

**Annual Report of
The Residential
Institutions
Redress Board
2017**

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FOREWORD

As there were no awards remaining to be finalised in 2017 the total number of awards remains at 16,650 at the end of the year.

The Board is now discharging its final duties and subject to the outcome of one judicial review the nature of the ongoing work of the Board is limited. The Board is working with a reduced staff of (currently) six civil servants. The Board would like to express its appreciation to Ms. Mary O'Reilly, Acting Secretary to the Board and to the other members of Staff and would also like to thank Ms. Sharon Moohan who acts as Solicitor to the Board. Ms. Moohan, along with Mr. Fintan Valentine B.L., continued to provide legal advice to the Board throughout 2017.

The Board enjoys a good relationship with the appropriate section of the Department of Education and Skills and notes that the independence of the Board in fulfilling its independent statutory mandate continues to be respected in any necessary contact.

In accordance with the provisions of Section 1 of The Residential Institutions Redress (Amendment) Act 2011 the Board's power to accept late applications under Sections 8(2) and 8(3) of the 2002 Redress Act ceased on the 17th of September 2011.

In June 2013 the Minister for Education and Skills informed the Board that the Government had agreed in principle to bring forward legislative proposals to allow for the retention of documents concerning applications made to it. In 2015 the Department of Education and Skills brought the General Scheme of the legislation to Government. We have been informed that the Scheme, which provides for the Board's records being retained, is currently progressing through the legislative process.

From the 14th April 2015, the Residential Institutions Redress Board became subject to the Freedom of Information Act 2014, in relation to administrative matters only. The files of individual applicants are governed by the confidentiality provisions of Section 28(6) of the Residential Institutions Redress Act 2002, and are not subject to the Freedom of Information Act 2014.

The Board is completing its work but some matters remain to be finalised. The Board was party to an appeal heard by the Supreme Court on 8th May 2018 and judgment in that matter is awaited.

There are also a limited number of legal costs and outlays associated to Applications and/or Late Applications that have yet to be finalised, if these legal costs and outlays cannot be agreed they will proceed to taxation in the usual way.

The Board continues to deal with inquiries from the public and with legal matters arising from the operation of the Statute and the Redress Scheme.

The Board's Mission

The Residential Institutions Redress Board was established under the Residential Institutions Redress Act 2002 to make financial awards to assist in the recovery of certain persons who as children were abused while resident in certain institutions in the State and who have or have had injuries that are consistent with that abuse.

Membership & Functions of the Board

The Redress Board, which was established on 16th December 2002 under the provisions of Section 3 of the Residential Institutions Redress Act 2002 (The Act), consists of a Chairperson and 10 ordinary members appointed by the Minister for Education & Science. These are:

Mr. Justice Esmond Smyth	appointed 3 rd January 2008
Dr. Helen Cummiskey	appointed 16 th December 2002
Dr. Ruth Pilkington	appointed 16 th December 2002
Ms. Anne O'Brien B.L.	appointed 23 rd May 2003
Dr. Mary Bluett	appointed 25 th September 2003
Ms. Dariona Conlon, Solicitor	appointed 8 th January 2004
Dr. Fionnuala O'Loughlin	appointed 27 th April 2004
Mr. John A. Campbell, Solicitor	appointed 27 th April 2004
Dr. Harry Bugler	appointed 15 th December 2004
Ms. Samantha Cruess Callaghan B.L.	appointed 20 th October 2005
Dr. William Delaney	appointed 27 th February 2006

As provided in the Act, the Board and its members are wholly independent in the performance of their duties.

Section 5 of the Act sets out the Boards' main functions. The first was to make all reasonable efforts through public advertisement, direct correspondence and otherwise, to ensure that persons who were residents of an institution listed in the Act were made aware of the existence of the Board, so that they could consider making an application for redress.

The Board's second function, in relation to each case in which an application is made, is to determine whether the applicant is entitled to an award, and, if so, to make an award in accordance

with the Act which is fair and reasonable having regard to the unique circumstances of the applicant.

In the performance of these functions, the members of the Board were assisted in 2017 by –

- (a) 6 administrative staff.
- (b) 2 part-time Counsel.
- (c) 1 part time solicitor.

