

Impact case study (REF3)

Institution: Ulster University		
Unit of Assessment: Social Work and Social Policy (20)		
Title of case study: Historical Child Abuse: changed legislation, improved redress, empowered survivors, informed policy-makers and raised public awareness		
Period when the underpinning research was undertaken: 2014 - 2020		
Details of staff conducting the underpinning research from the submitting unit:		
Name(s):	Role(s) (e.g. job title):	Period(s) employed by submitting HEI:
Patricia Lundy	Professor of Sociology	2000 – present
Period when the claimed impact occurred: 2015 - 2020		
Is this case study continued from a case study submitted in 2014? N		
<p>1. Summary of the impact</p> <p>Lundy's in-depth study of Northern Ireland's Historical Institutional Abuse Inquiry (HIAI) directly led to changes to redress legislation (<i>1.1</i>); informed Northern Ireland (NI) parties occasioning cross-party agreement on "significant" compensation improvements benefitting 5,000+ UK/IRE survivors (<i>1.2</i>) and former child migrants (FCM) transported to Australia (<i>1.3</i>); co-created –lobbying tools which empowered survivors; gave voice and informed campaigns (<i>1.4</i>); generated public awareness (<i>1.5</i>) and stimulated policy change (<i>1.6</i>). The public consultation on redress was informed (<i>1.7</i>), as were oversight and policy-making bodies: House of Commons (<i>1.8</i>), NI Affairs Committee (<i>1.9</i>), Lambeth Council (<i>1.10</i>), Committee for the Executive Office (<i>1.11</i>), and Head of NI Civil Service (<i>1.12</i>). Internationally, the research informed the United Nations (<i>1.13</i>); New Zealand Commission Forum (<i>1.14</i>) and NZ Royal Commission of Inquiry into Abuse in Care (<i>1.15</i>); and FCM in Australia (<i>1.3</i>).</p>		
<p>2. Underpinning research</p> <p>This research concerns historical institutional child abuse (HICA). Historical child abuse scandals have rocked State and Church institutions globally and often resulted in state-initiated public inquiries investigating allegations of harm and wrongdoing leading to redress. But little is known about survivor experiences, their views on inquiries and to what extent justice needs have been met. This research addresses that gap in knowledge.</p> <p>Prof Lundy undertook an in-depth study of Northern Ireland's Historical Institutional Abuse Inquiry (HIAI) which commenced its public hearing in January 2014. The underpinning research stretches back to a clearly identifiable trajectory of collaborative 'bottom-up' participatory action research (PAR). Historically, victims/survivors of child abuse have been disempowered, marginalised, and silenced. The research and PAR approach 'gave voice' and empowered survivors to <u>achieve</u> significantly improved redress outcomes; and their experiences and assessment of the HIA Inquiry provide <u>lessons</u> for other societies seeking to address the legacies of harm.</p> <p>Research aims were to:</p> <ol style="list-style-type: none"> (i) Explore victim/survivor expectations and experiences of the HIA Inquiry. (ii) Explore and determine victim/survivor justice needs. (iii) Develop an analytical tool to assess the Inquiry, from a survivor's perspective. (iv) Analyse to what extent the Inquiry met justice needs (with a focus on redress). <p>Prof Lundy was awarded a two-year Leverhulme Major Research Fellowship (2016-2018) to undertake this work. The research commenced September 2014 and was carried out solely by Prof Lundy. A mixed methods approach was employed including: 43 in-depth semi-structured interviews with survivors, five focus groups involving 75 participants; observation of the Inquiry, a post-Inquiry survey, and analysis of Inquiry evidence transcripts. Survivors' self-identified justice needs informed and shaped the development of an innovative analytical tool to analyse and</p>		

assess the Inquiry and outcomes, from a survivor's perspective (R1, R2 and R6); and to design an alternative redress model (R3, R4 and R5).

In line with a PAR approach, a **Panel of Experts on Redress** was established in collaboration with survivor groups. This 'bottom-up' initiative crossed the boundaries of academia and civil society. It included survivor groups, Amnesty International, activist-lawyers and academics (national and international). Panel member Prof Mahoney (Calgary University) exchanged information about Indian Residential Schools in Canada and the compensation measures achieved. The survivor-led **Panel of Experts** empowered survivors to speak out and be heard more effectively. To this end, Prof Lundy's research was used to **co-create** with the Panel lobbying and campaign 'tools' (R4, 5, and 6). These reports and briefing papers were published, distributed widely, and used to brief political parties, senior civil servants, Religious Orders, and survivors in a series of 'closed' and public meetings. The reports were publicly launched at well attended meetings in the Northern Ireland Assembly. Prof Lundy visited **Australia** to brief and engage directly with former child migrants (FCM) and groups in Perth and Melbourne. As evidenced below, this gave voice to FCM, and informed their campaign and submissions to the public consultation on redress (C8).

