

**Annual Report of  
The Residential  
Institutions  
Redress Board  
2016**

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## FOREWORD

The Board completed the process in 2 applications in 2016 making a total of 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 currently before the Courts the nature of the ongoing work of the Board is limited. The Board is working with a reduced staff of (currently) five civil servants who continue to carry out their work to the highest standards of the public service. The Board would like to express its appreciation to Ms. Mary O'Reilly, Acting Secretary to the Board and would also like to thank Ms. Sharon Moohan who acts as Solicitor to the Board. Ms. Moohan, along with Ms. Lucy Scaife B.L., and Mr. Fintan Valentine B.L., continued to provide legal advice to the Board throughout 2016.

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.

By that time the Board had received a total of 2,766 late applications (submissions). By the 31<sup>st</sup> December 2016 all the submissions had been considered by the Board as follows:

- 2,224 submissions for new applications were accepted by the Board
- 341 submissions were disallowed by the Board
- 162 submission were withdrawn or had their files closed
- 39 submissions were not valid

Accordingly, the Board has received a total of 16,650 applications (including 2,211 late applications).

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 deposited with the National Archives where they will be sealed for a period of 75 years, 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. Currently there is one judicial review application pending appeal before the Supreme Court. There are also a number of applications where the legal costs and outlays have yet to be finalised either by agreement between the parties or by taxation by the Taxing Master of the High Court where these cannot be agreed.

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 10 ordinary members appointed by the Minister for Education & Science. These are:

Mr. Justice Esmond Smyth	appointed 3 <sup>rd</sup> January 2008
Dr. Helen Cumiskey	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
Mr. John A. Campbell, Solicitor	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 are assisted 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 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 web-site ([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.

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.

## 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 2016 the Board had received 2,766 such submissions. The Board has considered each such submission individually and has ruled as follows;

- 2,224 submissions for new applications were accepted by the Board
- 341 submissions were disallowed by the Board
- 162 submission were withdrawn or had their files closed
- 39 submissions were not valid

Accordingly, the Board received a total of 16,650 applications (including 2,211 late applications).

## **Processing of Applications**

Consideration of an application required the obtaining of written information and reports from a variety of sources. The Board notified applicants once it had received all necessary documentation in relation to their application. These notifications issued immediately after the Board had complied with its obligations in relation to the notification of relevant persons as outlined in the Residential Institutions Redress Act 2002 (Miscellaneous Provisions) Regulations 2002.

In an attempt to maximise the efficient processing of applications the Board initiated a series of callovers with the legal representatives of those applicants where necessary documentation remains outstanding. 3 such callovers were held in 2016.

## **Number and Amounts of Awards**

The Board commenced making awards in May 2003 and by 31<sup>st</sup> December 2016 had completed the process in 16,650 cases as detailed below:

- 12,016 offers/awards made following settlement
- 2,994 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 31<sup>st</sup> December 2016 amounts to €969.9m. The average value of awards is €62,250, the largest award being €300,500.

- The average award following a successful settlement is €61,555
- The average award following a hearing by the Board is €63,575
- The 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 and Skills 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” .....

By the 31<sup>st</sup> December 2016, of the 16,650 applications received, 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 15,367 applications. €180,705,335.29 has been paid in respect of applications to the Board. In 2,639 of these applications a further €12,833,788.56 has been paid in respect of the costs of associated court proceedings. This makes a total of €193,539,123.85.

Further details are given in the following table.

<b>Legal Costs</b>			
	<b>To end 2015</b>	<b>2016</b>	<b>Total</b>
<b><i>Finalised Applications</i></b>	15,345	22	15,367
<b><i>Costs of Applications to the Board</i></b>	€180,189,027.73	€516,307.56	€180,705,335.29
<b><i>Costs of Associated Court Proceedings</i></b>	€12,722,092.01 (2,627 cases)	€111,696.55 (12 cases)	€12,833,788.56 (2,639)
<b><i>Total Costs</i></b>	€192,911,119.74	€628,004.11	€193,539,123.85

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.

