

**Annual Report of  
The Residential  
Institutions  
Redress Board  
2012**

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## **FOREWORD**

The Board sat throughout the year and completed the process in 540 applications making a total of 15,396 at the end of the year.

The Board continues to be assisted in discharging its duties by its civil servants and legal secretary who continue to perform a difficult task to the highest standards of the public service under the leadership of Mr Michael O'Beirne, Chief Executive Officer. The Board would also like to thank Ms. Sharon Moohan who acts as solicitor to the Board. Ms. Moohan, along with Mr. Henry Hickey S.C., Mr. John McDonagh S.C., Ms. Lucy Scaife B.L., Ms. Elma Sheahan B.L. and Mr. Fintan Valentine B.L. continued to provide legal advice to the Board throughout 2012.

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 2012 the Board continued to hold callovers with the solicitors on record to ascertain the up to date position with their cases in an effort to ensure the prompt completion of applications which had not been progressed despite the Boards best efforts.

Pursuant to the provisions of section 8(2) and 8(3) of the 2002 Act the Board could, at its discretion and where it considered there were exceptional circumstances, extend the period for receipt of applications. Any applicant wishing to lodge an application after 15<sup>th</sup> December 2005 has to satisfy the Board in writing as to why the application was not lodged in time. In order to satisfy the Board that the circumstances of their application are exceptional applicants may be required to submit medical records, reports and other corroborative material in support of their application. In certain circumstances it is necessary for the Board to hold an oral hearing to clarify and verify matters arising in a late application. The Board considers each such submission individually.

By the end of the year the Board had received a total of 2,766 such submissions which had been dealt with as follows:

- 1,641 submissions were accepted by the Board
- 225 submissions were disallowed by the Board
- 152 submissions were withdrawn or had their files closed
- 39 submissions were not valid
- In 680 cases the Board was awaiting further information from the applicant
- 29 submissions remained to be considered by the Board

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 17<sup>th</sup> of September 2011. Any such late applications received on or after that date cannot be accepted by the Board. This means that the Board could not accept late applications received after midnight on Friday 16<sup>th</sup> September 2011.

The Board will continue its work until all submissions received prior to the 17<sup>th</sup> of September have been completed.

The Residential Institutions Statutory Fund Act 2012 (Commencement) Order 2012 (Statutory Instrument No. 387 of 2012) provides for the commencement of section 44 of the Residential Institutions Statutory Fund Act 2012 with effect from the 4<sup>th</sup> October 2012. Section 44 amends the Residential Institutions Redress Act 2002 to allow the Board to strike out a request for an extension of time to make an application under section 8 of the Act where the applicant fails to comply with a direction of the Board. It also amends section 13 of the 2002 Act to allow the Board to strike out an application for an award under the Act where the applicant has furnished the necessary proofs but where the applicant fails to comply with a direction of the Board. The Board is required to give at least 28 days notice of its intention to strike out a request under section 8 or an application under section 13. An applicant may appeal a decision of the Board to strike out an application under section 13 to the Residential Institutions Redress Review Committee.

The Board issued 45 notices pursuant to section 44 in December.

The full text of the Commencement Order and section 44 of the 2012 Act are contained in appendix (f).

The Board understands that the Government has agreed in principle to bring forward legislative proposals to allow for the retention of its records and that all relevant bodies are to be consulted.

The Board looks forward to the commencement of that consultation process.

## **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 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
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) 23 administrative staff.
- (b) 5 part-time Counsel.
- (c) 1 full time solicitor.
- (d) the Board's medical adviser.

## **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 have ensured that the Board retains a high public profile. In addition the various public discussions concerning the redress scheme have further raised the profile of the process, as has the frequency

with which the Board is 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 are submitted on a standard application form and in order to facilitate applicants the Board has 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 2012 newsletters and statements are attached as appendices (e) to (g) and 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 may 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 could not 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 14,440 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 2012 the Board had received 2,766 such submissions. The Board has considered each such submission individually and has ruled as follows;

- 1,641 submissions were accepted by the Board
- 225 submissions were disallowed by the Board
- 152 submission were withdrawn or had their files closed
- 39 submissions were not valid
- In 680 cases the Board was awaiting further information from the applicant
- 29 submissions remained to be considered by the Board

Accordingly, the Board has now received a total of 16,081 applications (including 1,641 late applications accepted up 31<sup>st</sup> December 2012). This total will increase to the extent that the Board accepts late submissions.

## **Processing of Applications**

Consideration of an application requires the obtaining of written information and reports from a variety of sources. The Board notifies applicants once it has received all necessary documentation in relation to their application. These notifications issue immediately after the Board has 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 has initiated a series of callovers with the legal representatives of those applicants where necessary documentation remains outstanding. 17 such callovers were held in 2012.

## **Number and Amounts of Awards**

The Board commenced making awards in May 2003 and by 31<sup>st</sup> December 2012 had completed the process in 15,396 cases as detailed below:

- 11,197 offers/awards made following settlement.
- 2,725 awards made following hearings (16 awards rejected by applicant).
- 456 awards following Review.
- 1,018 applications withdrawn, refused or resulted in a nil or no award

The total awards made to 31<sup>st</sup> December 2012 amounts to €903.8m. The average value of awards is approximately €62,860, the largest award being €300,500.

- The average award following a successful settlement is €62,230
- The average award following a hearing by the Board is €64,800
- The average award following an unsuccessful attempt to settle which therefore went to hearing is €64,480

**Mindful that this report is being published in 2014 the Board is publishing figures updated to 31<sup>st</sup> December 2013 in appendix (i).**

## **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 has established a free, confidential and independent financial management service which is available to all award recipients. Its purpose is to give advice which is 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 is separate from MABS usual advice services. The Board provides contact details for MABS to all applicants who accept 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 2012, of the 16,081 applications received, 9 have been referred to the Garda Síochána under section 7(6) of the Act. Investigations have been concluded in 6 matters and one 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 13,755 applications. €154,120,723.91 has been paid in respect of applications to the Board. In 2,316 of these applications a further €11,977,740.88 has been paid in respect of the costs of associated court proceedings. This makes a total of €166,098,464.79.

