

## The Independent Assessment Process

### Overview for former residents of Kivalliq Hall

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#### The Indian Residential Schools Settlement Agreement

The Government of Canada, lawyers representing former students, the Churches, the Assembly of First Nations, The Inuit, and other Indigenous organizations worked together towards a fair, comprehensive, and lasting resolution of the legacy of residential schools. Negotiations led to the Indian Residential Schools Settlement Agreement (IRSSA), which promotes healing, education, truth and reconciliation, and commemoration.

The multi-billion dollar Settlement Agreement came into effect on September 19, 2007. It is the largest out-of-court settlement in Canadian history. The IRSSA is made up of five components, each with a different objective. The Independent Assessment Process (IAP) is one of these components and is administered by the Indian Residential Schools Adjudication Secretariat (IRSAS).

#### The Indian Residential Schools Adjudication Secretariat (IRSAS)

The mandate of IRSAS is to implement and administer the IAP under the direction of the Chief Adjudicator in an independent, fair, and impartial manner. Secretariat staff screen applications and provide support services for claimant hearings.

#### The Independent Assessment Process

The IAP is a non-adversarial, out-of-court process to resolve claims of sexual abuse, serious physical abuse, and other wrongful acts that have caused serious psychological harm to former students of Indian Residential Schools. The IAP is the only option for former residential school students to resolve these claims, unless they opted out of the Settlement Agreement.

The deadline for former residents of Kivalliq Hall to apply for the IAP is **January 25, 2020**.

#### Independent Assessment Process (IAP) Hearing

Most claimants who are admitted into the IAP will attend a hearing to resolve their claim.

Claimants can expect a fair, impartial, safe, supportive, culturally appropriate and respectful IAP hearing. The hearing is overseen by an adjudicator, a neutral decision-maker. For many claimants, a hearing is not just a place to make a claim. It is also an opportunity to share their experiences in detail, often for the first time. The hearing provides claimants the chance to explain what happened to them at residential school and how it affected their lives.

As of March 31, 2019, IRSAS had received 38,257 applications for compensation under the IAP. To date 99% (38,178) of received claims have been resolved and more than \$2.136 billion has been awarded by adjudicators to claimants as compensation for the abuse they suffered at Indian Residential Schools.

"Telling Your Story: The Indian Residential Schools Independent Assessment Process" is a video that has been produced to help former residential school students with a claim under the IAP to prepare for their hearing. You can watch it on YouTube here (*available in English and in French only*).

[https://www.youtube.com/watch?v=4rxsPJ\\_tf3U&feature=youtu.be](https://www.youtube.com/watch?v=4rxsPJ_tf3U&feature=youtu.be)

## **Independent Assessment Process (IAP) Post- Hearing**

After the hearing is complete, there may be additional steps required by the adjudicator before he or she can write the decision. Once all post hearing work is complete a Notice of Decision will be sent to the claimants within 45 - 60 days. The decision tells claimants whether they will receive compensation or not. If compensation is awarded, the decision will include the amount the claimant will receive. The decision also explains the reasons why the decision-maker came to that conclusion. If the claimant or other Parties are not satisfied, they can ask for a review of the decision.

If a lawyer represented the claimant in the process the adjudicator will also review the legal fees that they charged to make sure they are fair and reasonable. The adjudicator's fee ruling will be sent to the claimant as well as the legal counsel. If the Parties are not satisfied, they can ask for a review of the legal fee ruling as well.

For more information on the steps after an IAP hearing, please review the pamphlet 'After your Hearing'.

For more information on the Independent Assessment Process please visit our website:

<http://www.iap-pei.ca>

An information video about the IAP is also available on our website:

<http://myrecordsmychoice.ca/videos-eng.php>

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