appointments being made by the First Minister and Deputy First Minister - though survivors should be consulted on the making of appointments. This is an important part of building trust with survivors and of ensuring the credibility of inquiry panel processes. As in all aspects of the inquiry, processes matter just as much as outcomes.

Picking the chair and panel members provides further opportunities to consult with survivors and build trust and credibility in an inquiry panel. A consultation process for the appointment of the Chair would ensure that there is some buy in before the appointment starts. There are several key examples of best practice, where survivor consultation on appointment of members and a broadly constituted inquiry/commission were core principles [see Shilliday, P., McAlinden, A.-M., Gallen, J., and Keenan, M., *https://transformingjusticeproject.org/wp-content/uploads/2023/07/Non-recent_Institutional_Abuses_And_Inquiries-1.pdf*]

For example, The South African Truth and Reconciliation Commission Report (Volume 1, page 53) describes a public appointments process:

"Despite the fact that the legislation gave the President the authority to decide who would serve on the Commission, President Mandela decided to appoint a broadly representative committee to assist him in the process of identifying the commissioners. Organisations of civil society participated in the process by nominating prospective commissioners and monitoring the hearings which led to the appointments. The committee called for nominations and 299 names were received. After the public hearings, a list of twenty-five names was submitted to President Mandela. The President consulted with his Cabinet and with the heads of the political parties and appointed the required seventeen commissioners."

Clause 7

Requirement of Impartiality

no issue or specific comments

Clause 7(1) –

Comments: yes

Clause 8

Comments: No issues here. These are standard provisions which mirror section 12 of the Inquiries Act 2005, with additional due process protections for inquiry panel members.

Clause 9

Assessors

Comments: What is the function of an "assessor"? What type of "assistance" is envisaged here? Arguably, if it is possible to anticipate what type of assistance the inquiry panel might require, then such a person(persons) should be part of the inquiry panel from the outset.

Clause 10

Advisory Panel

Comments: the tentative language of "may appoint" should be changed to the mandatory language of "shall appoint" as it is important that the perspective and lived experience of survivors, their relatives or advocates/supporters are integrated fully and meaningfully into the work of the inquiry. Equally, it is important that this expectation is clearly signalled and communicated explicitly within the legislative framework; and that further consideration is given to developing explicit terms of reference for the role of the advisory panel. This provision for direct inclusion of survivors as part of an Advisory Panel is welcome and reflects the experience in England and Wales of the Independent Inquiry into Child Sexual Abuse's Victims and Survivors Consultative Panel (VSCP).

Clause 10(1). Has the term 'advisory panel' been clearly defined? If not, what should be included in a definition?

Comments: In recent research VSCP members reported a clash between their lived experience expertise and the legal and bureaucratic culture of the inquiry.[1] The research concluded that "careful consideration is required in relation to how lived experience expertise can be meaningfully integrated into an inquiry's culture to safeguard survivors and enhance inquiry outcomes."

We would suggest that this clause should provide for mandatory language – an Advisory Panel shall be appointed, and that further consideration be given to the explicit role and provision of a terms of reference of any advisory panel. The experience of the VSCP in IICSA suggests the need for a clear

[1] Taggart, D., Wright, K., Griffin, H., Duckworth, L., Baxter-Thornton, M., Coates, S., Lewis, E., Maxted, F., Shellam, K., Tuck, C. and Ford, S., 2025. Lived experience consultants to a child sexual abuse inquiry: Survivor epistemology as a counterweight to legal and administrative proceduralism. Child Abuse & Neglect, 159, p.107147.

terms of reference for an advisory panel to enable clarity for members about what is expected of them as well as clarity for civil servants in how to staff and support the advisory panel effectively.

Clause 11

Power to suspend Inquiry

Comments: no issues

Clause 12

End of Inquiry

Comments: no issues

Clause 13

Evidence and Procedure

Comments: While many inquiries are purportedly inquisitorial/non-adversarial in their aims, there is substantive research evidence, including in the aftermath of the HIA (Hart) Inquiry, that, in practice, survivors are subject to harmful cross-examination, and even disbelief, regarding their experiences. Addressing this risk is central to an effective inquiry.