The average costs and expenses paid to applicants' solicitors, including payments made for medical reports, to the end of 2016 in respect of applications to the Board amount to €12,224 per application, or 19.6% of the award.

## **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 May 2017 and the Comptroller's certificate of satisfaction dated 24/10/2017 is attached in appendix (f).

## **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.
- 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.

These publications are provided as an aid to applicants and their legal advisers who wish to know what is involved in making an application to the Board. They let the applicants know in some detail what is involved in the process and what options are available to them. They explain the difference between settlements and hearings and inform applicants of what to expect when they arrive at the Board's offices. Along with the Board's newsletters they provide information on such issues as costs and expenses as well as answering a range of questions applicants may have about such matters as: "What happens at a hearing?", or "Must I make up my mind immediately whether to accept or reject an offer?" Every effort has been made to use plain English in these publications so that they will benefit the personal applicant and solicitor alike.

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.

# Statistics\*

## **Applications Received**

Pursuant to the provisions of section 8(2) and 8(3) of the 2002 Act the Board may, at its discretion and where it considers there are exceptional circumstances, extend the period for receipt of applications. Any applicant wishing to lodge an application after 15<sup>th</sup> December 2005 is asked to explain in writing to the Board why the application was not lodged in time. The Board considers each such submission individually. By the 31<sup>st</sup> December 2016 the Board had received 2,766 such submissions which were dealt with as follows.

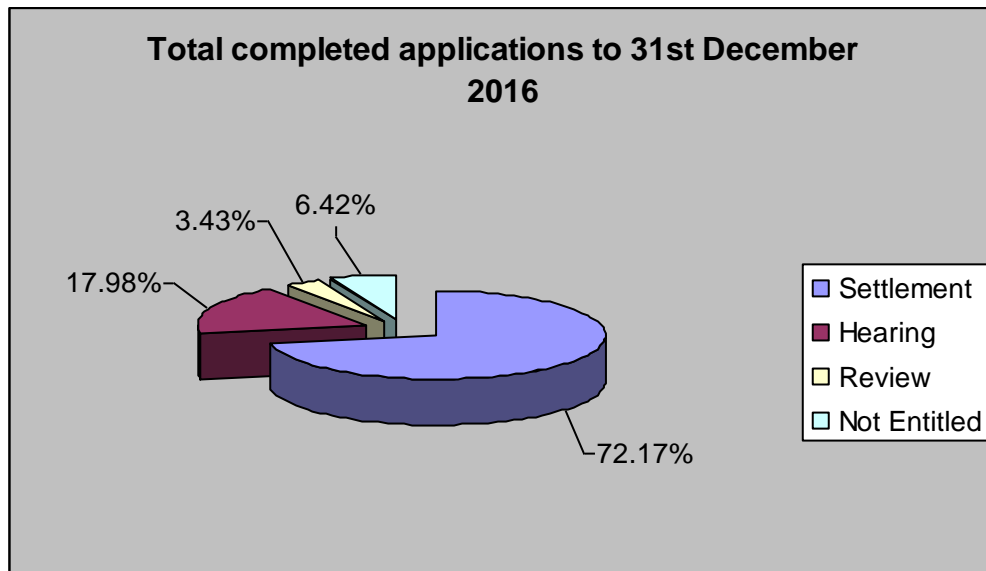
- 2,224 submissions for new applications were accepted by the Board
- 341 submissions were disallowed by the Board
- 162 submission were withdrawn or had their files closed
- 39 submissions were not valid

The Board has now received a total of 16,650 applications (including 2,211 late applications accepted up 31<sup>st</sup> December 2016).

