

Implementation of the Indian Residential Schools Settlement Agreement

Information Update on the Independent Assessment Process

1. Latest statistics about the Independent Assessment Process:

INDEPENDENT ASSESSMENT PROCESS (From Sept. 19, 2007 to Nov. 22, 2010)		
1	Initial projected number of IAP Applications at launch of process	12,500
2	Current projected number of IAP Applications	25,000
3	Number of Applications Received (IAP and Alternative Dispute Resolution)	18,826
4	Hearings Held	7,422
5	Claims resolved <ul style="list-style-type: none"> o through decisions (with award) o through decisions (without award) o through negotiated settlement 	7,326 6,345 287 694
6	Hearings Currently Scheduled / In Scheduling Process	1,730 / 496
7	Projected Hearings Annually (2010-2011)	3,350 to 3,800
8	Total Payments	\$848,466,139
9	Initial Projected Average Payment, including Legal Costs	\$86,000
10	Current Average Payment, including Legal Costs	\$122,810
11	IAP Decision Reviews Requested	144
12	IAP Decision Reviews Processed by Deputy Chief Adjudicators	69
13	IAP Appeals to the Chief Adjudicator	28
Applications accepted until September 19, 2012		

Note: Statistics include Alternative Dispute resolution (ADR) claims

Overall guiding principles

- The Independent Assessment Process (IAP) is a claimant-centred, non-adversarial, out of court process for the resolution of claims of sexual abuse, serious physical abuse, and other wrongful acts suffered at Indian Residential Schools (IRS).
- The IAP is one element of the Indian Residential Schools Settlement Agreement, which aims to bring a fair and lasting resolution of the legacy of residential schools. The court-approved Settlement Agreement was negotiated by representatives from various Aboriginal organizations, church representatives, legal representatives for former students, and the Government of Canada.
- The Indian Residential Schools Adjudication Secretariat (Secretariat) remains committed to implementing and administering the IAP under the direction of the Chief Adjudicator in an independent, objective and impartial manner.
- The Secretariat and the parties to the Settlement Agreement encourage all claimants to be represented by legal counsel.

2. Current service standards for processing IAP claims (May 2010)

- Initial Admissions Review (all cases):
 - o Objective: 90% within 10 business days from reception
 - o Current processing time: 6 days from receipt of Application
- Secondary Admissions review (20% of cases not admitted at initial review):
 - o Objective: 22 business days from reception
 - o Current processing time: 14 business days from reception
- Submission of mandatory documents from claimant/claimant counsel:
 - o Objective: 135 calendar days
 - o Current: 296 calendar days average
- Submission of documents from INAC:
 - o Objective: 165 calendar days
 - o Current: 116 calendar days average (October 2010)

- Hearings:
 - Objective: maintain inventory of up to 300 “ready to schedule” files
 - Current: inventory of 623 “ready to schedule files”
 - Objective: offer hearing within 22 business days after file readiness, depending on party availability
 - Current: 100% offered hearing within 22 business days subject to party availability
- Decisions:
 - Objective: 90% of decisions issued within 45 business days following final submissions
 - Current:
 - Short Form Decisions: 12 business days (hearing to decision)
 - All other decisions currently average 100 business days (hearing to decision)
- Payment of awards
 - Objective: 80% paid within 20 days after the review period
 - Current processing time: 89% paid within 20 days after the review period (October 2010)

3. Issues

Issue #1 – Mandatory Document Delays

- The largest source of delay in the hearings process is the submission of mandatory documents by claimant/claimant counsel. Currently, 2,237 claims have been in the document collection stage for more than nine months.
- The IAP relies on medical, educational and income documents to support the claims, and these documents must be submitted before a hearing date is offered. The Adjudication Secretariat continues to examine ways to help the parties improve their document production.

Issue #2 – Total Number of Applications

- Approximately 448 applications are received each month. About 91% of applications are admitted to the process.
- The projected number of IAP applications has increased from 12,500 to 25,000.
- The Secretariat and Canada are taking steps to ensure that all files are processed in a timely manner.

Issue #3 – Decision Delays

- The Chief Adjudicator and the Secretariat are working together to reduce the delays in release of decisions. The Short Form Decisions are released quickly and there have been improvements to the release of decisions in cases that do not require psychological/medical assessments or witness hearings (also know as Persons of Interest hearings).
- Claims that require psychological/medical assessments or witness hearings require much more time to move from the claimant hearing stage to the decision stage. For example, a medical assessment (which requires a report to be written) can add 150 days or more. While these processes are being streamlined, the time required will still be significant.

Issue #4 – Payment of awards (INAC)

- Over the last year, INAC has streamlined the payment process for IAP represented claimants (93% of claimants) from 124 days (May 2009 Audit) to 93% paid within 20 days after the review period.

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