The Work of the Board

In accordance with its remit under Section 5 (b) of the Residential Institutions Redress Act 2002 to “make all reasonable efforts, through public advertisement, direct correspondence with persons who were residents of an institution and otherwise, to ensure that persons who were residents of an institution are made aware of the function.....of the Board” an extensive advertising campaign was undertaken by the Board up to the end of 2005.

Advertisements were placed in all the national broadsheet and tabloid newspapers as well as the main provincial newspapers. Advertisements have also been placed on RTE 1 television, Network 2, Sky 1, Sky News, TV3 and TG 4. The Board has also placed advertisements on all national and major local radio stations. The Board held 12 information days throughout England in 2004 as well as placing advertisements in Sunday newspapers, daily newspapers and publications aimed specifically at the Irish community in Britain. The Board also distributed 7,500 leaflets and 7,500 pamphlets to the network of Irish Societies. The Board placed advertisements in all Irish daily newspapers and selected newspapers in the United Kingdom highlighting each Ministerial Order which added institutions to the schedule to the Redress Act. In November 2005 the Board placed advertisements highlighting the closing date for receipt of applications in the main Irish newspapers, selected United Kingdom publications and Irish publications in the U.S.A. and Australia. In total the Board placed 1,492 advertisements since it was established. The closing date for applications being 15th December 2005, this campaign is now finished.

In addition, the Department of Foreign Affairs, at the request of the Board, sent information on the role and functions of the Board, as well as highlighting the closing date for receipt of applications, to its embassies asking them to forward this information to all relevant Irish bodies with whom they have contact.

This campaign, the Board’s newsletters, annual reports and subsequent media reports ensured that the Board had a high public profile. In addition, various public discussions concerning the redress scheme raised the profile of the process, as did the frequency with which the Board was mentioned on talk and news programmes on both radio and television as well as in the Oireachtas.

The Board is also aware that there was extensive advertising by third parties here in Ireland as well as abroad which served to inform people of its existence. This advertising was predominantly in the print media.

The Board's web-site (www.rirb.ie) is used as the conduit for newsletters and statements. The site contains detailed information on the work of the Board such as a lengthy guide to the redress scheme, statements relating to the Board's procedures and the Board's Annual Reports.

The procedure followed by the Board for the processing of applications is largely prescribed by the Residential Institutions Redress Act 2002, as amended by Part 4 of the Commission to Inquire into Child Abuse (Amendment) Act, 2005, the Residential Institutions Redress (Amendment) Act 2011, Section 44 of the Residential Institutions Statutory Fund Act 2012 and by Regulations made by the Minister for Education and Skills in accordance with the Act. These Regulations and Acts are available from the Board's office free of charge or may be viewed on the Board's website.

Applications for redress were submitted on a standard application form and in order to facilitate applicants the Board issued the following publications:

- *"A Guide to the Redress Scheme under the Residential Institutions Redress Act 2002". A fully updated and revised third edition of the Guide, which incorporates changes necessitated by the Commission to Inquire into Child Abuse (Amendment) Act 2005, was issued by the Board in December 2005.*
- *"A Short Guide to the Redress Scheme under the Residential Institutions Redress Act 2002".*
- *"The Residential Institutions Redress Board Guide to Hearing Procedures".*
- *Newsletters and statements (in order to keep applicants and their legal advisers updated on procedures and developments). The newsletters and statements may be viewed on the Board's website www.rirb.ie.*
- *A Board Decision on its procedures for dealing with applications from outside Ireland.*

These publications can be viewed on the Board's website and are also available from the Board's office free of charge.

In accordance with the provisions of Section 1 of The Residential Institutions Redress (Amendment) Act 2011 the Board's power to accept late applications under Sections 8(2) and 8(3) of the 2002 Redress Act ceased on the 17th of September 2011. Any such late applications received on or after that date cannot be accepted by the Board. This means that the Board cannot accept late applications received after midnight on Friday 16th September 2011.

No awards were made by the Board in 2017 so the awards statistics in the 2016 report remain relevant. Two payments were made in respect of legal costs in 2017.

Legal Costs

To date costs have been finalised in 15,367 applications. €180,705,335.29 has been paid in respect of applications to the Board. In 2,640 of these applications a further €12,936,886.74 has been paid in respect of the costs of associated court proceedings. This makes a total of €193,642,222.03. Further details are given in the following table.

