

**Annual Report of  
The Residential  
Institutions  
Redress Board  
2020**

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## FOREWORD

The Board is now discharging its final duties and should be in a position to write to the Minister for Education in early 2021 pursuant to section 3(3) of the Residential Institutions Redress Act 2002. This relates in relation to the consultation envisaged under the Act to enable the Minister for Education to reach a decision regarding the dissolution of the Board.

The Board is working with a reduced staff of (currently) 4 civil servants following the departure of Ms. Elizabeth Neary, Secretary to the Board in June 2020. The Board would like to express its appreciation to Ms. Neary for her commitment to the work of the Board during her tenure as Secretary and to express its gratitude to the staff for their ongoing efforts. The Board would like to thank Ms. Sharon Moohan who acts as Solicitor to the Board and who was Acting Secretary to the Board from June 2020 to December 2020. Ms. Moohan, along with Mr. Fintan Valentine B.L., continued to provide legal advice to the Board throughout 2020.

The Board would particularly like to acknowledge the dedication of all concerned in keeping the Board open throughout the Covid pandemic. Despite many unprecedented difficulties and challenges the disruption to the business of the Board was kept to a minimum while the safety of all concerned was ensured.

The Board enjoys a good relationship with the appropriate section of the Department of Education 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 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 14 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 made 6 awards in 2020 and paid Board and/or Court costs in respect of 11 applications. The Board also paid out one award in 2020 which had been made by the Board in 2019.

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 16<sup>th</sup> December 2002 under the provisions of Section 3 of the Residential Institutions Redress Act 2002 (The Act), consists of a Chairperson and 9 ordinary members appointed by the Minister for Education & Skills. These are:

Mr. Justice Esmond Smyth	appointed 3 <sup>rd</sup> January 2008
Dr. Helen Cummiskey	appointed 16 <sup>th</sup> December 2002
Dr. Ruth Pilkington	appointed 16 <sup>th</sup> December 2002
Ms. Anne O'Brien B.L.	appointed 23 <sup>rd</sup> May 2003
Dr. Mary Bluett	appointed 25 <sup>th</sup> September 2003
Ms. Dariona Conlon, Solicitor	appointed 8 <sup>th</sup> January 2004
Dr. Fionnuala O'Loughlin	appointed 27 <sup>th</sup> April 2004
Dr. Harry Bugler	appointed 15 <sup>th</sup> December 2004
Ms. Samantha Cruess Callaghan B.L.	appointed 20 <sup>th</sup> October 2005
Dr. William Delaney	appointed 27 <sup>th</sup> 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 2020 by –

- (a) 5 (4 by year end) administrative staff.
- (b) 1 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 15<sup>th</sup> 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 website ([www.rirb.ie](http://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](http://www.rirb.ie).*
- *A Board Decision on its procedures for dealing with applications from outside Ireland.*

## Number of Applications

The closing date for receipt of applications was the 15<sup>th</sup> December 2005 by which time the Board had received 14,439 applications.

The Residential Institutions Redress Act, 2002 sections 8(2) and 8(3) state;

*“8 - (2) The Board may, at its discretion and where it considers there are exceptional circumstances extend the period referred to in subsection (1).*

*8 - (3) The Board shall extend the period referred to in subsection (1) where it is satisfied that an applicant was under a legal disability by reason of unsound mind at the time when such application should otherwise have been made and the applicant concerned makes an application to the Board within 3 years of the cessation of that disability.”*

By 31<sup>st</sup> December 2020 the Board had received 2,766 such submissions. The Board has considered each such submission individually and has ruled as follows;

- 2,237 submissions for new applications were accepted by the Board \*
- 328 submissions were disallowed by the Board
- 162 submissions were withdrawn or had their files closed
- 39 submissions were not valid

Accordingly, the Board received a total of 16,663 applications (including 2,237 late applications).

There were six awards decisions processed and authorized in 2020. In 2020 the Board finalised all applications received by it; there are no further applications to be finalised.

\* Note: 13 of the 2,766 late submissions received (and of the 2,237 accepted) were received from Applicants who had submitted a previous application before the closing date of 16/12/2005. These 13 applications were not counted as additional new applications; they were reopened under the original reference number.

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.

## **Number and Amounts of Awards**

The Board commenced making awards in May 2003 and by 31st December 2020 had completed the process in 16,663 cases as detailed below:

- 12,025 offers/awards made following settlement
- 2,998 awards made following hearings (12 awards rejected by applicants)
- 571 awards following Review (5 awards rejected by applicants)
- 1,069 applications withdrawn, refused or resulted in a nil or no award

The total awards made to 31st December 2020 amounts to €970.659m. The average value of awards is €62,245, the largest award being €300,500.

