



Northern Ireland Affairs Committee

Committee Office House of Commons London SW1A 0AA

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From the Chair

Simon Hoare MP

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Rt Hon Stephen Timms MP
Chair, Work and Pensions Committee
House of Commons
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Dear Will

I find myself having to express my deep concern that the matter of benefit eligibility for British-resident claimants of compensation for Historical Institutional Abuse (HIA) remains unresolved. I have endeavoured to communicate with your Department on several occasions on this topic, but owing to what I can only describe as 'radio silence', I remain in the dark as to what steps, if any, are being taken to tackle this long outstanding issue.

By way of background, the HIA Inquiry opened its investigation in 2012 of whether and how institutions failed in their duty of care to children between 1922 and 1995 and whether survivors of HIA were entitled to compensation. The independent HIA inquiry closed in June 2017 after 223 days of hearings. It recommended that survivors should receive financial compensation to be administered by a redress board. The key word here is **compensation**, a financial payment to compensate for abuse; it is not a benefit either in kind or in lieu.

Compensation payments for victims of HIA range between £10,000 and £80,000. However, this life-changing payment can negatively affect HIA survivors, because it relates to welfare assessments. Many people who experienced HIA rely on social security benefits. It is imperative, and I believe a statement of natural justice, that the payment of compensation does not, cannot and will not affect benefit eligibility. That concept isprecedented. For example, the Department of Health-funded Thalidomide Grant can provide claimants with up to £36,000, which is wholly disregarded in assessing benefit eligibility.

HIA survivors reside in both Great Britain and Northern Ireland. Social security is devolved to Northern Ireland. Although the benefits system in Northern Ireland broadly mirrors that in Great Britain, the two systems are subject to separate legislation. Benefit claims by Northern Ireland residents are not affected by compensation for HIA,



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regardless of how much compensation they receive. Section 15(3) of the Historical Institutional Abuse (Northern Ireland) Act 2019 states that "an award of compensation under this Part is to be disregarded for the purposes of an assessment of a person's eligibility for a social security benefit the entitlement to which depends on the carrying out of a means test". However, that provision only covers compensation paid to survivors of HIA who reside in Northern Ireland.

On 4 September 2020, I tabled a Written Parliamentary Question [WPQ 85078] inquiring whether HIA compensation payments would be considered in establishing eligibility for benefits in Great Britain. On 9 September 2020, you replied that "With regard to Great Britain, currently payments made from the scheme would be treated as capital sums, with those sums taken into account in the calculation of all of the benefits mentioned above". That Written Answer confirmed that HIA survivors who reside in Great Britain will have their benefit eligibility negatively affected by compensation payments, while HIA survivors who reside in Northern Ireland will have their compensation payments disregarded from benefit assessments. This is not a good or sustainable place to be.

In that Written Answer, you observed that "Northern Ireland, Great Britain and Treasury officials are working together on how payments from the scheme should be treated in Northern Ireland." I observe that the Historical Institutional Abuse (Northern Ireland) Act became an Act of Parliament in November 2019.

On 20 October 2020, the Northern Ireland Affairs Committee met you to discuss the disparate effect of HIA compensation payments on benefits eligibility across the UK. Following that meeting, NIAC Members concluded that various solutions were available and that the DWP was seized of the urgency of this issue. However, no further action appears to have taken place since that meeting. Indeed, the dead bat approach suggests a desire within your Department for the issue to go away. I am afraid that it will not.

It is indefensible that the effect of HIA compensation payments on benefits eligibility should depend on where survivors choose to reside in the UK. That is to pile insult upon injury. The DWP and other Departments must act now to ensure that benefit eligibility is not affected by receipt of HIA compensation payments. HIA compensation payments must be universally disregarded from benefit eligibility assessments and given the same status in the benefits system in Great Britain as they are in Northern Ireland. We need to be compensating for abuse not punishing for residency choices within our United Kingdom.

The situation is urgent. Please endeavour to respond to this letter within a week (16 February). HIA survivors have, by definition, already suffered state-sanctioned abuse. They do not deserve a second dose.

Simon Hoare MP
Chair, Northern Ireland Affairs Committee