



**State Compensation Scheme to
compensate persons who have suffered
harm/injury whilst in the care of Kerry
CAMHs in the period 1st July 2016 to 19th
April 2021, identified as those affected
by the events outlined in the Maskey
Report.**

**Frequently Asked Questions (FAQ)
A Guide to Compensation.**

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| <p>Why am I getting this letter and this document?</p> | <p>The Maskey review into the care at the South Kerry Child and Adolescent Mental Health service was completed recently and the report published in full on the 26th January 2022.</p> <p>As you (or your child) were one of the people identified as those affected by the events outlined in the Maskey Report, we wrote to you setting out the general findings and recommendations in the report, and apologised for the shortcomings in your (or your child's) care.</p> <p>We are writing to you now, to inform you that a State Compensation Scheme has been established for those who suffered harm or injury whilst in the care of the Child and Adolescent Mental Health service as identified through the Maskey Report.</p> |
| <p>What is a State Compensation Scheme?</p> | <p>A State Compensation Scheme is a non-adversarial Scheme set up to compensate people who have suffered injury or harm whilst in the care of or attending a service provided by the State.</p> |
| <p>How will this Compensation Scheme help me (or my child)?</p> | <p>This State Compensation Scheme is designed to provide full compensation, and clinical supports, if required, to those who suffered harm or injury as identified through the Maskey Report.</p> |
| <p>How do I (or my child) know if I (or my child) qualify for compensation?</p> | <p>To qualify to receive compensation, you (or your child) must have suffered harm or injury whilst attending Kerry CAMHS from 1st July 2016 to 19th April 2021 as identified as those affected by the events outlined in the Maskey Report, and have been notified by CAMHS.</p> |
| <p>How do I apply for the Scheme?</p> | <p>If you (or your child) wishes to apply for compensation, you can do this through your/your child's solicitor by writing to the HSE stating your intention to be admitted to the Scheme.</p> <p>The HSE can be contacted:</p> <p>Via Email: kerrycamhscompensation@hse.ie</p> <p>Via Post: Kerry CAMHS Compensation, Quality & Safety Department, HSE Offices, Model Business Park, Model Farm Road, Cork, T12 HT02.</p> <p>Via Information Line: Also you (on behalf of your child) can telephone the South Kerry CAMHS Information Line 1800 742 800 if you wish to get more information on the Scheme.</p> |

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| Who will administer the Scheme? | The State Claims Agency (SCA) will administer the Scheme on behalf of the HSE. |
| How much compensation will I (or my child) receive? | <p>The SCA, following receipt of an eligible application to the Scheme will authorise an initial payment on account of €5,000 to the applicant. This is to assist you (or your child) in paying any initial expenses you (or your child) may have incurred or will incur.</p> <p>You (or on behalf of your child) may then engage in a non-adversarial, mediation process. Through this process the level of compensation may be agreed at mediation between the parties. If agreement is not possible, it will be independently assessed by a mediator (Senior Counsel). The mediator's assessment will be subject to an ultimate right of review in any individual case, by a retired Superior Court Judge.</p> <p>Liability is not an issue for the purposes of the Scheme. Agreed clinical supports, where required, will also be provided to you/your child where possible.</p> |
| If I need an independent psychiatrist's report for the mediation, will the State Compensation Scheme provide one? | <p>You (or on behalf of your child) can obtain an independent expert report from any one of a panel of independent expert psychiatrists provided by the Scheme.</p> <p>The report of the independent psychiatrist from the panel will be accepted and not disputed by the SCA for the purposes of the mediation.</p> <p>If you (or on behalf of your child) do not wish to avail of using one of the panel of independent experts to provide a report, you (or on behalf of your child) may commission a psychiatric report from elsewhere. In this event, the SCA reserves the right to commission an expert report from one of the panel's independent experts.</p> |
| What if I need another medical expert's report? | You (or on behalf of your child) may commission appropriate experts' reports for the purposes of the mediation conference. |
| How soon will I receive this compensation? | Compensation is payable when the mediation or judicial review process decides the level of compensation. |
| How do I access the clinical supports needed for me (or my child) now? | You (or on behalf of your child) will have received a letter from the HSE recently outlining the details of the Clinical Liaison Support Team, which has been set up for you (or your child) so you have a direct point of contact to discuss you (or your child's) clinical support needs. This team will |

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| | also help you access services as speedily as possible. The team can be contacted on 064-6670700 . |
| Who do I contact if I have any questions in relation to the Scheme? | The South Kerry CAMHS Information Line remains open to families and young people affected. You can contact the Information Line on 1800 742 800 . |
| What options are available to injured parties outside of the State Compensation Scheme? | <p>Instead of availing of the non-adversarial mediation process, offered by the Scheme, you (or on behalf of your child) can decide to take a legal action through the Courts.</p> <p>It is anticipated that the process under the Scheme will result in compensation being awarded more quickly and is in line with the compensation you (or on behalf of your child) would receive if the claim was heard in the courts.</p> |
| What options are available to me if I don't accept or agree with the settlement arrived at by the mediator? | If you (or on behalf of your child) is dissatisfied with the decision of the mediator, you (on behalf of your child) are entitled to have that decision reviewed by the Judge and the parties will be bound by his decision. A request for a review shall be lodged with the Judge within 28 days of the mediator's written determination. |
| Will the State Compensation Scheme pay my legal costs? | <p>The State Compensation Scheme will provide for the reasonable costs for you (or on behalf of your child) for legal representation and other admissible costs.</p> <p>In the event that you (or on behalf of your child) do not agree the legal costs in any particular case, it is agreed that such cases will be referred to an agreed Legal Costs Accountant (LCA) and you (or on behalf of your child) shall be bound by his/her determination in respect of any such case.</p> |