Further details are given in the following table.

<b>Legal Costs</b>			
	<b>To end 2011</b>	<b>2012</b>	<b>Total</b>
<b><i>Finalised Applications</i></b>	13,307*	448	13,755
<b><i>Costs of Applications to the Board</i></b>	€147,745,658.54	€6,375,065.37	€154,120,723.91
<b><i>Costs of Associated Court Proceedings</i></b>	€11,788,209.62 (2,276 cases)	€189,531.26 (40 cases)	€11,977,740.88 (2,316 cases)
<b><i>Total Costs</i></b>	€159,533,868.16	€6,564,596.63	€166,098,464.79

*\*This figure has been adjusted from the 2011 annual report to reflect instances such as where more than one firm of solicitors were involved in the application process, e.g. where the applicant chose to change legal representation during the course of their application.*

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 2012 in respect of applications to the Board amount to €11,708 per application, or 18.6% 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 September 2013 and the Comptroller's certificate of satisfaction dated 25<sup>th</sup> November 2013 is attached in appendix (h).

## **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 issued in 2012 are attached as appendices (e) to (g) and 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.
- 10 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\*

*\* Some figures may vary from those in the 2011 report. This is due to factors such as awards being changed on Review or personal applicants choosing to be legally represented after they have lodged an application.*

## 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 2012 the Board had received 2,766 such submissions which were dealt with as follows.

- 1,641 submissions were accepted by the Board
- 225 submissions were disallowed by the Board
- 152 submissions were withdrawn or had their files closed
- 39 submissions were not valid
- In 680 cases the Board was awaiting further information from the applicant
- 29 submissions remained to be considered by the Board

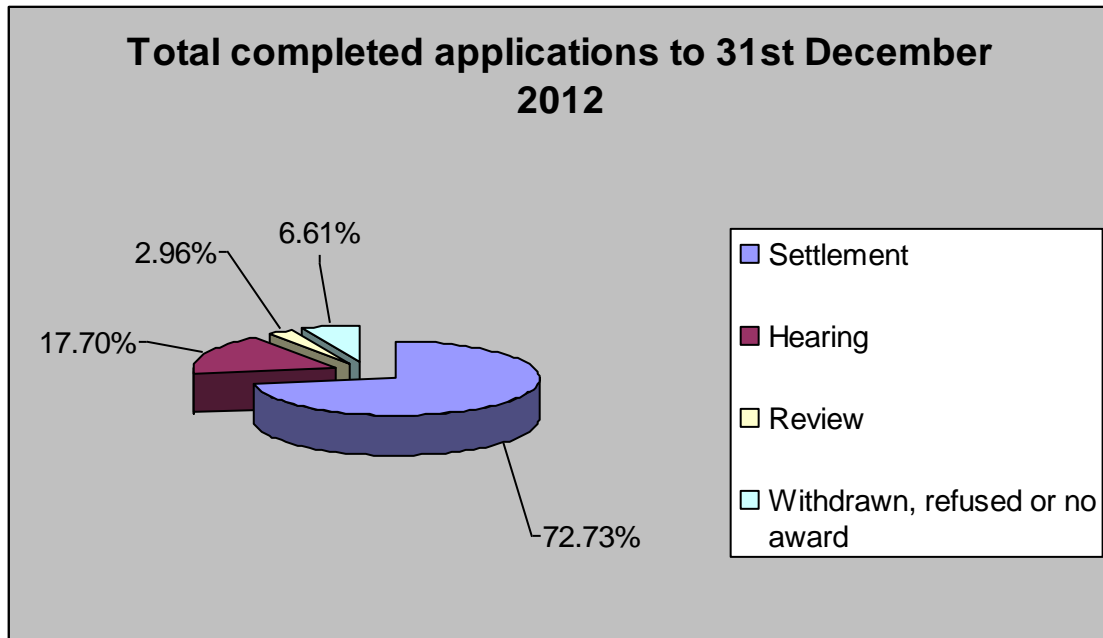
The Board has now received a total of 16,081 applications (including 1,641 late applications accepted up 31<sup>st</sup> December 2012). This total may increase when all outstanding submissions have been finally considered by the Board.



## Completed Applications

On the 31<sup>st</sup> December 2012 the Board had completed the process in 15,396 cases, as detailed below

• Offers made following settlement	-	11,197
• Awards made following hearings	-	2,725
• Awards following Review	-	456
• Applications withdrawn, refused or no award	-	1,018



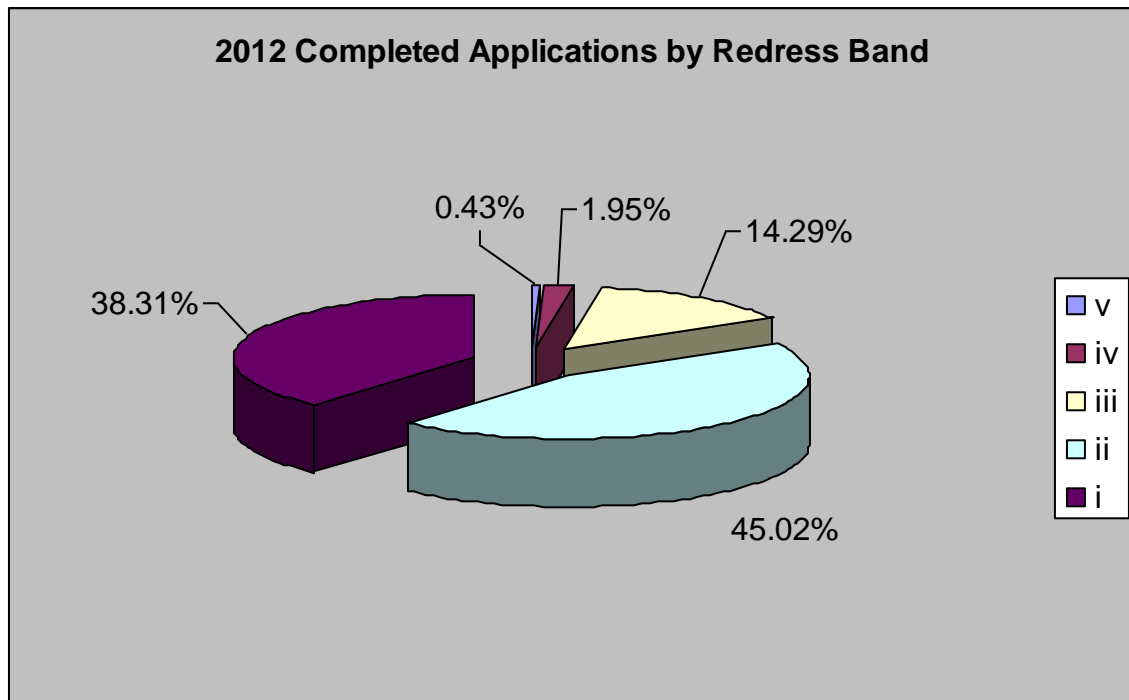
The breakdown of the completed cases to 31<sup>st</sup> December 2012 is detailed in the following table.