## Completed Applications

On the 31<sup>st</sup> December 2016 the Board had completed the process in 16,650 cases, as detailed below

• Offers made following settlement	-	12,016
• Awards made following hearings	-	2,994
• Awards following Review	-	571
• Applications withdrawn, refused or no award	-	1,069





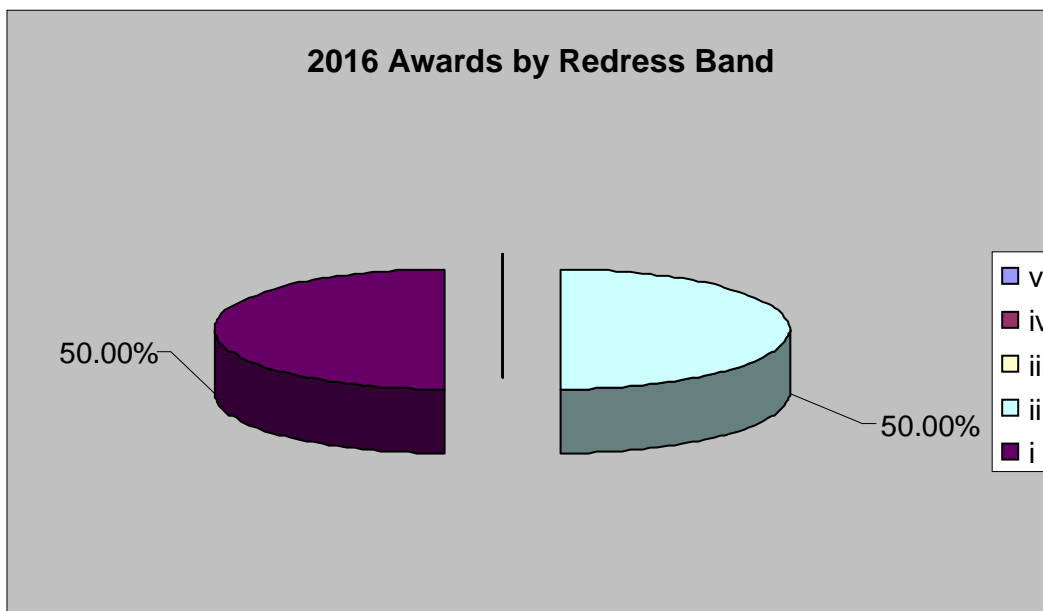
The breakdown of the completed cases to 31<sup>st</sup> December 2016 is detailed in the following table.

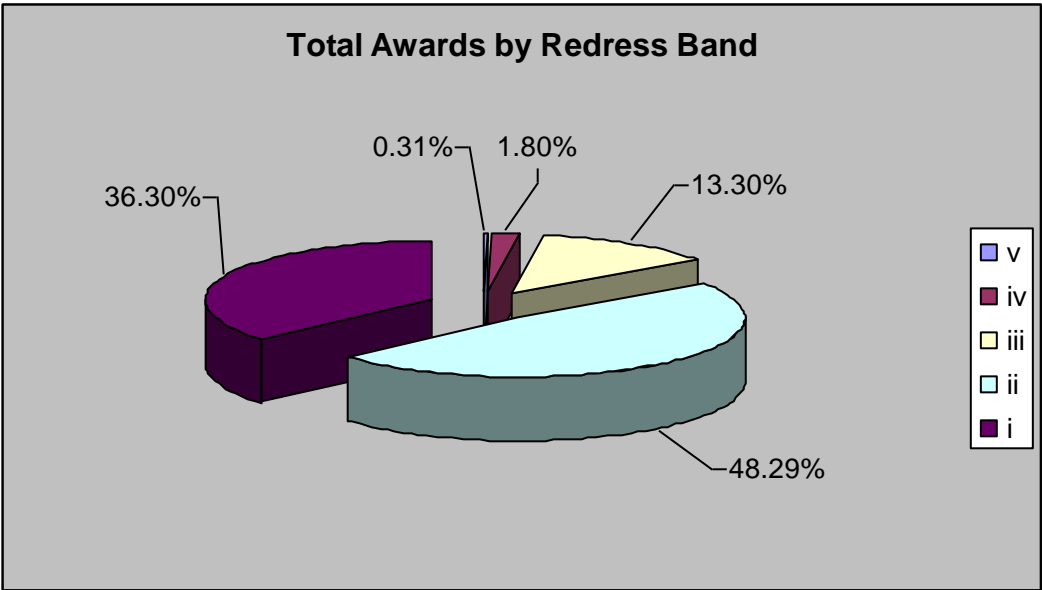
<b>Completed Applications</b>	<b>To End 2015</b>	<b>2016</b>	<b>Total</b>
Offers made following settlement	12,014	2	12,016
Awards made following hearings	2,994	0	2,994
Awards following Review	571	0	571
Applications withdrawn, refused or no award	1,069	0	1,069
<b>Total Completed Cases</b>	<b>16,648</b>	<b>2</b>	<b>16,650</b>