- The average award following a successful settlement is €61,541
- The average award following a hearing by the Board is €63,544
- The estimated average award following an unsuccessful attempt to settle which therefore went to hearing is €66,390

## **Review Committee**

The Residential Institutions Redress Review Committee (the Review Committee) was established pursuant to sections 13 and 14 of the Redress Act 2002. The Review Committee operates independently of the Board and is chaired by The Honourable Mr. Justice Francis D. Murphy.

The Review Committee was established at the same time as the Board.

## **Financial Management of Awards**

In accordance with Section 21 of the Residential Institutions Redress Act, 2002, the Board established a free, confidential, and independent financial management service which was available to all award recipients. Its purpose was to give advice, which was general in nature, covering the options open to award recipients, but not directing them to named financial institutions or brokers.

The Board appointed the Money Advice and Budgeting Service (MABS) to operate this service in 2004. MABS is a locally-based independent information and advice provider which has been in general operation since 1992 and more details about it are available on its website: [www.mabs.ie](http://www.mabs.ie). The Redress Board scheme was separate from MABS usual advice services. The Board provided contact details for MABS to all applicants who accepted their award.

## **Payment of Awards by Instalment**

Section 13 (8) of the Redress Act provides that, in certain circumstances, awards may be paid to applicants in instalments. The Board is of the view that this can best be done through the Courts Service which has considerable expertise in this area. The Courts Service has provided this service since 2005 and the necessary arrangements remain in place in accordance with the provisions of section 34 (e) (iv) of the Commission to Inquire into Child Abuse (Amendment) Act 2005. These arrangements can be summarised as follows:

Where the Board has made a direction that an award be paid in instalments or in some other manner than by way of a single payment, the Board will direct the Department of Education to make any initial payment to the applicant and then apply to the High Court to lodge the balance of the award in Court. If the Court grants the application then the funds will be dealt with by the Accountant's Office. Once the money has been lodged, the Board has no further responsibility for the award.

The address of this office is The Accountant's Office, Courts Service, Phoenix House, Phoenix Street North, Dublin 7. The Accountant's Office will administer the award for the benefit of the applicant in accordance with the original direction of the Board and with rules of court.

Where an award has been paid into the Accountant's Office, an applicant may at any time apply to the High Court to vary the terms of the original direction by the Board on which the funds are administered, and the Court may do so if it considers it appropriate having regard to the circumstances of the applicant at that time. Applicants should apply in writing to the Principal Registrar, High Court, Four Courts, Inns Quay, Dublin 7 stating the reason they are seeking a variation of the terms of the award. These applications will be heard by a judge of the High Court on the next available Monday. The Court will inform applicants of the date and time of the hearings.

In accordance with rules of court, interest will be paid on any sum which is being administered by the High Court.

## Fraudulent Claims

Section 7 (6) of the Residential Institutions Redress Act 2002, as amended, provides: “A person who gives false evidence to the Board or the Review Committee in such circumstances that, if the person had given the evidence before a court, the person would be guilty of perjury, the person shall be guilty of an offence and shall be liable on conviction on indictment to the penalties applying to perjury”.

Section 28 (5) of the Act provides inter alia: “a person shall disclose information other than the information specified in subsection (4) that is provided to the Board or the Review Committee and obtained by that person in the course of the performance of the functions of the person under this Act to

(a) a member of the Garda Síochána if the person is acting in good faith and reasonably believes that such disclosure is necessary in order to prevent an act or omission constituting a serious offence”.....

To date of the 16,663 applications received since the commencement of the Board on the 16<sup>th</sup> December 2002, 9 have been referred to the Garda Síochána under section 7(6) of the Act. Investigations have been concluded in all 9 matters and 1 such investigation has led to a criminal conviction. In a number of other cases the Board has rejected an application in whole or in part on the grounds that it is not satisfied as to the truth of the allegations of abuse made by an applicant.

## Legal Costs

The issue of costs relating to an application to the Board is dealt with in section 27 (1) of the Residential Institutions Redress Act, 2002 which provides that the Board will pay to an applicant, to whom an award has been made, either by the Board or on Review, a reasonable amount for expenses incurred by the applicant in the preparation and presentation of the application to the Board. This section further provides that these expenses/costs should be agreed between the Board and the applicant (or the applicant's solicitors or other representative); however, if the costs cannot be agreed between the Board and the applicant, then the costs will be taxed before a Taxing Master of the High Court. Once the costs have been referred to the Taxing Master, submissions will be made to the Taxing Master on behalf of the Board and the applicant and the Taxing Master will ultimately decide what costs will be paid by the Board to the applicant and/or his or her solicitors/representatives. It should be noted that the costs will not be paid until an application has been finally determined and an award has been made. Costs are not paid by the Board in cases where an application has been rejected by the Board or where the award made by the Board has been rejected by the applicant.