<b>Completed Applications</b>	<b>To End 2011</b>	<b>2012</b>	<b>Total</b>
Offers made following settlement	10,873	324	11,197
Awards made following hearings	2,613	112	2,725
Awards following Review	430	26	456
Applications withdrawn, refused or no award	940	78	1,018
<b>Total Completed Cases</b>	<b>14,856</b>	<b>540</b>	<b>15,396</b>

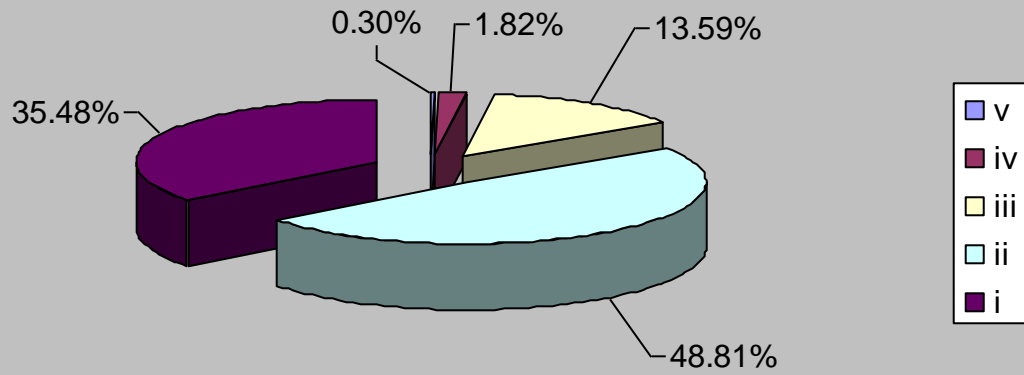
## Number of Awards by Redress Band

The breakdown of awards by Redress Bands is as follows:

Redress Bands	Total Weighting	Award Payable	No. of Apps 2012	%	Total Apps to end 2012	%
v	70 or more	€200,000 - €300,000	2	0.43%	43	0.30%
iv	55-69	€150,000 - €200,000	9	1.95%	261	1.82%
iii	40-54	€100,000 - €150,000	66	14.29%	1954	13.59%
ii	25-39	€50,000 - €100,000	208	45.02%	7018	48.81%
i	less than 25	Up to €50,000	177	38.31%	5102	35.48%
<b>Total</b>			<b>462</b>	<b>100.00%</b>	<b>14,378</b>	<b>100.00%</b>



**Total Completed Applications by Redress Band**

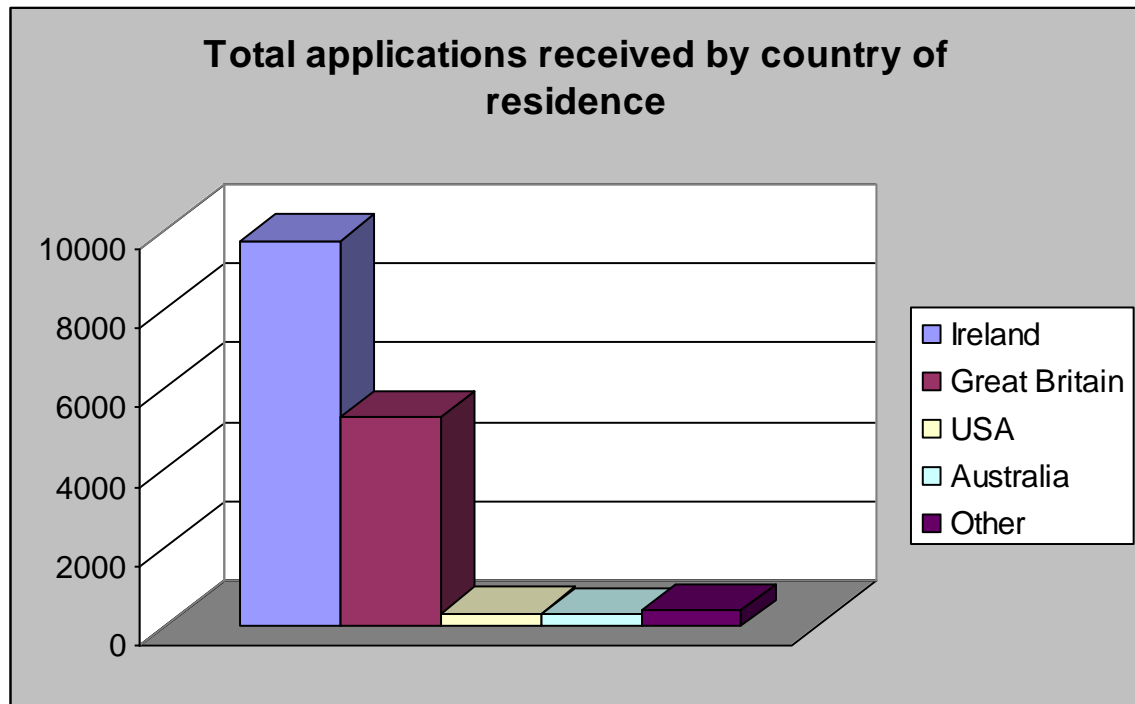


## Country of Residence of Applicants

The figures below refer to the applications registered on the Board's case management system on the 31<sup>st</sup> December 2012.