What steps will be taken to ensure procedural fairness for victim/survivors and to mitigate the well-documented traumatising and harmful effects of cross-examination? See for example in relation to the recent Muckamore Abbey Hospital Inquiry:

Consideration could be given to restricted and non-adversarial forms of cross-examination where victim/survivors are examined by inquiry counsel to establish basic facts (such as residency or dates of residency) rather than by counsel for the institutions.

Consideration could be given to separate legal counsel for victim/survivors as part of recognised core participant status to safeguard their interests and guard against over-zealous and harassing cross-examination. Indeed, more broadly wrap around support services, beyond counselling, should be afforded to survivors around the giving of oral testimony.

At a minimum, for example:

- All counsel should be trained in trauma-informed approaches and how to engage with vulnerable witnesses.
- In addition to the proposal for the use of "'live link", consideration could also be given to a wider range of 'special measures' to assist victim/survivors in giving their 'best evidence', including the use of intermediaries.
- Equally, the definition of 'vulnerable' and who is considered a vulnerable witness should also be broadly construed.

Further, based on the traumatic experiences of survivors during previous inquiries, including the Hart Inquiry (see eg the work of Patricia Lundy), personal documents or information (eg relating to the existence of other relatives or the circumstances surrounding their institutionalisation) must be disclosed to survivors well in advance of an oral hearing. This could be achieved within Terms of Reference by the inquiry Chair.

See further Chapter 9 of our recent book, based on extensive empirical research with key stakeholders including survivors, lawyers, and church and state actors, which establishes some of the key principles of transforming legal culture such as 'trauma informed approaches' [see McAlinden, A.-

M., Keenan, M. and Gallen, J. Transforming Justice Responses to Non-recent Institutional Abuses (Oxford University Press, 2025), Available to read for free/open access at: https://academic.oup.com/book/59821]

Clause 13(5). The Bill allows for the Inquiry to able to take evidence from people who are not physically present in the Inquiry room (via 'live links'). Do you agree with this power? And if not, why not?

Comments: Yes. Following on from the above, this is an important provision to ensure the participation of more vulnerable victim/survivors and that their voices are included. It is also in line with evidential rules and procedures governing 'special measures' for vulnerable witnesses more generally.

Clause 14

Public Access to Inquiry Proceedings and Information

no issue

Clause 14. The Bill allows the Chairperson to decide who can and cannot be present to watch the Inquiry in the room? (have the power to determine public access to the inquiry proceedings and information (including media)). What is your view on who should or should not be given access to the Inquiry?

Comments: In line with other legal proceedings (eg criminal proceedings) involving 'vulnerable witnesses', public access to the inquiry should be strictly limited – eg nominated media representative

Clause 15

Restrictions on public access etc

Comments: no issue, subject to previous comment

Clause 16

Powers to require production of evidence

no issues

Clause 17

Privileged information

no issues

Clauses 18-20 – Reports

*Co*mments: Consideration should also be given to a modular approach to the inquiry, with the potential for running parallel inquiry investigations into two or more institutions. This could lead to interim reports relevant to survivors in individual contexts, and provide more timely findings and

outcomes. It will also then be subject to a final inquiry report that provides the overall structural and thematic conclusions and recommendations across multiple contexts.

For further details on the best practice approaches to reporting, including modular approaches see:

See Chapter 9 of McAlinden, A.-M., Keenan, M. and Gallen, J. Transforming Justice Responses to Non-recent Institutional Abuses (Oxford University Press, 2025). Available to read for free/open access at: https://academic.oup.com/book/59821].

See also 'Key Principles and Recommendations', Shilliday, P., McAlinden, A.-M., Gallen, J., and Keenan, M., *https://transformingjusticeproject.org/wp-content/uploads/2023/07/Non-recent_Institutional_Abuses_And_Inquiries-1.pdf* , pp 52-53]

Clauses 21-22 – Expenses

no issues

Clauses 23-29 – Supplementary

no issues

Part 2 – Payment of Redress

Clause 30 – The Service

no issues

Clause 31

Entitlement to a Payment

Comments: Clause 31(8) specifies eligibility for "one payment" where a person "was admitted to more than one relevant institution". This fails to take account, as noted, of the complexity of circumstances surrounding institutionalisation and the lived experiences of many victim/survivors of multiple institutional contexts (see also response in relation to Clause 4). See further specific comments below.