In addition to the costs relating to an application to the Board it should also be noted that Section 27 (2) of the Act provides that the Board shall also pay to an applicant who accepts an award, the costs of any associated Court proceedings which were instituted by that applicant against a public body or a person who has made a contribution to the special account established under Section 23 of the Act, provided the applicant has signed the necessary Form of Waiver in respect of these proceedings. The Form of Waiver is, quite simply, written confirmation by the applicant that he/she will not pursue any right of action which the applicant may have against a public body or a person who has made a contribution to the special fund or in a case where proceedings have already issued (which is the situation in a large number of the applications), the applicant is agreeing not to go ahead with those proceedings.

As in the case of an application to the Board, the applicant costs of the Court Proceedings should be agreed between the Board and the applicant (or the applicant's solicitors or other representative); however, if the costs cannot be agreed between the Board and the applicant, the

costs will be taxed before a Taxing Master of the High Court. Once the costs have been referred to the Taxing Master, submissions will be made to the Taxing Master on behalf of the Board and the applicant and the Taxing Master will ultimately decide what costs will be paid by the Board to the applicant and/or his or her solicitors/representatives.

The Board's position in relation to costs is outlined below in a letter received from Mr. Peter Fitzpatrick, Legal Costs Accountant, who is retained by the Board to advise on costs matters and to represent the Board at hearings before the Taxing Master of the High Court.

*"There is no Cost precedent for this type of Application. In some cases the Solicitors have been involved in three sets of action. Firstly the Civil Proceedings, secondly bringing an Application to the Residential Institutions Redress Board, and thirdly, bringing an Application to the Commission to Inquire into Child Abuse.*

*In other cases, the Solicitors are involved only in the Civil Proceedings and the Application to the Residential Institutions Redress Board. Lastly, there are cases where Solicitors are involved in an Application to the Redress Board only. Each of these circumstances gives rise to its own Costs problems.*

*Where Proceedings issued these are at different stages. Some have reached the Plenary Summons stage only. Some have reached the stage where Proceedings are closed and Discovery was being dealt with. While some of the Applications to the Residential Institutions Redress Board are reasonably straight forward, others are difficult and complex.*

*Where possible the Board has settled the Costs and I am satisfied great care has been taken to ensure that these are kept to a reasonable amount.*

*Where the Board considered Costs excessive, my firm has been consulted and if necessary these have been taxed by the Taxing Master of the High Court. Indeed, where the Board considered the allowances made by the Taxing Master to be excessive, Objections were lodged pursuant to Order 99, Rule 38 of the Rules of the Superior Courts.*



The final step is asking the High Court to review some of the allowances made by the Taxing Master and a number of such Applications are at present waiting Hearing before the High Court.

The Board is continuing with this business of assessing awards to Claimants and dealing with their Solicitors Costs. The Board only agree Costs and expenses when they are considered reasonable, those considered unreasonable are being referred for Taxation to the Taxing Master of the High Court but were appropriate to the High Court itself.”

To date costs have been finalised in 15,378 applications. €180,892,707.71 has been paid in respect of applications to the Board. In 2,654 of these applications a further €13,447,614.96 has been paid in respect of the costs of associated court proceedings. This makes a total of €194,489,525.81. Further details are given in the following table.

<b>Legal Costs</b>			
	<b>To end 2019</b>	<b>2020</b>	<b>Total</b>
<b>Finalised Applications</b>	15,372	6	15,378
<b>Costs of Applications to the Board*</b>	€180,790,729.97	€101,977.74	€180,892,707.71
<b>Costs of Associated Court Proceedings</b>	€13,078,650.69 (2,643 cases)	€368,964.27	€13,447,614.96 (2,654cases)
<b>Late Application Oral Hearings Generic Legal Costs and Outlays **</b>	€149,203.14	€0	€149,203.14
<b>Total Costs</b>	€194,018,583.80	€470,942.01	€194,489,525.81

\* 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.

\*\* These Late Application Oral Hearings Generic Costs and Outlays were incurred in respect of the first late application oral hearings which took place at the Board in or about October 2008 and were finalised in 2018. They are a special category of costs which are not attributable to any particular application.