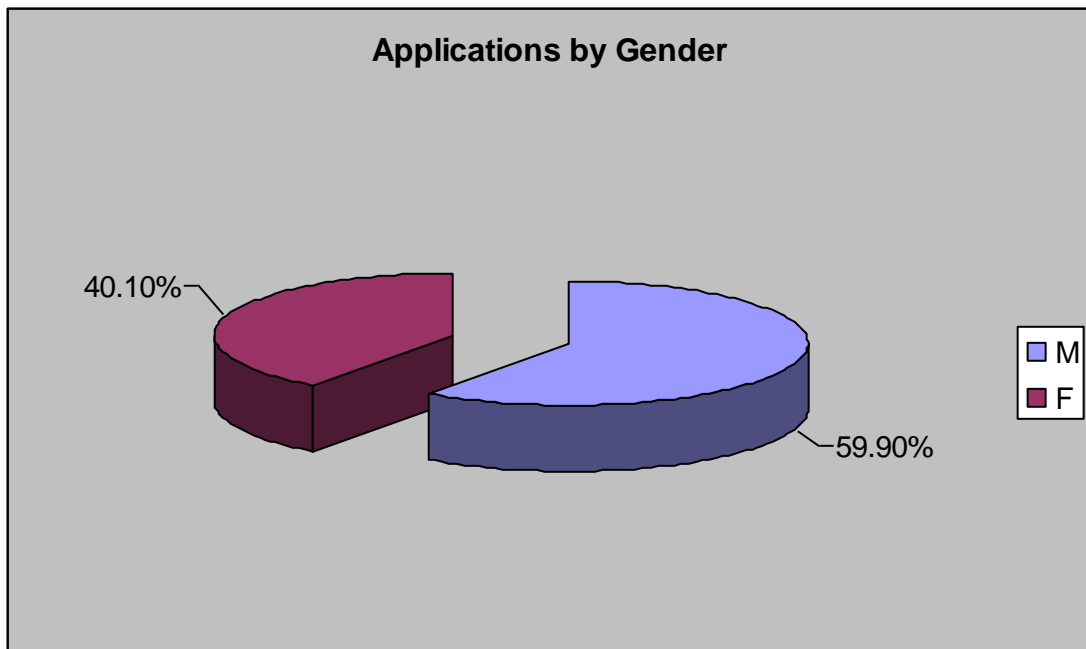
Country of Residence	Total Applications Received	% of Total Received
Ireland	9713	60.54%
Great Britain	5269	32.84%
USA	339	2.11%
Australia	325	2.03%
Northern Ireland	150	0.93%
Canada	105	0.65%
Spain	33	0.21%
New Zealand	22	0.14%
Germany	18	0.11%
The Netherlands	15	0.09%
France	11	0.07%
Sweden	6	0.04%
Denmark	6	0.04%
South Africa	4	0.02%
Channel Islands	3	0.02%
Belgium	2	0.01%
Italy	3	0.02%
Portugal	2	0.01%
Austria	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%
Sri Lanka	1	0.01%
Switzerland	1	0.01%
Thailand	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>16043</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

The figures below refer to the applications registered on the Board's case management system on the 31<sup>st</sup> December 2012. Of these applications, 9,610 are from men and 6,433 are from women.



## **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 583 such applications up to 31<sup>st</sup> December 2012.

## **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.

513 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 1942, 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.

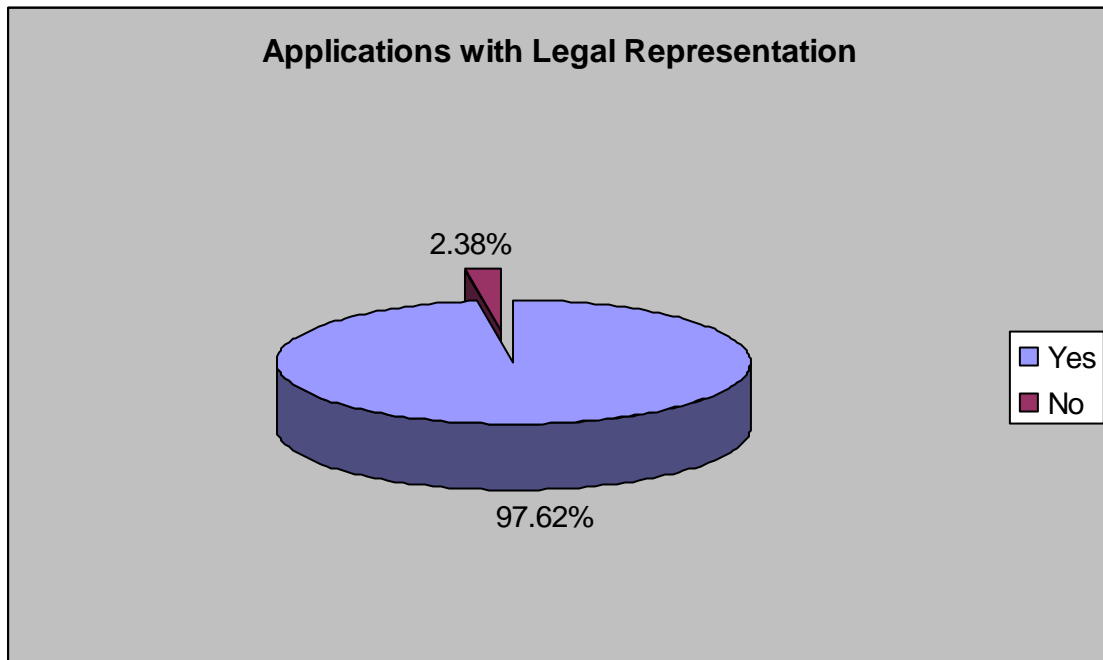
During the year 14 applicants born before 1<sup>st</sup> January 1942 were granted priority by the Board. No applicant was granted priority on the grounds of a medical or psychiatric condition. To date the Board has granted priority to a total of 3,284 applicants, 2,886 on the grounds of age and 398 on the grounds of a medical or psychiatric condition.