Clause 31: Does this clause adequately identify all those who should be entitled to payments? If not, who else should be included and why?

Comments: No, when read in light of Schedule 2.
The list of 'relevant institutions" in Schedule 2, column 1, is a closed and short list. What is the rationale for this specific list of institutions? Why does it not extend more broadly to all MBH and ML? Further, we are concerned at the exclusion of unmarried women and their now adult children admitted to workhouses before 1948.

Why are there no workhouses on this list when both the Truth Recovery Design Panel and the Independent Panel specifically included workhouses and the lived experiences of victim/survivors within workhouses up to 1948 within their remit and when "workhouses" are included within the meaning of " prescribed institutions" in Clause 3?

If this is related to equality concerns under section 75 of the Northern Ireland Act 1998, a distinction between married and unmarried women can be justified - it is well documented in the literature and in the Research Report on Mother and Baby Homes and Magdalene Laundries in Northern Ireland that unmarried women experienced enhanced and distinct discrimination, stigma, shame and social exclusion.

In relation to "Relevant years" in column 2, are these dates the dates when the institution first opened, and then finally closed? Or otherwise, what is the rationale for the choice of dates?

Clause 31(5)(b) – The Bill states that a relative of an person who died before 29 September 2011 (and if alive would have been eligible for payment) will not be entitled to a payment. Do you agree with this date being used? If you disagree, what date (if any) should be used and why

Comments: For clause 31(5) and the posthumous awards to families of survivors, tying this to the date of death as having to be on/after 29 September 2011 is arbitrary and without a clear principle. This date is clearly tied to the Hart Inquiry, which has no bearing on the present context and is explicitly excluded from other aspects of the legislation[{see eg Clause 1(6) where facts relating to the Historical Institutional Abuse Inquiry are specifically excluded from the remit of the inquiry]. As such it makes no sense to use the HIA Inquiry as an exclusionary tool for the remit of the inquiry, but to include it as an arbitrary date for determining eligibility for redress.

What specific figures would be involved if posthumous claims post-2011 were included?

Clause 31(9). The Bill sets the standard payment amounts at £10,000 (if the person is eligible under subsection (2) or (4) *inc link and £2,000 if the person is eligible under subsection (5) *inc link. What are your views on these amounts? What alternative amounts would you use, and why?

Comments: - For clause 1(9) why does a person eligible under subsection 5 only get £2000 as opposed to the standard payment of £10000. Surely this should be paid and administered as part of the deceased's estate? This is also important given the well documented intergenerational harms stemming from abuses

Further, the scale of payments does not seem to have been adjusted since the Hart redress scheme for inflation.

Do you have any suggestion for methods of redress other than a financial payment? For example this could include a memorial, official apologies , or other symbolic actions etc

Comments: Yes – redress, while it is an implicit acknowledgement of harm and responsibility for that harm and for repair, should be more clearly and explicitly related to such acknowledgement. At present, based on past experience, including the HIA redress scheme, an applicant will receive their money and an accompanying letter which confirms their eligibility for redress, but there is no explicit acknowledgement of harm.

However, our research clearly stablishes that victim/survivors really want an apology to accompany any redress payment. For them, redress is not about money or compensation it is rather about acknowledgement which is the number one priority for many survivors. [see McAlinden, Keenan and Gallen, Transforming Justice Responses to Non-recent Institutional Abuses (Oxford University Press, 2025), see eg pp 232-234 and Ch 9. Available to download and read for free/open access at: https://academic.oup.com/book/59821)]. This is also consistent with international best practice – for example, the Australian National Redress Scheme provided a personalised apology to survivors in addition to the redress scheme.

It is really important that, in addition to material reparations in the form of redress payment, that this is also accompanied by symbolic reparations in the form of an apology which acknowledges wrongdoing and harm.