## Number of Awards by Redress Band

The breakdown of awards by Redress Bands is as follows:

Redress Bands	Total Weighting	Award Payable	2016 Awards	%	Total Awards to end 2016	%
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%	2,073	13.30%
ii	25-39	€50,000 - €100,000	1	50.00%	7,524	48.29%
i	less than 25	Up to €50,000	1	50.00%	5,656	36.30%
<b>Total</b>			<b>2</b>	<b>100.00%</b>	<b>15,581</b>	<b>100.00%</b>

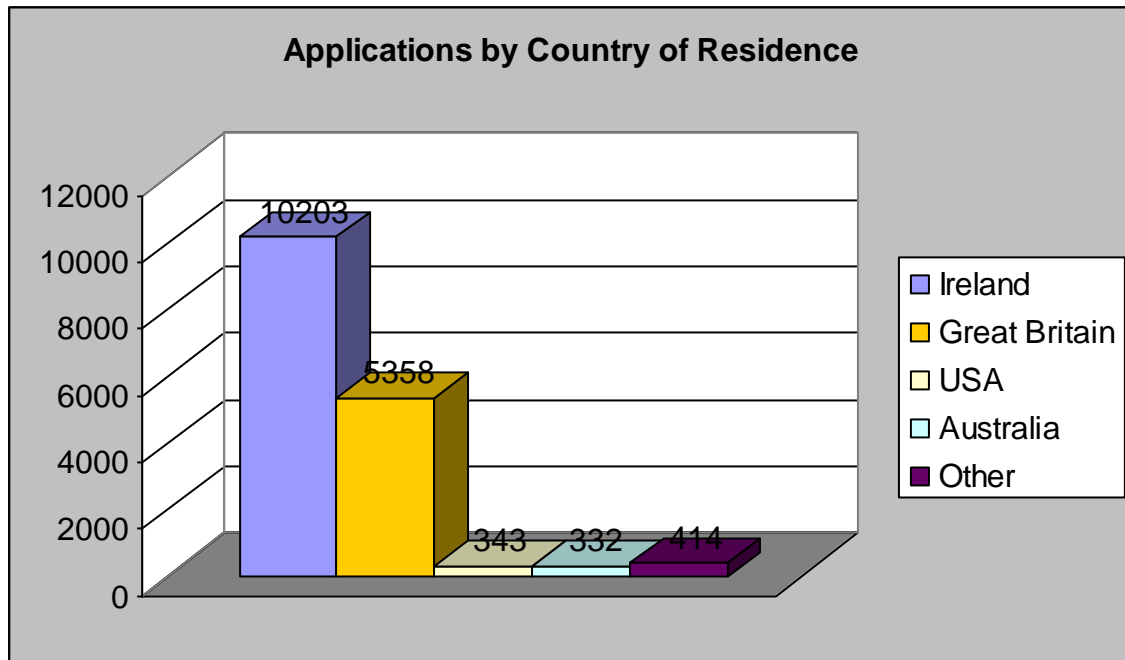




## Country of Residence of Applicants

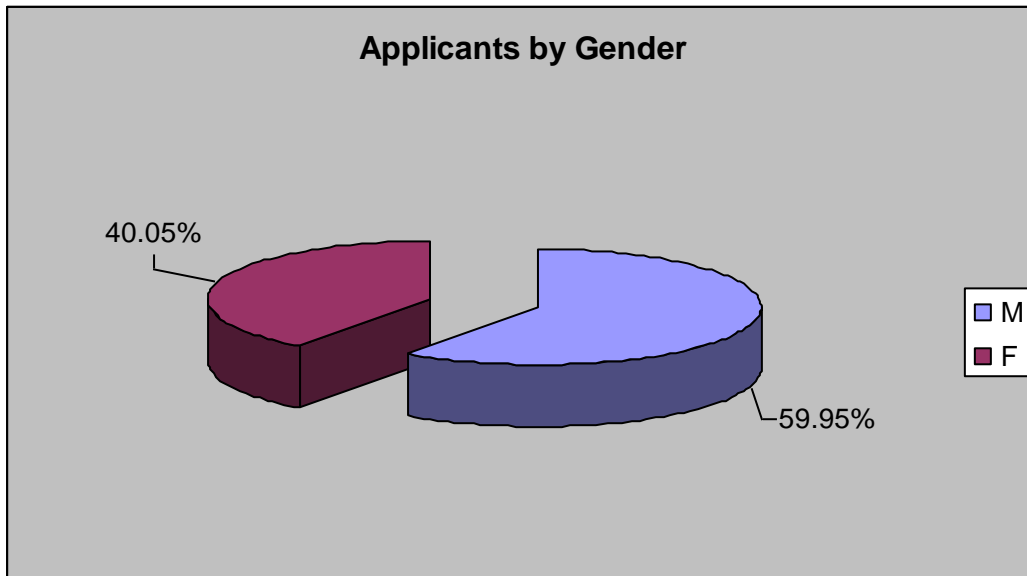
Country of Residence	Total Applications Received	% of Total Received
Ireland	10,203	61.28%
Great Britain	5,358	32.18%
USA	343	2.06%
Australia	332	1.99%
Northern Ireland	162	0.97%
Canada	106	0.64%
Spain	33	0.20%
New Zealand	23	0.14%