**In 2013 the Board will give priority to applicants born before 1<sup>st</sup> January 1943.**

## Legal Representation

The chart below refers to the applications registered on the Board's case management system on the 31<sup>st</sup> December 2012.

The percentage of applications from applicants represented by a solicitor stands at 97.62%.



Applicants are represented by a total of 1,054 firms of solicitors and costs have been paid to date in respect of 13,755 applications. The 448 costs payments made by the Board in 2012 are listed below. It should be noted that the Board has not yet received bills in respect of all the applications it has determined.

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 - 2012	Board Costs Paid in 2012	Related High Court Costs paid in 2012	2012 Total
Aaron Kelly & Co	1	€ 13,694.18	€ 0.00	€ 13,694.18
Ahern O'Shea	1	€ 9,796.96	€ 0.00	€ 9,796.96
Aidan T Stapleton & Co	1	€ 22,022.00	€ 0.00	€ 22,022.00
Alan Mitchell & Co	1	€ 9,282.00	€ 0.00	€ 9,282.00
Alison Quail & Co	1	€ 7,634.50	€ 0.00	€ 7,634.50
Anthony Joyce & Co	1	€ 8,279.10	€ 0.00	€ 8,279.10
Augustus Cullen Law	1	€ 16,586.67	€ 0.00	€ 16,586.67
Becker Tansey & Co	1	€ 18,297.50	€ 0.00	€ 18,297.50
Behan Barry	1	€ 15,503.68	€ 0.00	€ 15,503.68
Bismilla & Co	1	€ 13,495.50	€ 0.00	€ 13,495.50
Branigan Berkery	3	€ 67,870.20	€ 0.00	€67,870.20
Brian Berrills & Company	1	€ 9,789.50	€ 0.00	€ 9,789.50
Burns Kelly Corrigan	42	€ 560,721.62	€ 0.00	€560,721.62
Byrne Carolan Cunningham	27	€ 378,118.36	€ 9,720.11	€387,838.47
CP Crowley and Co	1	€ 14,062.74	€ 0.00	€ 14,062.74
Callan Tansey	1	€ 22,939.50	€ 0.00	€ 22,939.50
Canice M Egan & Co	3	€ 52,571.25	€ 5,487.22	€ 58,058.47
Carl O'Mahony & Co	1	€ 12,650.00	€ 0.00	€ 12,650.00
Carvill Rickard & Co	2	€ 25,990.00	€ 0.00	€25,990.00
Chris Ryan	1	€ 10,977.10	€ 0.00	€ 10,977.10

Name of Solicitor	Number of Applications in which Costs have been paid - 2012	Board Costs Paid in 2012	Related High Court Costs paid in 2012	2012 Total
Coghlan Kelly	1	€ 16,655.41	€ 0.00	€16,655.41
Colm S O Riain & Co	1	€ 19,432.30	€ 0.00	€ 19,432.30
Conway Todd & Co	1	€ 7,223.87	€ 0.00	€ 7,223.87
Cullen & Co	1	€ 6,451.50	€ 0.00	€ 6,451.50
Daniel Murphy & Co	2	€ 19,081.17	€ 0.00	€19,081.17
D'Arcy Horan & Co	1	€ 11,377.50	€ 0.00	€11,377.50
Declan Duggan & Co	22	€ 281,236.15	€ 0.00	€281,236.15
E A Ryan & Co	1	€ 6,183.88	€ 0.00	€ 6,183.88
Eamon Murray & Co	11	€ 112,607.97	€ 1,234.00	€113,841.97
Eamonn Bennett	2	€ 28,585.22	€ 0.00	€28,585.22
Elmhirst Parker	1	€ 12,906.08	€ 0.00	€12,906.08
Ensor O' Connor	2	€ 20,288.50	€ 0.00	€ 20,288.50
F X Rowan & Co	1	€ 28,089.30	€ 0.00	€ 28,089.30
Fahy Bambury McGeever	1	€ 14,679.50	€ 0.00	€ 14,679.50
Fair & Murtagh	1	€ 9,533.80	€ 0.00	€ 9,533.80
FBC Manby Bowdler	0	€719.93	€ 0.00	€ 719.93
Felton McKnight & Co	1	€ 20,406.00	€ 0.00	€ 20,406.00
Fergus A Feeney BCL	1	€ 9,999.75	€ 0.00	€ 9,999.75
Ferrys	1	€ 23,341.25	€ 0.00	€23,341.25
Francis B Taaffe & Co	1	€ 6,630.50	€ 0.00	€ 6,630.50