## **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 February and March 2021 and the Comptroller's certificate of satisfaction dated the 4<sup>th</sup> August 2021 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](http://www.rirb.ie)
- A Board Decision on procedures for dealing with applications from outside Ireland.
- 18 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.

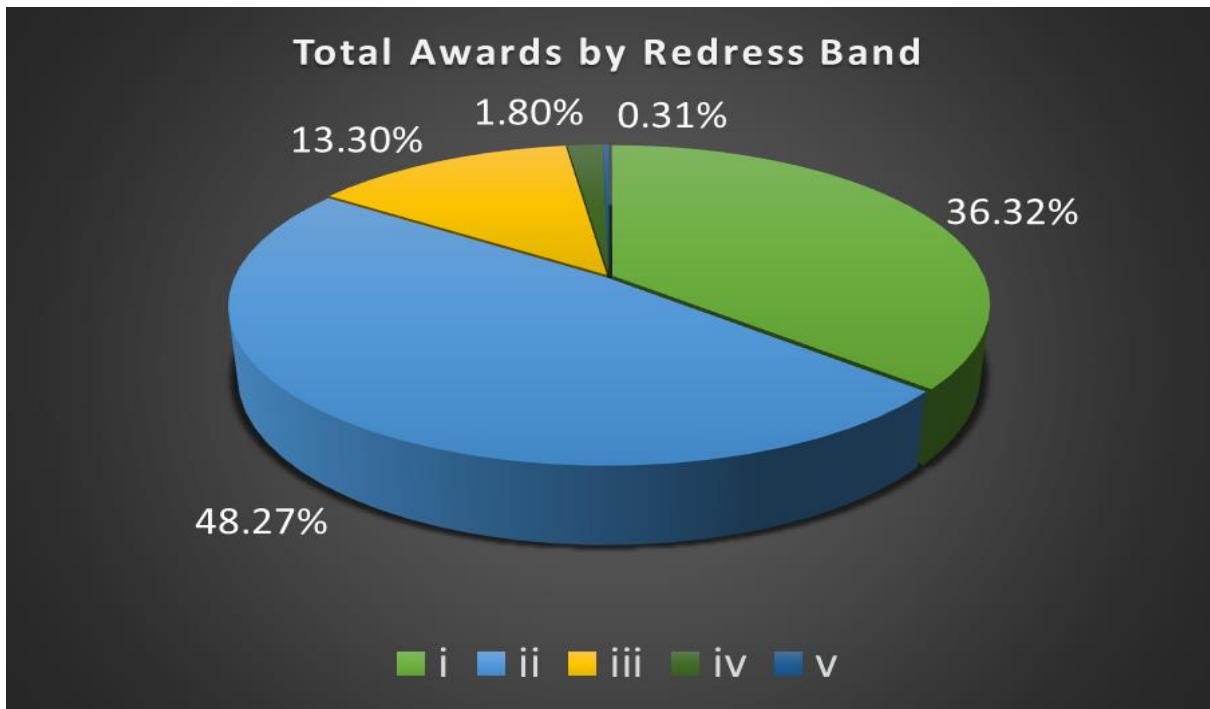
The Annual Reports are submitted to the Minister for Education and published pursuant to Section 26 (1) of the Residential Institutions Redress Act, 2002.

# Statistics\*

## Number of Awards by Redress Band

The breakdown of awards by Redress Bands is as follows:

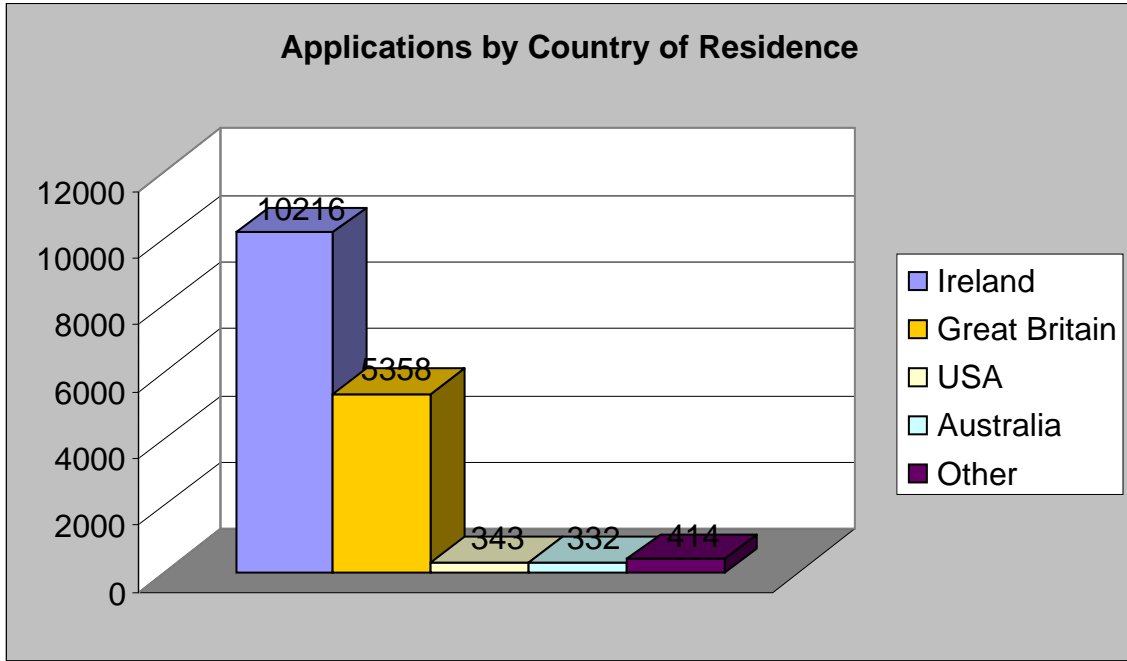
Redress Bands	Total Weighting	Award Payable	2020 Awards	%	Total Awards to end 2020	%
V	70 or more	€200,000 - €300,000	0	0.00%	48	0.31%
Iv	55-69	€150,000 - €200,000	0	0.00%	280	1.80%
Iii	40-54	€100,000 - €150,000	0	0.00%	2,074	13.30%
Ii	25-39	€50,000 - €100,000	1	16.67%	7,528	48.27%
I	less than 25	Up to €50,000	5	83.33%	5,664	36.32%
<b>Total</b>			<b>6</b>	<b>100.00%</b>	<b>15,594</b>	<b>100.00%</b>



## Country of Residence of Applicants

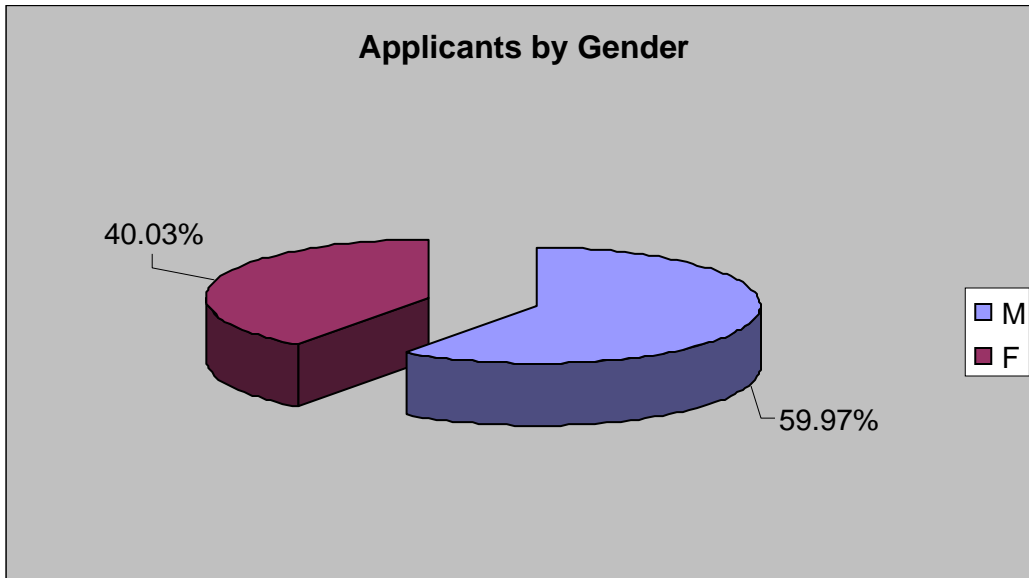
Country of Residence	Total Applications Received	% of Total Received
Ireland	10,216	61.30%
Great Britain	5,358	32.16%
USA	343	2.06%
Australia	332	1.99%
Northern Ireland	162	0.97%
Canada	106	0.64%
Spain	33	0.20%
New Zealand	23	0.14%
Germany	19	0.11%
The Netherlands	15	0.09%
France	11	0.07%
Sweden	6	0.04%
Denmark	6	0.04%
South Africa	4	0.02%
Channel Islands	3	0.02%
Italy	3	0.02%
Belgium	2	0.01%
Portugal	2	0.01%
Austria	2	0.01%
Thailand	2	0.01%
China	1	0.01%
Cyprus	1	0.01%
Finland	1	0.01%
Malta	1	0.01%
Morocco	1	0.01%
Nigeria	1	0.01%
Norway	1	0.01%
Republic of Panama	1	0.01%
Singapore	1	0.01%
Sri Lanka	1	0.01%
Switzerland	1	0.01%
The Philippines	1	0.01%
United Arab Emirates (UAE)	1	0.01%
West Indies	1	0.01%
Zimbabwe	1	0.01%
<b>Total</b>	<b>16,663</b>	<b>100.00%</b>

Ireland and Great Britain account for more than 93% of applications with Australia and the U.S.A. accounting for a further 4%.



