

THE INDEPENDENT ASSESSMENT PROCESS

The Indian Residential Schools Settlement Agreement

The Government of Canada, lawyers representing former students, the Churches, the Assembly of First Nations, and other Aboriginal 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 IAP is administered by 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 to apply for the IAP was September 19, 2012. Applications are no longer being accepted.

Independent Assessment Process (IAP) Hearing

A majority of claimants who have registered a claim under the IAP will attend a hearing to resolve their claim. There are still thousands of Aboriginal people across Canada with IAP claims that have not been resolved.

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, a hearing is not just a place to make a claim. It also gives claimants an opportunity to share their experiences, 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 January 31, 2014, a total of 37, 922 IAP applications were received, over 20,000 hearings have been held, and over \$2.2 billion has been paid

out in compensation (including legal fees and disbursements).

"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. It is available on YouTube. Please visit our website at www.iap-pei.ca for further details on the video and a link to the IRSAS YouTube channel where you can watch it.

Independent Assessment Process (IAP) Post- Hearing

After the hearing is complete, a Notice of Decision will be sent to the claimants within 30-45 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.

For more information on the IRSSA, please visit the official court website at:
www.residentialschoolsettlement.ca

For more information on the IAP and IRSAS, please visit the IAP website at:
www.iap-pei.ca

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