

JESUIT REDRESS SCHEME FOR VICTIMS OF CHILD SEXUAL ABUSE

1. The Irish Province of the Society of Jesus and the individual members of the Jesuit Order and the Trustees of Jesuit Schools and other Charitable institutions (the “Jesuits”) apologise unreservedly for the suffering pain and damage caused to victims and survivors of child sexual abuse perpetrated by members of the Jesuit Order.
2. The Society is now seeking to respond to the needs of victims of Child Sexual Abuse perpetrated by members of the Irish Province of the Society of Jesus and that response includes several strands. Those strands include the provision of access to counselling services, along with the placing of the names of certain Jesuits in the public forum. The Society has also fully engaged with State Agencies and is committed to ensuring best practice for child protection is adhered to throughout its Schools and institutions.
3. The Jesuits wish to place victims and survivors of child sexual abuse at the centre of their response to the actions of certain members of the Irish Province. The Jesuits have stated their commitment to offering restorative and restitutorial processes to victims of child sexual abuse committed by members of the Irish Province of the Jesuit Order. The following Scheme constitutes part of that process.
4. The purpose of this Scheme is a means by which those who suffered Child sexual abuse perpetrated by members of the Irish Province of the Society of Jesus who have not previously been compensated for that abuse may obtain reasonable compensation without the need for lengthy investigation and litigation. This Scheme is voluntary in nature and without prejudice to either parties’ rights to pursue litigation.
5. The Scheme is for direct loss or damage and is subject to available funds and will operate for a period of 2 years from the 8TH February 2024 following which its operation will be reviewed.
6. This Scheme will be operated by the Jesuits. Participation in this Scheme will protect an Applicant from legal arguments about limitation periods and delay in seeking compensation (in accordance with relevant legislation) being raised as a defence by the Jesuits during the period of the Applicant’s participation in the Scheme. For the avoidance of doubt if a claim is not resolved within this Scheme then limitation may be raised thereafter (although the Jesuits will agree the limitation periods should be stayed for the duration of an individual’s participation in the Scheme, but only for such period).
7. If an Applicant has an ongoing claim against the Jesuits relating to the same matters referred to in his Scheme Claim Form (set out in Appendix 1) then for the time being during which an application is made and considered that claim and any associated proceedings will be stayed.
8. Solicitors acting on behalf of the Jesuits will engage proactively with solicitors representing applicants in an effort to resolve matters prior to their entry into the Scheme. This Scheme will be available in the event that it is not possible to resolve matters through prior negotiation between the respective parties’ legal advisors. Matters which it is not possible to settle prior may be entered into the Scheme where the application will be assessed by an independent private tribunal comprising a Senior Counsel or a Retired High Court Judge nominated by the Irish Province of the Society of Jesus and two Junior Counsel, appointed by that Senior Counsel or Retired Judge. In assessing all applications the Panel will have regard to the available information and the Personal Injury Guidelines adopted by the Judicial Council on the 6th March 2021 and will make their decision on the balance of probabilities.

9. The Jesuits in considering the quantum of compensation offered by way of settlement under the Scheme and/or the independent tribunal in making an assessment may take into account potential liabilities of other parties to the claimant for the same abuse and whether an abatement of the compensation offered or assessed is appropriate in respect thereof.
10. Agreement to settlement pursuant to the Scheme will be in full and final settlement of the claim made against the Jesuits including all legal entities identified above. For the avoidance of doubt, by accepting a settlement an Applicant waives his/her right to pursue a claim against the Jesuits or any Jesuit School or Institution (“the Schools and Institutions”) or any individual member of the Jesuit Order, their servants or agents for all claims, losses or damages arising out of the circumstances identified in their application. In the event of an Applicant having ongoing proceedings against the Jesuits or the Schools they will be discontinued upon settlement.
11. The process for applying to and details of how the Scheme will operate is as specified in this document and any further documentation approved by the Jesuits.

Participation in the Scheme

12. The criteria for making an application in the Scheme are as follows:
 - (i) Applicants can demonstrate credible evidence that the Applicant was sexually abused by a member of the Irish Province of the Society of Jesus;
 - (ii) Such sexual abuse occurred prior to the Applicant’s eighteenth birthday;
13. The criterion for acceptance of an application for consideration within the Scheme is that the Society has confirmed in writing to the Applicant, through its solicitors, that the application may properly be dealt with by the Scheme, the Society having satisfied itself that the application meets the bona fide intentions of the Scheme and that no third party right could potentially be infringed through the making of an award under the Scheme.