## Gender of Applicants

Of the 16,663 applications received to 31<sup>st</sup> December 2020 males account for 9,992 applications and females account for 6,671 applications.



## **Applications on behalf of injured persons**

The Redress Act provides that, where an applicant is an adult unable to manage his or her own affairs, an application may be made by a person properly authorised to do so.

The Board has received 603 such applications.

## **Applications on behalf of persons who died after 11<sup>th</sup> May 1999**

The Redress Act provides that, where a person who is or may be entitled to redress has died since 11th May 1999 without making an application, the spouse or children of that person may make an application on his or her behalf. If an applicant dies after making an application, his/her spouse or children may continue to pursue the application. A “spouse” for this purpose includes a person with whom the deceased person is or was at a time cohabiting.

562 such applications have been made to the Board.



## Priority Applications

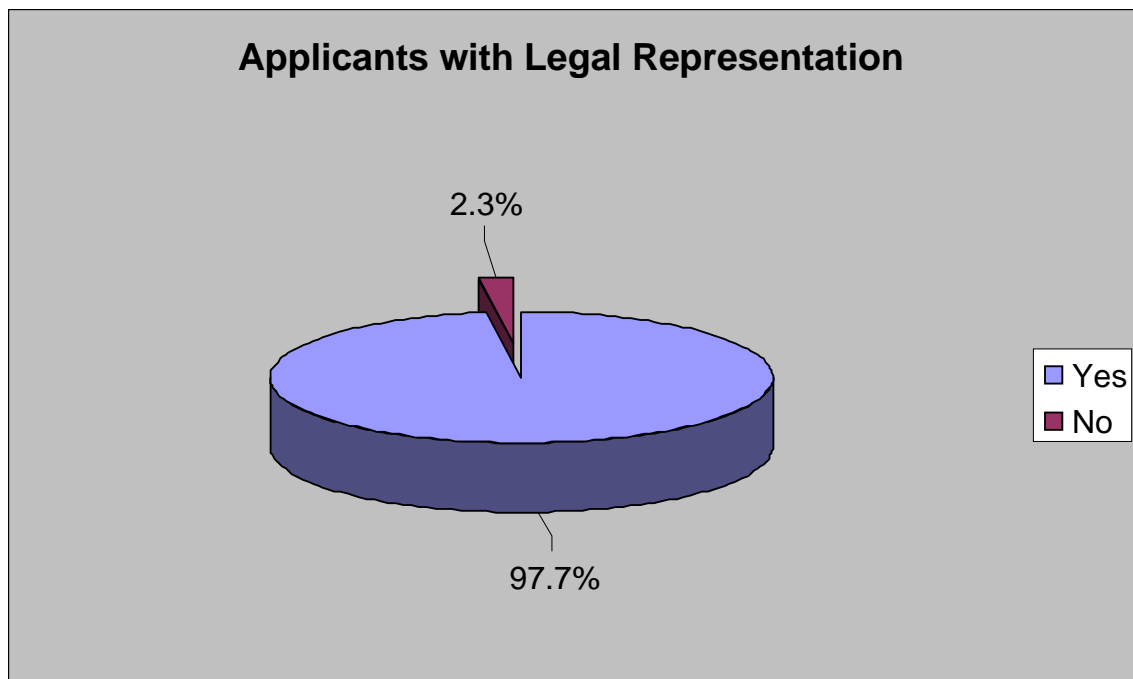
In its consideration of applications, the Board, as the Act provides, gives priority to applicants –

- (i) who were born before 1<sup>st</sup> January 1950, or
- (ii) who are, at the time when the application is made, suffering from a medical illness or psychiatric condition which is life threatening, as confirmed in writing by a letter from their regular medical adviser.

The Board granted priority to a total of 3,284 applicants, 2,886 on the grounds of age and 398 on the grounds of a medical or psychiatric condition.

## Legal Representation

The percentage of applications from applicants represented by a solicitor stands at 97.7 %.