Key research findings:

- The HIA Inquiry re-traumatised/re-victimised many survivors who testified; it was adversarial and insensitive disclosure that caused distress (R1, R2 and R6).
- The Inquiry's redress recommendations fell short in meeting survivor justice needs.
Key shortfalls: low levels of compensation, restricted eligibility cut-off date, limitation on compensation to families of deceased (i.e., 75%); disentitlement owing to previous civil proceedings, loss of opportunity excluded; the proposed composition of the Redress Board was restricted to single-judge adjudication; oral evidence disallowed (R3, R4 and R5).

Prof Lundy's research directly informed alternative and improved redress proposals (R3, R5 and R6). As discussed and evidenced below, almost all of the proposed improvements were implemented. The amended legislation passed through Westminster in November 2019, significantly improving the HIAI original redress recommendations.

3. References to the research Outputs can be provided by Ulster University on request.

Peer Reviewed Articles

R1: Lundy, Patricia. (2020), "I just want justice": Assessing the Impact of Historical Institutional Child Abuse Inquiries from the Perspective of Survivors, *Éire-Ireland*, Special Issue: Towards Transitional Justice in Ireland: Addressing the Legacies of Harm, 55: 1 & 2.

R2: Lundy, Patricia (2020), (with Hamber, B.), "Lessons from Transitional Justice? Towards a new reframing of a victim-centred approach in the case of historical institutional abuse", *Victims and Offenders*, DOI: 10.1080/15564886.2020.1743803.

R3: Lundy, Patricia (2018), (with Mahoney, K.), Representing Survivors: A Critical Analysis of Recommendations to Resolve Northern Ireland's Historical Child Abuse Claims. *Annual Review of Interdisciplinary Justice Research (IJR)*, *Representing Justice*, Vol 7: 7. pp. 258-291.

The above outputs were subject to blind peer-review by international editorial boards.

Reports/Briefing Papers

R4: Lundy, Patricia (March 2016) *Historical Institutional Abuse: What Survivors Want From Redress*. Panel of Experts on Redress Report

R5: Panel of Experts on Redress (April 2017), *Response to Historical Institutional Abuse Inquiry Redress Recommendations: The Panel of Experts on Redress Position Paper and Recommendations*

R6: Lundy, Patricia (2020), *Through the lens of survivors: Lessons from the Northern Ireland Historical Institutional Abuse Inquiry*, Briefing Paper

The above outputs were enabled as direct result of the Lundy Research Grant: Leverhulme Trust Major Research Award; 2-years (Sept 2016- Sept 2018); GBP 93,528. Project Title: Making

Amends for Historical Wrongs? An analysis of victims' and survivors' views and experiences of the historical Institutional Abuse Inquiry NI.

4. Details of the impact

Impact 1: Changed Redress Legislation

The research led directly to “significant changes” to redress legislation (I.1, I.2, I.3; R3-5). Prof Lundy’s evidence-based research showed that the HIAI redress recommendations published in January 2017 fell short in meeting survivors’ needs (as outlined in Section 2). Prof Lundy’s research, as detailed in the co-created Panel of Experts Report (R5), made comprehensive recommendations to improve the redress package. The changes made to redress legislation because of Lundy’s research are detailed in the testimonials of Australian advocacy group Tuart Place (C8), Amnesty International (C7) and Rosetta Trust (see also C9; and C1, C2, & C10). The changes include (i) enhanced compensation i.e., the standard payment was increased from £7,500 to £10,000; (ii) eligibility cut-off date was extended back from 2011 to Sept 1953, increasing the scope of eligibility by a total of 58 years; (iii) compensation to families of the deceased was adjusted from 75% to 100%; (iv) previous civil proceedings and settlements will not disallow entitlement to compensation; (v) the Redress Board was changed to multidisciplinary panels replacing single-judge led adjudication; and oral evidence (via video).