Legal Costs			
	To end 2016	2017	Total
<i>Finalised Applications</i>	15,367	0	15,367
<i>Costs of Applications to the Board</i>	€180,705,335.29	€0	€180,705,335.29
<i>Costs of Associated Court Proceedings</i>	€12,833,788.56 (2,639)	€103,098.18 (1 case)	€12,936,886.74 (2,640)
<i>Total Costs</i>	€193,539,123.85	€103,098.18	€193,642,222.03

These costs are net of any payments made by the Board for medical reports received prior to the completion of an application with respect to the injuries suffered by applicants.

Audit

During the year, the Board once again invited the Comptroller and Auditor General to conduct an audit and report to the Board on whether

- The processing and payment of awards and associated legal costs are duly effected on foot of determinations by the Board.
- The associated administrative systems, procedures and practices of the Board are adequate and applied in practice.

This audit was completed in September 2018 and the Comptroller's certificate of satisfaction dated 21st September 2018 is attached at Appendix (a).

Publications

The following publications have been issued by the Board.

- A Guide to the Redress Scheme under the Residential Institutions Redress Act 2002 (Revised and updated in December 2005)
- A Short Guide to the Redress Scheme under the Residential Institutions Redress Act 2002
- The Residential Institutions Redress Board Guide to Hearing Procedures.
- Newsletters. The newsletters and statements can also be viewed on the Board's website www.rirb.ie
- A Board Decision on procedures for dealing with applications from outside Ireland.
- 14 Annual Reports of the Board's activities.

These publications may be viewed on the Board's website and are also available from the Board's office free of charge.

The Annual Reports are submitted to the Minister for Education and Skills and published pursuant to Section 26 (1) of the Residential Institutions Redress Act, 2002.

Expenditure data for the year 2017

CATEGORY	Amount €
ADVERTISING	€0.00
STENOGRAPHY SERVICES	€1,675.22
SIGN LANGUAGE SERVICES	€0.00
PHONES (SERVICE)	€5,920.40
PHONES (EQUIPMENT)	€590.40
POSTAGE	€4,700.00
POSTAGE – RENTAL & SERVICES	€1,963.03
COMPUTER HARDWARE/SOFTWARE	€8,978.18
COMPUTER SUPPORT SERVICES	€33,699.42
PHOTOCOPYING	€142.38
OFFICE MACHINERY	€0.00
HEAT, POWER & LIGHT****	€10,447.41
CONTRACT CLEANING	€15,662.94
OFFICE SUPPLIES	€3,169.47
PRINTING	€0.00
FURNITURE & FITTINGS	€479.70
TRAVEL & SUBSISTENCE	€5,481.81
TAXI/COURIER SERVICE	€1,798.36
VENDING MACHINE & WATER SUPPLIES****	€1,527.84
MAINTENANCE	€404.85
HOTEL ROOM HIRE	€0.00
MEDICAL FEES*	€0.00
MEDICAL PAYMENTS**	€0.00
LEGAL FEES ***	€62,199.35
ADVICE AS TO FINANCIAL MANAGEMENT OF THE AWARD	€0.00
ADMINISTRATIVE SALARIES	€497,782.13
BOARD MEMBERS FEES	€46,987.00

TRAINING	€291.00
PUBLICATIONS	€306.27
SECURITY*****	€77,755.64
BOARD CATERING	€0.00
AGENCY STAFF	€0.00
MISCELLANEOUS	€2,140.62
TOTAL	€784,103.42

*These fees are for medical reports prepared by doctors appointed by the Board under Section 11 of The Residential Institutions Redress Act 2002

**These figures represent payments made by the Board for medical reports received prior to the completion of an application with respect to the injuries suffered by applicants.

*** These fees relate to Counsel employed by the Board and other legally related services.

****There was an overhead refund on utilities of €2,238.59 in 2017

*****This includes secure off-site storage

Summary cost of Redress Scheme*

	2017	2016
Awards made	€0	€94,300
Legal costs paid in respect of applications	€0	€516,308
Related High Court costs	€103,098	€111,697
Board expenditure	€784,103.42	€790,605
Total	€887,201.42	€1,512,910

* The figures reflect payments approved by the Board and not actual disbursements from the Special Account.

Legal Representation

Applicants are represented by a total of 991 firms of solicitors and costs have been paid to date in respect of 15,367 applications. The costs payments made by the Board in 2017 are listed below.