Applicants are represented by a total of 991 firms of solicitors and costs have been paid to date in respect of 15,378 applications. The costs payments made by the Board in 2020 are listed below.

These costs are divided into two categories:

- (a) Costs in respect of the application to the Board and associated High Court and Circuit Court proceedings.
- (b) Costs in respect of once off generic costs relating to late applications

<i>Name of Solicitor</i>	<i>Number of applications in which costs have been paid in 2020</i>	<i>Board costs paid in 2020</i>	<i>Related High Court and Circuit Court costs paid in 2020</i>	<i>Generic Costs</i>	<i>2020 Total</i>
<i>Burns Kelly Corrigan Solicitors</i>	*10	€76,214.65	€150,741.48	€Nil	€226,956.13
<i>Byrne Carolan Cunningham Solicitors</i>	1	€ 25,763.09	€218,222.79	€Nil	€243,985.88
<b>Total</b>	<b>11</b>	<b>€101,977.74</b>	<b>€368,964.27</b>	<b>€Nil</b>	<b>€470,942.01</b>

\*Note: In 2020 Burns Kelly Corrigan were paid Board Costs and Related High Court and Circuit Court Costs in respect of 5 applications, they also received 5 sets of Related High Court and Circuit Court Costs in 2020 in respect of 5 applications in circumstances where the Board Costs had not yet been finalised.

## Comparative Analysis of Costs from Establishment to 31<sup>st</sup> December 2020

On average legal costs and expenses paid to applicants' solicitors amount to €12,228.02\* per successful application, or 19.64% of the award.

The average administrative costs and expenses incurred by the Board in respect of an application amount to €3,649.12\*\* or 5.86% of the award.

- \* This figure has been calculated by dividing the total amount of the legal costs paid to date by the number of applications in which legal costs were paid. The figure does not include costs paid in respect of associated Court proceedings; these costs average €5,066.92 per case in which such costs have been paid.
- \*\* This figure has been calculated by dividing the total administrative cost of running the Board (excluding awards and applicants' legal costs) by the total number of applications finalised at the end of 2020.

## Summary Cost of Redress Scheme\*

	2020	2019
Awards made	€290,037.00	€366,050.00
Legal costs paid in respect of applications	€101,977.74	€62,868.61
Related High Court and Circuit Court costs	€368,964.27	Nil
Generic Costs**	Nil	Nil
Board expenditure	€731,314.91	€603,106.81
<b>Total</b>	<b>€1,492,293.92</b>	<b>€1,032,025.42</b>

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

\*\* These Late Application Oral Hearings Generic Costs and Outlays were incurred in respect of the first late application oral hearings which took place at the Board in or about October 2008 and were finalised in 2018. They were a special category of costs which are not attributable to any particular application.

## Expenditure data for the year 2020

CATEGORY	Amount €
ADVERTISING	0.00
STENOGRAPHY SERVICES	€4,889.87
SIGN LANGUAGE SERVICES	€0.00
PHONES (SERVICE)	€7,805.99
PHONES (EQUIPMENT)	€900.36
POSTAGE	€3,000.00
POSTAGE – RENTAL & SERVICES	€2,133.45
COMPUTER HARDWARE/SOFTWARE	€13,570.92
COMPUTER SUPPORT SERVICES	€51,812.80
PHOTOCOPYING	€293.81
OFFICE MACHINERY	€1,633.50
HEAT, POWER & LIGHT	€7,664.08
CONTRACT CLEANING	€6,905.59

OFFICE SUPPLIES	€4,053.46
PRINTING	€0.00
FURNITURE & FITTINGS	€0.00
TRAVEL & SUBSISTENCE	€5,527.96
TAXI/COURIER SERVICE	€3,538.64
WATER SUPPLIES	€325.98
MAINTENANCE	€404.85
HOTEL ROOM HIRE	€438.00
MEDICAL FEES *	€3,075.00
MEDICAL PAYMENTS **	0.00
LEGAL FEES ***	€168,521.03
ADVICE AS TO FINANCIAL MANAGEMENT OF THE AWARD	0.00
ADMINISTRATIVE SALARIES	€298,209.67
BOARD MEMBERS FEES	€66,098.13
TRAINING	€309.91

PUBLICATIONS	0.00
SECURITY ****	€77,497.87
BOARD CATERING	0.00
AGENCY STAFF	0.00
MISCELLANEOUS	€2,704.04
<b>TOTAL</b>	<b>€731,314.91</b>

Notes

\* These fees are for medical reports prepared by doctors appointed by the Board under Section II 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.

