

## **2.14 Deputy M.R. Higgins of the Chief Minister regarding the scheme documents supplied to claimants under the Historical Abuse Redress Scheme:**

Can the Chief Minister explain why the Scheme documents supplied to claimants under the Historical Abuse Redress Scheme do not advise that the maximum cost in the case of a failed appeal to the independent Q.C. (*Queen's Counsel*) on the level of assessment by the Scheme lawyers is capped at approximately £1,000? Is he concerned that several claimants would have appealed their awards had that appeal been made known to them?

### **Senator I.J. Gorst (The Chief Minister):**

The costs of the review are not capped at £1,000. That is the estimated cost of a review but it depends on the complexity of the case. This is stated in the Scheme Guide. The claimant's right to seek a review and the potential consequences and costs of such a review will be explained to each claimant when an offer is made to them. The claimants who have settled to date have all been legally advised and the lawyers advising are well aware of the review process.

### **Deputy M.R. Higgins:**

The Chief Minister has not answered the second part of the question. Is he aware that some of the 9 claimants to date would have appealed had they known this information?

### **Senator I.J. Gorst:**

As I said, the claimants to date have been legally advised and their lawyers are and were aware of the appeal process.

### **Deputy M.R. Higgins:**

The question was: was the Chief Minister aware of that fact? Were you aware that people were going to appeal or would have appealed had they known about that £1,000 approximate cap? Has the Chief Minister had meetings with some of the victims and heard this?

### **Senator I.J. Gorst:**

The Deputy knows that I have in the course of preparing terms of reference for a Committee of Inquiry met with care leavers and interested parties.

[11:30]

I suspect he also knows the contents of the conversations where some have felt that they might like to have made an appeal. I have of course consulted upon that and, as I said, I am informed that all those claimants so far who have received an award have been legally advised and those lawyers providing the advice were fully aware and are fully aware of the review process and the estimated cost.

### **2.14.1 Deputy T.M. Pitman:**

I am aware that the Chief Minister, Deputy Higgins and myself all met with the same people. So, if I can take that question on further, is the Chief Minister aware and is he concerned that some of those people do feel that they have been misled? Quite possibly inadvertently but they do feel that they have been misled. If that is the case, does he not feel that perhaps there is something more that needs to be done to redress that?

### **Senator I.J. Gorst:**

This is a difficult area and I am not sure that it is for me to comment on legal advice that might have been received by individual claimants. I will certainly ensure that the Scheme's lawyers continue to make it clear about the review process and therefore that those claimants who are legally advised and not legally advised are fully aware of the appeal process.

### **2.14.2 Deputy T.M. Pitman:**

Sir, could I ask a supplementary because I think it might be helpful to the Chief Minister? Is the Chief Minister aware that in the Scheme documents I have seen that were given to victims this was not made at all clear, I have to say, and I am not the only person who has looked at it. Surely that is a concern.

**Senator I.J. Gorst:**

As I said at the last sitting, there are very few claimants who are representing themselves and of course the Scheme lawyers have a responsibility to make sure that everything is explained, I expect in layman's terms, to those claimants. However, as I also said at the last sitting, the Scheme itself was developed in consultation and liaison with lawyers who were representing the majority of claimants and, therefore, I believe that we can be satisfied that they are fully aware of the appeals process and the estimated cost, and have advised their clients in light of that because they were part of developing the Scheme in the first instance.