Impact 2: Informed Political Parties

The research informed NI political parties, stimulated dialogue and debate and occasioned cross-party agreement resulting in significant changes to draft redress legislation (I.1, I.2, I.3). This is evidenced and reflected in the trajectory of two letters signed by all the NI political parties, and in the Queen’s Speech. In a letter to David Stirling (Head of the NI Civil Service) the NI political parties stated that: *“...the Panel of Experts which represents all four victims’ and survivors’ groups, following extensive consultation with survivors, has published its detailed response to the recommendations for redress in Position Paper (April 2017). It is clear that survivors wish to see improvements to the recommendations put forward by the Inquiry. We ask that you task officials from the Executive office to work closely with the Panel to co-design a redress process that appropriately meets the needs of survivors.”* (C1). In the second signed letter, to the then Secretary of State Karen Bradley, the political parties gave consent to specific amendments (C1). The amendments itemised in the letter can be mapped directly onto Prof Lundy’s research outputs (R3 & R5), particularly the co-created Panel of Experts Position Paper as mentioned in the political parties’ letter to David Stirling (R5). The Queen’s speech noted: *“the UK Government is acting on the request of Head of the Northern Ireland Civil Service and the Northern Ireland Parties to enact legislation which... incorporates additional recommendations made by the Northern Ireland Parties”* (C3). The changes are subsequently reflected in the amended Historical Institutional Abuse (Northern Ireland) Act 2019 (C2) which passed through Westminster November 2019 (see also C7, C8, & C9).

Impact 1, 2 and 3 –Significant Changes to Compensation Benefiting Survivors

These significant changes resulted in more just outcomes for abuse survivors. A conservative estimate is that approximately 5,000 survivors in NI and Ireland, as well as FCM transported to Australia will benefit from the changes. As the Director of Tuart Place notes: *“the research identified specific shortcomings and provided alternative recommendations (i.e., solutions to the problem)... each of these changes have benefited former child migrants in Australia and expanded eligibility and enhanced compensation. These are particularly important changes which have been a direct result of Prof Lundy’s research and collaborative work with survivors”* (C8). The Chairperson of Rosetta Trust remarked that, *“her research and work with the Panel was of direct benefit to survivors in NI and beyond – Australia, America, Europe and UK. In that regard... to oversee and achieve the long-awaited justice owed to historical abuse survivors underpins the huge dedication and impact Professor Lundy has undoubtedly made”* (C9). As Amnesty International notes, *“in monetary terms, the collective difference in benefit to survivors will likely constitute millions of pounds in government redress payments which would otherwise not have been received”* (C7).

Impacts 4, 5 & 6 and 12: Voice, Informed Campaigns, Simulated Policy Change

The research and PAR approach empowered and informed victims and stimulated more effective redress campaigns (I.4; C7, C8, C9). As Amnesty International Programme Director notes, *“Prof Lundy’s research and collaboration with the Panel of Experts on institutional abuse informed and influenced Amnesty’s work in this area. Her leadership and clear vision for this work in 2015 convinced Amnesty to incorporate campaigning for a gold standard redress scheme for HIA victims into our NI plans for that and subsequent years”* (C7). The research informed co-created lobbying ‘tools’ (R4, 5, 6) gave voice to marginalised, silenced and frequently unheard voices (C7, C8, C9, C10). As one survivor group representative put it, *“I know the huge workload undertaken by Professor Lundy and the Panel of Experts will forever be remembered for being the voice of a people and a generation who suffered horrific abuses who were despicably discarded and abandoned by the state who failed them profoundly...”* (C9; see also C7, C8). The co-created reports and briefing papers were widely disseminated, published and publicly launched in Stormont. These events attracted extensive media coverage and generated public awareness (I.5; C10). As Amnesty International Programme Director states, *“the research papers... had a huge impact on public and political discourse, setting out a significant challenge to the recommendations made by Sir Anthony Hart’s Inquiry, which were then translated into proposals for implementation by government”* (C7). Utilising the co-created ‘tools’, Prof Lundy and the Panel of Experts engaged in sustained dozens of briefing meetings and roundtables with NI political parties, Secretary of State (various), UK MPs, senior civil servants, religious orders and lawyers. The research, and sustained engagement with David Sterling (Head of NI Civil Service), and other senior civil servants, informed and stimulated policy change (I.6, 1.12). This is reflected in minutes of meetings and a letter from David Sterling to victim groups (C1; C7, C8, C9). It is also reflected in the following quote, *“this series of evidence-based engagements with political and government decision-makers shifted official acceptance of the HIA Inquiry recommendations and towards the policy recommendations set out by the Panel of Experts process”* (C7). Prof Lundy visited Australia in 2017 to carry out a series of research briefing meetings with FCM and advocacy groups in Perth and Melbourne (I.3). This direct engagement informed FCM, their redress campaign and submissions to the public consultation on redress legislation (I.3, I.4; C8). As the Director of Tuart Place survivor group notes, *“we regard Professor Lundy’s approach to advocacy as a best practice model with regard to the empowerment and meaningful engagement of survivors. Too often, outcomes and policies are put in place without proper consultation with the survivors who are directly affected by them. Patricia’s work has empowered this group and given them a voice... Prior to this involvement, Northern Irish former child migrants had not been consulted in this way, nor provided with an opportunity to participate in advocacy”*. (C8)

Impact 7: Informed Public Consultation on Redress

Likewise, the many public meetings, workshops and private research dissemination activities organised in collaboration with the Panel of Experts across NI informed a wide cross-section of victims and other stakeholders. This sustained engagement directly informed survivors’ submissions to the public consultation on draft redress legislation (government received 562 submissions) (I.4, I.5, I.7; C7, C8, C9). Amnesty International in collaboration with the Panel of Experts created a ‘survivor friendly’ website which offered guidance on the public consultation. The guidance included online copies of the Reports and Briefing Papers.