\*\*\*\* This fee relates to secure off-site storage

# Appendices



**(Appendix a) AUDIT CERTIFICATE 2020**



**Ard Reachtaire Cuntas agus Ciste  
Comptroller and Auditor General**

**Report for presentation to the Houses of the Oireachtas  
Residential Institutions Redress Special Account**

**Opinion on account**

I have audited the Residential Institutions Redress Special Account prepared by the Departments of Education and of Public Expenditure and Reform for the year ending 31 December 2020 in accordance with Section 23 of the Residential Institutions Redress Act 2002. The account comprises a receipts and payments account and related notes.

In my opinion, the account properly presents

- the transactions for 2020, and
- the balance at 31 December 2020.

**Basis of opinion**

I conducted my audit of the account in accordance with the International Standards on Auditing (ISAs) as promulgated by the International Organisation of Supreme Audit Institutions. My responsibilities under those standards are described in the appendix to this report. I am independent of the Departments of Education and of Public Expenditure and Reform and have fulfilled my other ethical responsibilities in accordance with the standards.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

**Report on statement on internal financial control and on other matters**

The Department of Education has presented a statement on internal financial control together with the account. My responsibilities to report in relation to the information in the statement, and on certain other matters upon which I report by exception, are described in the appendix to this report.

I have nothing to report in that regard.

**Andrew Harkness  
For and on behalf of the  
Comptroller and Auditor General  
4 August 2021**

## Appendix to the report

### Responsibilities of the Departments of Education and of Public Expenditure and Reform

The responsibilities of the Departments in relation to the account are

- the preparation of the account in accordance with the Section 23 of the Residential Institutions Redress Act 2002
- ensuring that the account properly presents the balance at year end and the transactions in the year
- ensuring the regularity of transactions and
- such internal controls as they determine are necessary to enable the preparation of an account that is free from material misstatement, whether due to fraud or error.

### Responsibilities of the Comptroller and Auditor General

I am required under section 23 of 2002 Act to audit the financial statements of the Residential Institutions Redress Special Account and report thereon to the Houses of the Oireachtas.

My objective in carrying out the audit is to obtain reasonable assurance about whether the account as a whole is free from material misstatement due to fraud or error. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these accounts.

As part of an audit in accordance with the ISAs, I exercise professional judgment and maintain professional scepticism throughout the audit. In doing so,

- I identify and assess the risks of material misstatement of the account whether due to fraud or error; design and perform audit procedures responsive to those risks; and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- I obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the internal controls.
- I evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures.

I communicate with the Departments regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

### Statement on Internal Financial Control

My opinion on the account does not cover the statement on internal financial control presented with the account, and I do not express any form of assurance conclusion thereon.

In connection with my audit of the account, I am required under the ISAs to read the statement on internal financial control presented and, in doing so, consider whether the information therein is materially inconsistent with the account or with knowledge obtained during the audit, or if it otherwise appears to be materially misstated. If, based on the work I have performed, I conclude that there is a material misstatement of this information, I am required to report that fact.

### Reporting on other matters

My audit is conducted by reference to the special considerations which attach to State bodies in relation to their management and operation. I report if there are material matters relating to the manner in which public business has been conducted.

I seek to obtain evidence about the regularity of financial transactions in the course of audit. I report if there is any material instance where public money has not been applied for the purposes intended or where transactions did not conform to the authorities governing them.

I also report by exception if, in my opinion,

- I have not received all the information and explanations I required for my audit, or
- the accounting records were not sufficient to permit the account to be readily and properly audited, or
- the account is not in agreement with the accounting records.

**(Appendix b)**  
**Website Notice**

**UPDATE**

Thursday 17<sup>th</sup> June 2021

**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

2018 Nil

2019 Nil

2020 Nil

**(Appendix c)**  
**Website Notice**

**NOTICE**

**Tuesday, 3rd March 2020**

The Board would like to clarify that it never corresponds (by letter, email or otherwise) with Applicants or calls them by phone seeking Personal Data (to include any bank details) out of the blue.

All letters are sent on headed note paper. Bank details will only ever be sought in the context of an active on-going application. We never seek bank details by email or telephone call.

If you receive correspondence (letter, email, text or otherwise) claiming to be from the Board please always feel free to phone the Board's general office 2680600 to verify the correspondence and contents.

The phone lines are operated between the hours of 10am and 12.30pm and 2pm to 4pm Monday to Friday. Outside of these hours please leave a message including your contact details and we will call you back.

**Christmas Opening Hours 2020**  
**Monday, 7th December 2020**

The Boards Offices will close on Wednesday 23rd December 2020 and will reopen on Monday 4th January 2021.