These costs are divided into two categories:

- (a) Costs in respect of the application to the Board.
- (b) Costs in respect of associated High Court proceedings.

Name of Solicitor	Number of Applications in which Costs have been paid in 2017	Board Costs Paid in 2017	Related High Court Costs paid in 2017	2017 Total
Coughlan White & Partners	0	€0.00	€103,098.18	€103,098.18
	0	€ 0	€ 103,098	€ 103,098

Note: The above table shows the number of applications for a solicitor as "nil" despite receiving costs in 2017. This refers to cost payments received by the solicitor for cases in which the main costs were paid in a previous year

Comparative Analysis of Costs from Establishment to 31st December 2017

On average, costs and expenses paid to applicants' solicitors amount to €12,224* per successful application, or 19.6% of the award. By contrast, the average costs and expenses incurred by the Board in respect of an application amount to €3,528**) or 5.7% of the award.

* This figure has been calculated by dividing the total amount of costs paid to date by the number of applications in which costs were paid. The figure does not include costs paid in respect of associated Court proceedings; these costs average €4,900 per case in which such costs have been paid.

** This figure has been calculated by dividing the total cost of running the Board (excluding awards and applicants' legal costs) by the total number of applications finalised at the end of 2017.

(Appendix a) Audit Cert

Residential Institutions Redress Board

By agreement with the Residential Institutions Redress Board (the Board), I am reporting the results of my examination of the processing for payment of awards made by the Board and their payment from a Special Account established under the Residential Institutions Redress Acts 2002 to 2011. The Special Account is maintained jointly by the Department of Education and Skills and the Department of Public Expenditure and Reform (the Departments). This report covers the period 1 January to 31 December 2017.

Basis of Report

The report is based on the results of audit testing which formed part of my audit of the Special Account. I conducted my audit of the financial statements in accordance with the International Standards on Auditing (ISAs) as promulgated by the International Organisation of Supreme Audit Institutions. I have obtained all the information and explanations that I consider necessary for the purposes of my report.

Awards and Costs discharged by the Board

Awards made by the Board are notified to applicants, who are allowed up to 28 days to accept or decline the sum offered. If the initial award is declined, the applicant may seek a review, which may result in a variation in the award amount. When an applicant accepts an award sum, the Board issues instructions to the Department of Education and Skills for payment of the award. The associated costs are paid following consideration of invoices submitted.

No awards were paid to applicants in 2017 (2016: €392,083). Payments made in 2017 were €103,098 (2016: €1,152,713).

All instructions for payment issued by the Board were processed in the year.

In certain circumstances, the Board may direct that some or all of the award shall be paid to the applicant by instalments or in another manner (other than in a single payment). In such cases, where the Board applies to the High Court, the High Court may order that the outstanding amount of the award be paid into the High Court and dealt with by it for the benefit of the applicant. At the end of 2017, there were no awards awaiting transfer to the High Court.

Opinion

In my opinion

- proper records were maintained by the Board and by the Departments
- payments made during 2017 were duly made on foot of valid awards
- no award came in the course of payment during 2017
- the system of internal control employed by the Board is adequate and operated effectively during the period covered by the report.

Colette Drinan
for and on behalf of the
Comptroller and Auditor General
21 September 2018

(Appendix b)
Website Notice

UPDATE

Friday 21st July 2017

**ANNUAL REPORT OF THE RESIDENTIAL INSTITUTIONS REDRESS BOARD IN
ACCORDANCE WITH SECTION 22 OF THE PROTECTED DISCLOSURES ACT 2014**

Under Section 22 of the Protected Disclosures Act 2014 each public body is required to publish an annual report setting out the number of protected disclosures received in the preceding year and the action taken (if any). This report must not result in persons making disclosures being identifiable.

(See below table for the relevant year).

Protected Disclosures by Year

2014 Nil

2015 Nil

2016 Nil

2017 Nil

(Appendix c)
Website Notice

CLARIFICATION

Friday 21st July 2017

Please be advised that the Redress Board and Caranua are separate and distinct organisations both in different locations

We cannot connect you to and/or make contact with Caranua on your behalf.

If you need to contact Caranua the numbers to call are:

Freephone from Ireland 1800 212477

Freephone from UK 0808 234 1303 (charges may apply from some mobile networks)

From anywhere +353 1 8742277 (not a freephone number from outside Ireland and the UK)