Impacts 8, 9, 10, 11 and 13: Informed Oversight & Policy-making Bodies

The research informed parliamentarians and stimulated policy debate in the House of Commons (I.8). As one MP stated, *“Professor Patricia Lundy gave evidence to our Northern Ireland Affairs Committee on these issues... There should be no surprises when they come to legislating”* (C3). The research informed policy scrutiny. Prof Lundy was called to give expert witness oral evidence to Westminster NI Affairs Committee (I.9; C3) and to the scrutiny committee for the Executive on two occasions (I.11; C3). The evidence prompted debate and questions to be raised in the House of Commons and Assembly on redress (C3). As reflected in the quote above, *“this series of evidence-based engagement... shifted official acceptance of the HIA Inquiry recommendations...”* (C7). The research informed the work of the United Nations (I.13). Prof Lundy was invited to brief the Special Rapporteur for Children and UN member countries at 34th Session of the UN Human Rights Council, Side Event: ‘Tackling illegal adoptions and addressing the rights of victims’ (C4). The research (R4) informed Lambeth Council (London) discussions on a redress scheme

regarding Shirley Oaks Children's Home (I.10). This led directly to Prof Lundy being invited to review the Council's early draft redress scheme (C5).

International Impact: 14 & 15

In addition to the impact of Lundy's work in Australia, her research has informed the New Zealand Royal Commission of Inquiry into Abuse in Care (I.15) and the Royal Commission Forum (I.14). As Commissioner Erueti states, "*I have shared Prof Lundy's work with my fellow commissioners and incorporated her ideas and suggestions into our discussions on survivor's well-being and private sessions, and survivors' experience in our public hearings.*" (C6). The Forum which provides independent feedback to the Royal Commission of Inquiry in its Preliminary Review endorsed Prof Lundy's research and cited the 11 survivor justice needs identified in her research as a recommendation; a copy of her research Briefing Paper was included in the Forum Report submitted to the Royal Commission of Inquiry (I.14; R6; C6).

5. Sources to corroborate the impact

C1: Informed Political Parties and Policy-makers leading directly to significant amendments to redress legislation - evidenced in two letters signed by all five NI political parties to Head of NI Civil Service and the then NI Secretary of State giving cross-party consent to 'significant changes' to redress legislation; and reflected in the Queen's Speech, plus, letter from Head NI Civil Service to survivor groups (see also Executive Office documents below).

C2: Institutional Abuse (Northern Ireland) Act 2019. The Act and the following document show the subsequent changes made to redress legislation. The amendments map directly onto the changes itemised in the cross-party agreement letter. Historical Institutional Abuse Presented to Parliament pursuant section 3(14) of the Northern Ireland (Executive Formation etc) Act 2019. This document describes findings of the public consultation on redress which informed the Head of the NI Civil Service subsequent Position Paper to NI Political Parties – this is stated in page 5 (para 1-3). Lundy's research directly informed survivor submissions to the public consultation.

C3: Oversight and policy-making bodies were informed. This source contains Executive Office documents (direct link to Lundy's research and engagement with policymakers): Historical Debate in House of Commons; Prof Lundy was called to give expert witness oral evidence to Westminster Northern Ireland Affairs Committee; Prof Lundy was called twice to give oral evidence to The Committee on the Executive See evidence, Hansard Sept 2016 and Jan 2017.

C4: The Special Rapporteur for Children, United Nations. 34th Session of the UN Human Rights Council, Side Event – 'Tackling illegal adoptions & addressing rights of victims'.

C5: Head of Risk and Insurance, Lambeth Council, London/UK, Testimonial.

C6: Commissioner, New Zealand Royal Commission of Inquiry, Testimonial & Forum Report.

C7: Head of Nations and Regions / NI Programme Director Amnesty International, Testimonial.

C8: Director, Tuart Place, Former Child Migrant (FCM) Advocacy Group, Australia, Testimonial.

C9: Chairperson, Rosetta Trust, Survivor Advocacy Group, NI, Testimonial.

C10: Media coverage:

- **Irish News** May 2016, 'Victims of historical abuse seek redress for ordeal at Stormont'.
- **RT Question** March 2016, 'Child Abuse survivors demand redress from N. Ireland Executive'.
- **Derry Now** November 2019, 'Historical Abuse redress legislation passed at Westminster'.