Name of Solicitor	Number of Applications in which Costs have been paid - 2012	Board Costs Paid in 2012	Related High Court Costs paid in 2012	2012 Total
Frank Ward & Co	15	€ 264,752.12	€ 0.00	€264,752.12
Galvin Broderick	1	€ 8,774.00	€ 0.00	€ 8,774.00
Gateway Law Chambers	1	€ 8,201.00	€ 0.00	€ 8,201.00
Gill Traynor	1	€ 7,911.00	€ 0.00	€ 7,911.00
Graham Matthews & Co	1	€ 13,020.50	€ 0.00	€ 13,020.50
Greene & Malpas	1	€ 9,537.75	€ 0.00	€ 9,537.75
Hassett Considine	1	€ 12,854.00	€ 0.00	€ 12,854.00
Hegarty & Horgan	1	€ 14,504.40	€ 0.00	€ 14,504.40
Higgins Chambers & Flanagan	1	€ 9,953.10	€ 0.00	€ 9,953.10
Hodge Jones & Allen	2	€ 18,980.79	€ 0.00	€ 18,980.79
Houlihan	1	€ 15,010.56	€ 0.00	€ 15,010.56
Irwin Mitchell LLP	0	€2,986.63	€ 0.00	€ 2,986.63
Irwin	1	€ 8,887.50	€ 0.00	€ 8,887.50
James McSweeney	2	€ 20,669.45	€ 0.00	€ 20,669.45
Jean Connors & Co	1	€ 18,956.00	€ 0.00	€ 18,956.00
John C Kieran & Son	1	€ 4,756.30	€ 5,571.50	€ 10,327.80
John M Joy & Co	1	€ 20,975.73	€ 0.00	€ 20,975.73
Jordans	2	€ 17,472.04	€ 0.00	€17,472.04
Kaye Tesler & Co	1	€ 4,602.94	€ 0.00	€4,602.94
Kelleher O'Doherty	1	€ 7,864.50	€ 0.00	€ 7,864.50

Name of Solicitor	Number of Applications in which Costs have been paid - 2012	Board Costs Paid in 2012	Related High Court Costs paid in 2012	2012 Total
Kevin Tunney	1	€ 9,417.50	€ 0.00	€ 9,417.50
Lavelle Coleman	5	€ 72,930.69	€ 0.00	€ 72,930.69
Lynch and Partners	1	€ 10,132.75	€ 0.00	€ 10,132.75
Lyons Dermody	1	€ 8,222.00	€ 1,977.00	€ 10,199.00
M M Halley & Son	1	€ 16,023.65	€ 4,098.38	€ 20,122.03
MacGowan	1	€ 18,642.86	€ 0.00	€ 18,642.86
MacGuill & Co	1	€ 14,323.50	€ 0.00	€ 14,323.50
Mackey O'Sullivan	1	€ 5,605.18	€ 0.00	€ 5,605.18
Mairéad Quigley	9	€ 138,741.34	€ 4,446.50	€ 143,187.84
Manus Sweeney & Co	1	€ 6,182.00	€ 0.00	€ 6,182.00
Margaret Campbell	4	€ 44,661.00	€ 0.00	€44,661.00
Martin A Harvey & Co	1	€ 11,045.90	€ 0.00	€ 11,045.90
Martin King French & Ingram	1	€ 10,160.01	€ 0.00	€10,160.01
Martin Moran & Company	1	€ 20,724.50	€ 0.00	€ 20,724.50
Matthew Gold & Co	27	€ 449,052.43	€ 0.00	€449,052.43
McGM	1	€ 10,387.40	€ 0.00	€ 10,387.40
McInerney	2	€ 29,799.20	€ 3,430.25	€ 33,229.45
McMahon & Co	13	€ 203,984.71	€ 3,252.36	€207,237.07
McMahon O'Brien Tynan	6	€ 87,409.77	€ 0.00	€ 87,409.77
Michael E Hanahoe	7	€ 164,840.36	€ 10,491.50	€175,331.86

Name of Solicitor	Number of Applications in which Costs have been paid - 2012	Board Costs Paid in 2012	Related High Court Costs paid in 2012	2012 Total
Michael McDarby & Co	1	€ 12,890.98	€ 6,682.86	€19,573.84
Murphy English & Co	6	€ 116,786.35	€ 2,148.18	€118,934.53
Murphy Ramsay Walsh	0	€ 7,979.25	€ 0.00	€7,979.25
Murphys	1	€ 9,694.80	€ 0.00	€ 9,694.80
O'Callaghan Daly	1	€ 8,432.00	€ 0.00	€ 8,432.00
O'Gorman	1	€ 11,005.87	€ 1,452.67	€ 12,458.54
O'Hanrahan Lally	4	€ 40,778.25	€ 0.00	€ 40,778.25
Oliver Burke	1	€ 9,371.00	€ 0.00	€ 9,371.00
O'Neill & Co	2	€ 13,834.00	€ 0.00	€ 13,834.00
O'Neill Quinn & Co	1	€ 6,956.05	€ 0.00	€ 6,956.05
O'Shaughnessy	1	€ 13,215.06	€ 0.00	€ 13,215.06
Padraig J O'Connell	1	€ 9,380.50	€ 0.00	€ 9,380.50
Pannone & Partners	1	€ 13,149.11	€ 0.00	€13,149.11
Partners At Law	1	€ 8,442.00	€ 0.00	€ 8,442.00
Patrick Enright	1	€ 17,371.56	€ 0.00	€ 17,371.56
Patrick Mann & Co	3	€ 34,673.78	€ 0.00	€ 34,673.78
Patrick O'Neill & Co	1	€ 18,032.50	€ 0.00	€ 18,032.50
Paul W Tracey	13	€ 147,436.77	€ 4,198.90	€151,635.67
Pearse Mehigan & Co	1	€ 25,384.80	€ 16,893.44	€ 42,278.24
Peter Connolly	0	€ 307.50	€ 0.00	€307.50