Germany	19	0.11%
The Netherlands	15	0.09%
France	11	0.07%
Sweden	6	0.04%
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>16,650</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 16,650 applications received to 31<sup>st</sup> December 2016 males account for 9,982 applications and females account for 6,668 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 up to 31<sup>st</sup> December 2016.

## **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 –

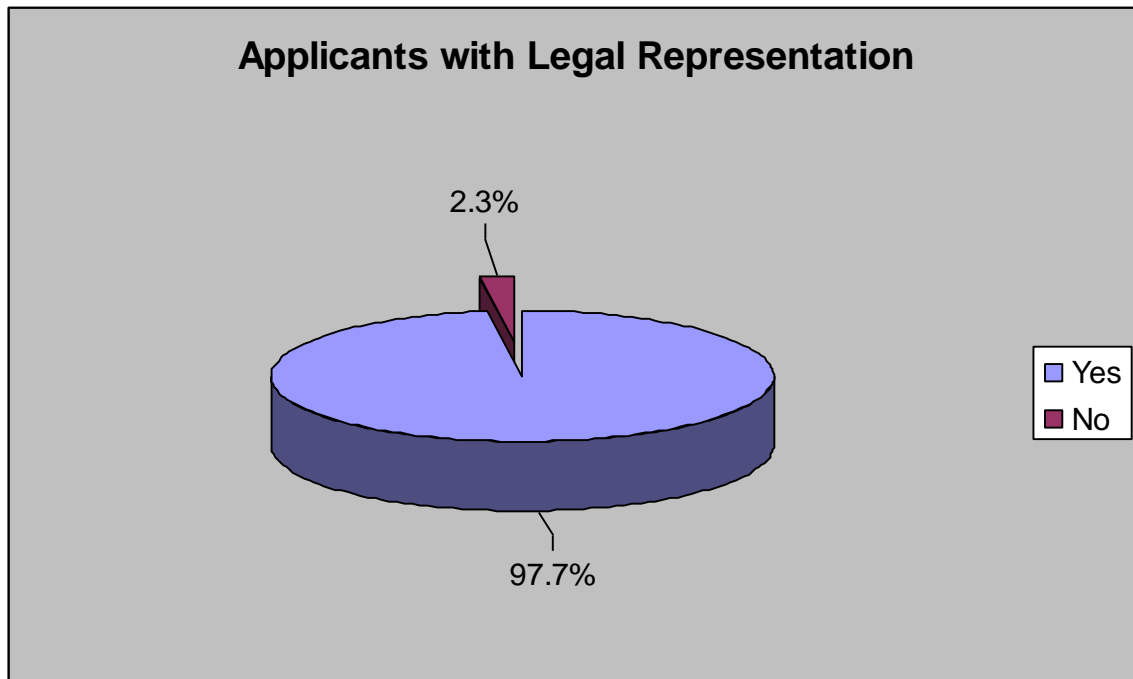
- (i) who were born before 1<sup>st</sup> January 1946, or
- (ii) who are, at the time when the application is made, suffering from a medical illness or psychiatric condition which is life threatening, as confirmed in writing by a letter from their regular medical adviser.