Documentation

14. To participate in this Scheme an Applicant will complete and submit a Scheme Claim Form in the form set out in Appendix 1 and provide such relevant accompanying documentation as is available. The Applicant or their solicitor shall submit, on behalf of the Applicant, a Medical or Psychiatric Report and Narrative from the Applicant and any other relevant party, for example a spouse or family member, detailing the abuse and sequelae of that abuse.
15. The legal representatives for the Jesuits may raise, without prejudice, Notice for Particulars and upon receipt of Replies to such Particulars may make Submissions.
16. In the event that the Jesuits, in their absolute discretion, have any concerns in relation to such Medical or Psychiatric Reports as may be furnished on behalf of the Applicant, or in the event that no such Medical or Psychiatric Reports have been furnished, the Jesuits may seek to have a Medical or Psychiatric Report prepared on their behalf for the Applicant and the Applicant will make themselves available for the preparation of such Report.
17. The Jesuits may seek additional documentation to vouch or evidence aspects of an Applicants Claim.

18. The Tribunal will consider all reports, documentation and submissions and issue an award in line with the Judicial Council Personal Injury Guidelines.
19. Either party may in their absolute discretion confirm, at any time prior to the making of an award by the Tribunal that in their belief the case is an unsuitable one to proceed within the Scheme and in the event either Party gives notice in writing to the other Party and to the Tribunal then the Claim shall be removed from the Scheme and the applicant shall be at liberty to pursue the case through the Courts.

Award

20. The award will be open for acceptance by both parties (that is the Applicant and the Jesuits) for a period of 21 days.
21. If the award is rejected by either party there will be an oral hearing before the Tribunal following which the Tribunal will then either confirm the initial award or issue an amended award which will again be open for acceptance by both parties for a period of 14 days.
22. If the award is still rejected by either party then the claim may be litigated in the Courts.
23. Scheme Administrators will be appointed to administer the Scheme and to check applications and associated evidence and make requests for missing information on behalf of the Tribunal or to provide information to and act as secretariat to the Tribunal and to liaise with Applicants and their legal advisors.
24. All awards shall be paid net of Recoverable benefits due to the Department of Social Welfare and Statements of Recoverable Benefits will be required.

Costs

25. Applicants whose claims are agreed pursuant to this Scheme are entitled to payment of legal costs in accordance with the table in Schedule 1.

SCHEDULE 1

Where an applicant accepts an offer made by the Initial or Review Decision Panel costs will be paid in accordance with Table 1

Table 1

<i>Compensation award</i>	<i>Costs for solicitor</i>	<i>Costs for Counsel</i>
Above €10,001 but no more than €20,000	€2,500 (plus VAT)	
Above €20,001 but no more than €50,000	€5000 (plus VAT)	
Above €50,001 but no more than €75,000	€7,500 (plus VAT)	€3,500 (plus VAT)
Above €75,001 but no more than €90,000	€9,000 (plus vat)	€4,500 (plus vat)
Above €90,000	Costs to be agreed between respective parties' solicitors and costs to be adjudicated in default of agreement	Costs to be agreed between respective parties' solicitors and costs to be adjudicated in default of agreement

APPENDIX 1
Scheme Claim Form

Applicant's Name (including all former names)	
Date of Birth	
PPS Number	
<p>ID – Please provide the original or solicitor's certified copy of two of the following documents:</p> <ul style="list-style-type: none"> (a) Passport (b) Driving Licence (c) Birth Certificate (d) Marriage Certificate (e) A recent electricity, gas or other utilities bill (f) Any other vouching document vouching identity e.g. Deed Poll 	
Address	
Name of Solicitor	
Details of Alleged Jesuit Perpetrator	
Did the abuse occur when you were attending a School or College – if so please provide details and dates and times of your attendance	
A summary of the allegations including the nature of the Abuse and the alleged perpetrators of the Abuse. Such summary to also as far as possible identify dates (or months or years if exact dates unknown) when the Abuse occurred along with locations for the Abuse	
Details of any notification of Abuse to the Gardai, the Jesuits, or any other third parties along with copy statements where available	
Details of any other abuse suffered by the Applicant which are unconnected to the abuse set out in this application	

<p>Details of any psychiatric/psychological damage suffered</p> <p>Have you previously claimed or received compensation in respect of Child Sexual Abuse? If so please furnish details</p>	
<p>A brief history of the applicant's life since the abuse including details of education, employment, periods of unemployment including periods of ill health or any time spent in prison</p>	
<p>Please confirm details of and as relevant provide copies of any supporting documents</p>	

I confirm that I have not received any financial compensation previously in respect of the abuse claimed in this application.

I further confirm that any financial redress and costs agreed to be paid in connection with my application shall be paid to

- a. Me; or
- b. My legal representative who shall account as may be appropriate to me
(Please delete which does not apply)

and shall be paid net of any Social Welfare Recoverable Benefit which shall be discharged by the Jesuits as required by law and I shall complete a Receipt and Discharge on receipt of such financial redress and costs in a form to be agreed between by my solicitor and the solicitors for the Jesuits.

Signed

Dated