An apology, properly constructed and delivered in conjunction with survivors, can provide such important acknowledgement. A meaningful apology contains five essential elements, as adopted in the first official state apology to victim/survivors of historical institutional abuses in residential care in Northern Ireland in March 2022: (1) Acknowledgement of Wrongdoing; (2) Acceptance of Responsibility; (3) Expression of Remorse/Regret; (4) Assurance of Non-Repetition; (5)) Offer of Repair/Corrective Action
[see Catterall, E. and McAlinden AM. 2018. Apologies and Institutional Child Abuse. Queen's University Belfast, Available at: https://apologiesabusespast.org.uk/assets/uploads/Apologies-Institutional-Abuse-Report_Sept-2018.pdf]
As such, consideration should be given to sequencing a further written official apology to accompany monetary redress (see McAlinden, Keenan and Gallen 2025 book, pp 305-309).

Clause 32

Time limit for applications for a payment

Comments: Provision is made for extension up a maximum of 5 years. On what basis will this be considered? This needs to be made clear within the legislation.

Clause 32(1)(a) sets a time limit of three years to make an application, starting from when the application process opens. Do you think three years is the right time frame? If not, what time limit would you suggest, and why?

Comments: Why is there a range of 3-5 years. If there is an upper limit of 5 years on extension, why not make this as 5 years as standard?

Clause 32(2) Should the Executive Office be able to extend this time period to 5 years?

Dropdown box: Yes.

***Clause 33* – *Applications for payments* –** no issues

***Clause 34* – *Priority of applications* –** no issues

Clause 35 – Power to require further information or oral evidence

Comments – see below

Clause 35. The Bill gives the Redress Service the power to compel relevant evidence from relevant organisations to support an application. Do you agree with the Redress Service having this power? Are there other powers to compel you would give the Redress Service?

Comments: Yes, this is an important element of the redress process. Engagement of relevant organisations, including religious orders is vital. Not least because access to records is a central and recurring issue for victim/survivors and is also pivotal in many cases to their being able to establish a case for eligibility to participate in an inquiry and in redress schemes. This was also a key theme arising from our research, supported by the voices of survivors, their advocates as well as lawyers

[see McAlinden, A.-M., Keenan, M. and Gallen, J. Transforming Justice Responses to Non-recent Institutional Abuses (Oxford University Press, 2025), see eg pp 308-309. Available to read for free/open access at: https://academic.oup.com/book/59821].

Clause 36 – Power to disclose information – no issues

Clause 37– Payments

Comments – see below

Clause 37. The Bill states any eligible payments should be made in one lump sum and not impact a person's eligibility for social security benefits, legal aid or residential care costs. What are your views on this clause? Would you include further exclusions of impact from a payment (such as exclusion from future payments/redress under this or different schemes)?

Comments – This makes sense as an individual should not be excluded from these state benefits because they have been a victim. Equally, given the complexities of institutionalisation and the fact that victim/survivors were often subject to harms in multiple institutionalised contexts, payment from future or different schemes should not be excluded.

Clause 38 – Right to appeal

Comments – see below

Clause 38. Is 30 days a sufficient time period to appeal against a decision to refuse an application? If not, what time period would be sufficient?

Comments – 60 days is more reasonable as 30 days is short and does not account for acute personal circumstances eg onset of serious illness or bereavement etc;

Supplementary

Clause 39

Advice and Assistance

Comments: Access to legal advice, and indeed increased supports for victim/survivors throughout inquiry and redress processes, are important elements of justice processes. This is especially true given the often vulnerable or elderly nature of some survivors. This is also confirmed by our recent research which highlights the lack of supports for survivors, including the absence of or the limited nature of legal advice, which can severely impact on the quantum of redress received [See McAlinden, A.-M., Keenan, M. and Gallen, J. Transforming Justice Responses to Non-recent Institutional Abuses (Oxford University Press, 2025), see esp Chapter 6, pp 196-199. Available to read for free/open access at: https://academic.oup.com/book/59821]. Further, given this fact, it would be preferable here if the language was expressed in mandatory terms – eg "shall make", rather than "may make"? Is there a ring fenced budget for this, separate to the anticipated costs of the redress scheme?

Clause 40 – Orders restricting disclosure of information – no issues

Clause 41 – Advisers – no issues

Clause 42 – Regulations – no issues

Part 3 – General

Clause 43 – Application to the Crown – no issues

Clause 44 – Power to make supplementary, etc. provision – no issues

Clause 45 – General interpretation – no issues

Clause 46 – Commencement – no issues

Clause 47 – Short title – no issues

References

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