To date the Board has 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 15,367 applications. The 22 costs payments made by the Board in 2016 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 - 2016	Board Costs Paid in 2016	Related High Court Costs paid in 2016	2016 Total
Burns Kelly Corrigan	3	€85,334.82	€87,832.91	€173,167.73
Byrne Carolan Cunningham	13	€340,367.57	€19,497.64	€359,865.21
Coughlan White & Partners	1	€11,998.63	€0.00	€11,998.63
Declan Duggan & Co	0	€1,740.00	€0.00	€1,740.00
Eugene Dunne & Co	1	€32,537.00	€0.00	€32,537.00
Kevin Tunney	1	€11,208.00	€3,844.00	€15,052.00
Litigant in Person	0	€1,358.37	€0.00	€1,358.37
McMahon	2	€26,306.17	€0.00	€26,306.17
Michael E Hanahoe	0	€0.00	€522.00	€522.00
Litigant in Person	1	€5,457.00	€0.00	€5,457.00
	<b>22</b>	<b>€ 516,308</b>	<b>€ 111,697</b>	<b>€ 628,004</b>

Note: There are instances in the above table where the number of applications for a solicitor is showing as "nil" despite receiving costs in 2016. These refer to cost payments such as supplementary costs received by the solicitor for cases in which the main costs were paid in a previous year. There are also some such instances contained in the total applications for solicitors who had more than one payment.

## **Comparative Analysis of Costs from Establishment to 31<sup>st</sup> December 2016**

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 €3,439\*\* or 5.5% 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 €4,863 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 2016.

# Appendices

## **(Appendix a) Customer Service Plan 2016**

The administrative staff of the Redress Board undertake to commit themselves to serving their customers - applicants, solicitors, barristers, members of the public and Board members in the following manner:

1. Show courtesy and sensitivity and preserve confidentiality in all our dealings with our customers verbally, in writing or in person.
2. Give assistance to those applicants who request it to complete their application forms (in so far as permissible under the Act).
3. Ensure adequate staff are available to answer all queries between the hours of 9.00am and 4.00pm Monday to Friday.
4. Issue statutory correspondence within 5 working days of the file's readiness to proceed to the next stage.
5. Schedule applications for settlement or hearing as soon as applications are complete.
6. Greet applicants and their party cordially and give every reasonable assistance on the day of their attendance at the Redress Board offices.
7. Issue notice of award to the applicant within 5 working days of the decision of the Board.
8. Ensure appropriate facilities are available for people with disabilities or special needs.
9. Update information on our website to ensure that the fullest information possible is available to the public.