Name of Solicitor	Number of Applications in which Costs have been paid - 2012	Board Costs Paid in 2012	Related High Court Costs paid in 2012	2012 Total
Peter McDonnell & Associates	74	€ 848,091.82	€ 11,744.33	€859,836.15
Philip O'Sullivan & Co	1	€ 16,146.15	€ 0.00	€ 16,146.15
Poe Kiely Hogan Lanigan	5	€ 92,808.00	€ 2,075.55	€ 94,883.55
Pol O Murchu	1	€ 37,937.08	€ 7,439.58	€ 45,376.66
Richard McGuinness & Co	2	€ 44,380.50	€ 0.00	€ 44,380.50
Robert Cussen & Son	2	€ 16,756.75	€ 0.00	€ 16,756.75
Rogerson Galvin	7	€ 77,462.35	€ 0.00	€77,462.35
Rosario Lee & Co	37	€ 760,761.40	€ 82,482.93	€843,244.33
Sean Costello & Co	2	€ 14,552.70	€ 2,564.50	€ 17,117.20
Sheridan & Co	1	€ 27,348.35	€ 0.00	€ 27,348.35
Spelman Callaghan	1	€ 11,155.00	€ 2,139.50	€ 13,294.50
Timothy Lucey & Co	1	€ 9,470.50	€ 0.00	€ 9,470.50
Tormeys	2	€ 54,978.29	€ 0.00	€ 54,978.29
VP McMullin	1	€ 16,986.50	€ 0.00	€ 16,986.50
Walsh & Associates	1	€ 12,299.75	€ 0.00	€ 12,299.75
Walsh & Co	1	€ 7,614.50	€ 0.00	€ 7,614.50
Wolfe & Co	2	€ 32,524.60	€ 0.00	€32,524.60
<b>Totals</b>	<b>448</b>	<b>€ 6,375,065.37</b>	<b>€ 189,531.26</b>	<b>€ 6,564,596.63</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 2012. 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.



## **Comparative Analysis of Costs from Establishment to 31<sup>st</sup> December 2012**

On average, costs and expenses paid to applicants' solicitors amount to €11,708\* per successful application, or 18.6% of the award. By contrast, the average costs and expenses incurred by the Board in respect of an application amount to €3,145\*\* or 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 €5,172 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 2012.

# Appendices

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

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 during public office hours (9.00am to 5.00pm 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 2012**

<b>CATEGORY</b>	<b>Amount €</b>
ADVERTISING	0.00
STENOGRAPHY SERVICES	163,590.43
SIGN LANGUAGE SERVICES	18,197.10
PHONES (SERVICE)	13,020.60
PHONES (EQUIPMENT)	0.00
POSTAGE	52,800.00
POSTAGE – RENTAL & SERVICES	3,032.83
COMPUTER HARDWARE/SOFTWARE	3,541.65
COMPUTER SUPPORT SERVICES	28,493.75
PHOTOCOPYING	10,185.43
OFFICE MACHINERY	0.00
HEAT, POWER & LIGHT	46,037.48
CONTRACT CLEANING	19,870.96
OFFICE SUPPLIES	23,833.68
PRINTING	112.18
FURNITURE & FITTINGS	195.27
TRAVEL & SUBSISTENCE	56,320.59
TAXI/COURIER SERVICE	14,842.68
VENDING MACHINE & WATER SUPPLIES	8,841.48
MAINTENANCE	6,316.01
HOTEL ROOM HIRE	14,202.19
MEDICAL FEES*	27,839.20
MEDICAL PAYMENTS**	175,125.00
LEGAL FEES ***	704,081.13
ADVICE AS TO FINANCIAL MANAGEMENT OF THE AWARD	29,100.00
ADMINISTRATIVE SALARIES	1,131,137.02

BOARD MEMBERS FEES	839,835.24
TRAINING	6,340.00
PUBLICATIONS	0.00
SECURITY	262,268.03
BOARD CATERING	1,265.17
AGENCY STAFF	57,586.78
MISCELLANEOUS	4,043.03
<b>TOTAL</b>	<b>3,722,054.91</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 2012\***

<b>AWARDS</b>	<b>AMOUNT</b>
<b>TOTAL</b>	<b>€28,345,423.26</b>

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

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

	<b>2012</b>	<b>2011</b>
Awards made	€28,345,423.26	€27,537,401.17
Legal costs paid in respect of applications	€6,382,756.55**	€7,391,474.74
Related High Court costs	€189,531.26	€308,680.74
Board expenditure	€3,722,054.91	€4,099,225.18
<b>Total</b>	<b>€38,639,765.98</b>	<b>€39,336,781.83</b>

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

\*\* Includes costs of €7,691.18 paid to personal applicants who chose not to be legally represented

## **(Appendix e) Newsletter August 2012**

This is the 24th in a series of newsletters which the Board has decided to produce to keep applicants informed from time to time as to the procedures it follows and other developments. The Board's Guide to Hearing Procedures issued in April 2003 and in December of 2005 the Board issued the third edition of the guide.

### **Applications**

The final date for receipt of applications has now passed and the Board has received a total of 15,835 applications.

The Board continues to process the remaining applications before it. In the course of the year the Board held a number of callovers with the solicitors on record to ascertain the up to date position with their cases. The Board will continue to hold callovers to ensure the expeditious completion of applications.

### **Applications Received after 15th December 2005**

In accordance with the provisions 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 Redress Act 2002 ceased at midnight on the 16th of September 2011.

The Board had received 2,766 such submissions which to date have been dealt with as follows;

- 1,395 submissions were accepted by the Board
- 215 submissions were disallowed by the Board
- 140 submissions were either withdrawn or had their files closed
- 39 submissions were invalid
- In 953 cases the Board is awaiting further information from the applicant
- 24 submissions remain to be considered by the Board

Any such late submissions received on or after the 17th of September 2011 cannot be accepted by the Board.

The Board will now continue its work until all applications (including late submissions) have been considered.

### **Awards**

To 31st July 2012 the Board had completed the process in 15,146 cases. 11,104 offers have been made following settlement talks and 3,090 awards have been made following hearings. 13 applicants have rejected their awards. 952 applications were withdrawn, refused or resulted in no award.



The average value of awards to date is €62,800, the largest award being €300,500.

