

**Joint Oireachtas Committee on
Children, Equality, Disability, Integration and Youth**
24th May 2022

**Opening Statement by Ms. Laura McGarrigle, Assistant Secretary
General on the General Scheme of the Mother and Baby Institutions
Payment Scheme Bill**

(894 Words)

I would like to thank the Committee for inviting officials here today to discuss the draft legislation for the Mother and Baby Institutions Payment Scheme.

The Scheme is a key action in the Government's comprehensive *Action Plan for Survivors and Former Residents of Mother and Baby and County Home Institutions*. Following on from the State Apology in January 2021, the Action Plan was developed to demonstrate the State's commitment to recognising and responding to the suffering experienced, and to support survivors who were so badly failed in these institutions.

Given the Payment Scheme's scale, Government agreed that it should be grounded in statute. The legislation aims to support a user-friendly, 'one-stop-shop' approach for applicants, as well as providing for lawful access to records.

I will broadly and briefly set out what is covered by the proposed legislation.

An applicant to the Payment Scheme is referred to as a "relevant person" in the Heads of Bill. The definition of a "relevant person" encompasses a person who was resident as a child or a mother in one of the institutions listed in Schedule 1.

The Scheme will be administered by an Executive Office established within our Department. This arrangement provides the best opportunity to open the Scheme for applications as quickly as possible following enactment of the legislation. This is because we can work on setting up the Office in parallel with our work on this legislation. While the Office of the Chief Deciding Officer of the Mother and Baby Institutions Payment Scheme will be part of the Department, the Chief Deciding Officer will be statutorily independent in the performance of his or her functions. He or she will also have staff.

Heads 7 to 10 set out the general duties and powers of the Chief Deciding Officer. He or she will make determinations on applicants' eligibility to the Scheme, in accordance with criteria and processes set out later in the legislation; advertise the Scheme; prepare an Annual Report on its operation and have the power to delegate operations to the staff of the Executive Office to ensure efficient administration of the Scheme.

A number of the Heads between 11 and 24 concern the benefits available under the Scheme, as well as the application and determination process. The benefits include a general payment, a work-related payment, a form of enhanced medical card or, for those who live outside of Ireland, a once-off health support payment of €3000 in lieu of an enhanced medical card.

It is the intention that payments will be disregarded for the purposes of income tax and means assessments and work is ongoing with the Department of Health, the Department of Finance, the Department of Social Protection in this regard.

Staff of the Office will have the power to search the Commission's database and related records to assist an applicant in providing relevant information and to verify information. Staff will also have the authority to request relevant information from the bodies listed in **Schedule 2**, where relevant.

The Department is currently preparing a Data Processing Impact Assessment in relation to the processing of personal data and special category data through the Scheme and has engaged with the Data Protection Commission as required.

The eligibility criteria for each of the Scheme's benefits are included in **Heads 18, 19 and 21**. A general payment may be made to an applicant who was resident as a child in a relevant institution for six months or more, and to an applicant who was resident as a mother in a relevant institution for at least one night. A work-related payment may be payable to any mother who was in the Tuam Institution or a County Home for at least three months, as well as to a mother who was resident in another relevant institution for a minimum of three months and undertook commercial work without pay outside of that institution. The overarching rates for these payments are set out in **Schedule 3**.

Applicants who were resident in a relevant institution for at least six months will be entitled to an enhanced medical card and those who live abroad can choose a health support payment in lieu of the card.

Head 22 provides that, in order to receive a payment from the Scheme, an applicant will be required to sign a waiver. The waiver would only be signed at the point where the applicant accepts an offer so he or she will know precisely what they are being offered prior to signing. The waiver is not attached to the enhanced medical card or the health support payment.

A person can apply to the Scheme on behalf of a “relevant person” where the “relevant person” does not have the capacity to apply or has died since the date of the State Apology.

Finally, **Heads 25 to 34** provide for a number of other matters related to the administration of the Scheme, including rights of review and appeal, support for legal costs, the carrying out of independent reviews of the Scheme’s operation and the power to add additional institutions to **Schedule 1**.

Thank you again for the invitation. We are happy to take questions.