10. Post regular newsletters on the website in the interests of openness and transparency.
11. Periodically review this plan.
12. Pursue all reasonable avenues to expedite the completion of the remaining applications before it, while having regard to the Board's statutory obligations, the unique circumstances of each applicant and the principles of natural justice.

**(Appendix b) Expenditure data for the year 2016**

<b>CATEGORY</b>	<b>Amount €</b>
ADVERTISING	0.00
STENOGRAPHY SERVICES	5,635.30
SIGN LANGUAGE SERVICES	463.70
PHONES (SERVICE)	12,087.01
PHONES (EQUIPMENT)	0.00
POSTAGE	5,500.00
POSTAGE – RENTAL & SERVICES	1,915.47
COMPUTER HARDWARE/SOFTWARE	9,904.64
COMPUTER SUPPORT SERVICES	43,809.58
PHOTOCOPYING	517.84
OFFICE MACHINERY	0.00
HEAT, POWER & LIGHT	8,337.04
CONTRACT CLEANING	18,925.65
OFFICE SUPPLIES	1,538.63
PRINTING	308.73
FURNITURE & FITTINGS	0.00
TRAVEL & SUBSISTENCE	8,034.77
TAXI/COURIER SERVICE	1,774.69
VENDING MACHINE & WATER SUPPLIES	1,699.66
MAINTENANCE	342.03
HOTEL ROOM HIRE	0.00
MEDICAL FEES*	0.00
MEDICAL PAYMENTS**	0.00
LEGAL FEES ***	140,299.39
ADVICE AS TO FINANCIAL MANAGEMENT OF THE AWARD	0.00
ADMINISTRATIVE SALARIES	385,834.09

BOARD MEMBERS FEES	63,262.00
TRAINING	1,691.25
PUBLICATIONS	0.00
SECURITY	77,711.55
BOARD CATERING	0.00
AGENCY STAFF	0.00
MISCELLANEOUS	1,012.20
<b>TOTAL</b>	<b>790,605.22</b>

\*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.



**(Appendix c) Awards made for the year 2016\***

<b>AWARDS</b>	<b>AMOUNT</b>
<b>TOTAL</b>	€94,300

\* This figure reflects determinations by the Board and not actual disbursements from the Special Account.

**(Appendix d) Summary cost of Redress Scheme\***

	<b>2016</b>	<b>2015</b>
Awards made	€94,300	€2,772,727.09
Legal costs paid in respect of applications	€516,308	€5,808,433.67
Related High Court costs	€111,697	€120,412.75
Board expenditure	€790,605	1,699,060.63
<b>Total</b>	<b>€1,512,910</b>	<b>€10,400,634.14</b>

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

## **(Appendix e) Notice - January 2016**

### **Notice**

Monday, 18th January 2016

The Board's public phonenumber will be operated between the hours of 9.00am and 4.00pm with effect from Monday 18<sup>th</sup> January 2016 in light of imminent closure and reduced staffing levels. Outside of these hours please leave a message and we will get back to you as soon as possible.

## (Appendix f) 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 2016.

### Basis of Report

The report is based on the results of audit testing which formed part of my audit of the Special Account. The testing was carried out in accordance with auditing standards issued by the Auditing Practices Board.

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.

The award and costs payments disbursed in the year were as follows.

	<b>2016</b>	<b>2015</b>
	<b>€</b>	<b>€</b>
Awards paid	392,083	5,079,126
Costs paid	1,152,713	5,654,148
Total award related expenditure	<b>1,544,796</b>	<b>10,733,274</b>

Certain instructions for payment issued by the Board late in the year may not be processed before the year end, and are paid at the beginning of the following year. There were no outstanding payments at the end of 2016.

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 claimant.

At the end of 2016, 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 2016 were duly made on foot of valid awards
- all awards that came in the course of payment were discharged
- the system of internal control employed by the Board is adequate and operated effectively during the periods covered by the report.

**Colette Drinan**

**for and on behalf of the**

**Comptroller and Auditor General**

**October 2017**