### Redress Board Bands

The breakdown of awards by Redress Band is as follows:

Redress Bands	Total Weightings for Severity of Abuse and Injury/Effects of Abuse	Award Payable by way of Redress	Number	Percentage
V	70 or more	€200,000 - €300,000	43	0.30%
IV	55 to 69	€150,000 - €200,000	256	1.80%
III	40 to 54	€100,000 - €150,000	1919	13.52%
II	25 to 39	€50,000 - €100,000	6938	48.88%
I	Less than 25	Up to €50,000	5038	35.49%
<b>Total</b>			<b>14194</b>	<b>100.00%</b>

### Legal Costs

To date the Board has paid legal costs to 957 firms of solicitors in respect of 13,576 applications. A total of €169.8 million has been paid, of which €12 million was paid in respect of associated High Court proceedings in accordance with section 27(2) of the Redress Act.

## **(Appendix f) Statement of Redress Board**

The Residential Institutions Statutory Fund Act 2012 (Commencement) Order 2012 (Statutory Instrument No. 387 of 2012) provides for the commencement of section 44 of the Residential Institutions Statutory Fund Act 2012. Section 44 amends the Residential Institutions Redress Act 2002 to allow the Board to strike out a request for an extension of time to make an application under section 8 of the Act where the applicant fails to comply with a direction of the Board. It also amends section 13 of the Act to allow the Board to strike out an application for an award under the Act where the applicant has furnished the necessary proofs but where the applicant fails to comply with a direction of the Board. The Board is required to give at least 28 days notice of its intention to strike out a request under section 8 or an application under section 13. An applicant may appeal a decision of the Board to strike out an application under section 13 to the Residential Institutions Redress Review Committee.

The full text of the Commencement Order and section 44 of the 2012 Act are contained below.

### **RESIDENTIAL INSTITUTIONS STATUTORY FUND ACT 2012 (COMMENCEMENT) ORDER 2012**

I, Ruairí Quinn, Minister for Education and Skills, in exercise of the powers conferred on me by section 1(2) of the Residential Institutions Statutory Fund Act 2012 (No. 35 of 2012), hereby order as follows:

1. This Order may be cited as the Residential Institutions Statutory Fund Act 2012 (Commencement) Order 2012.
2. The 4th day of October 2012 is appointed as the day on which Part 1 and section 44 of the Residential Institutions Statutory Fund Act 2012 (No. 35 of 2012) come into operation.  
GIVEN under my Official Seal,  
4 October 2012.

RUAIRI QUINN,  
Minister for Education and Skills.

### **SECTION 44 - RESIDENTIAL INSTITUTIONS STATUTORY FUND ACT 2012 Amendment of Residential Institutions Redress Act 2002.**

44.—The Act of 2002 is amended—

(a) in section 8 by inserting the following new subsections after subsection (5) (inserted by section 1 of the Residential Institutions Redress (Amendment) Act 2011):

'(6) Notwithstanding anything contained in subsection (2) or (3), the Board may strike out a request before it to extend the period referred to in subsection (1) where the person making the request has failed to comply with a direction of the Board under subsection (7).

(7) The Board shall not, under subsection (6), strike out a request unless it gives at least 28 days' notice in writing to the person making the request of the Board's intention to so strike out unless the person complies with the direction of the Board contained in the notice.'

(b) in section 13—

(i) by inserting the following new subsections after subsection (9):

'(9A) Notwithstanding that an applicant has established the matters referred to in paragraphs (a), (b) and (c) of section 7(1), the Board may decide to strike out an application before it where an applicant has failed to comply with a direction of the Board under subsection (9B).

(9B) The Board shall not, under subsection (9A), strike out an application unless it gives at least 28 days' notice in writing to an applicant of the Board's intention to so strike out unless the applicant complies with the direction of the Board contained in the notice.

(9C) An applicant may submit a decision, under subsection (9A), to the Review Committee within one month, or such greater period as may be prescribed, of receipt of notice from the Board of the decision.'

and

(ii) in subsection (10)(b) by inserting the following new subparagraph after subparagraph (i):

'(ia) has his or her application struck out under subsection (9A),'

and

(c) in section 15—

(i) in subsection (1)(c) by inserting 'or 13(9C)' after 'section 13(9)', and

(ii) by inserting the following new subsection after subsection (4):

'(4A) The Review Committee, in a review of a decision referred to in section 13(9A)—

(a) shall review evidence relating to failure to comply with the direction of the Board under section 13(9B),

(b) may hear submissions on behalf of the applicant and such other evidence as it considers appropriate,

(c) shall review the decision taken by the Board and shall consider whether the decision of the Board was reasonable in all of the circumstances,

(d) may decide to—

(i) confirm the decision of the Board, or  
(ii) annul the decision of the Board and give such other directions in relation thereto as the Review Committee thinks fit,

and

(e) shall inform the applicant and the Board of its decision under paragraph (d) as soon as practicable.'

## **(Appendix g) Newsletter December 2012**

This is the 25th in a series of newsletters which the Board has decided to produce to keep applicants informed from time to time as to the procedures it follows and other developments. The Board's Guide to Hearing Procedures issued in April 2003 and in December of 2005 the Board issued the third edition of the guide.

### **Applications**

The final date for receipt of applications has now passed and the Board has received a total of 16,081 applications.

The Board continues to process the remaining applications before it. In the course of the year the Board held a number of callovers with the solicitors on record to ascertain the up to date position with their cases. The Board will continue to hold callovers to ensure the expeditious completion of applications.

### **Applications Received after 15th December 2005**

In accordance with the provisions 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 Redress Act 2002 ceased at midnight on the 16th of September 2011.

The Board had received 2,766 such submissions which to date have been dealt with as follows;

- 1,641 submissions were accepted by the Board
- 224 submissions were disallowed by the Board
- 151 submissions were either withdrawn or had their files closed
- 39 submissions were invalid
- In 669 cases the Board is awaiting further information from the applicant
- 42 submissions remain to be considered by the Board

Any such late submissions received on or after the 17th of September 2011 cannot be accepted by the Board.

The Board will now continue its work until all applications (including late submissions) have been considered.

### **Awards**

To 21st December 2012 the Board had completed the process in 15,397 cases. 11,236 offers have been made following settlement talks and 3,143 awards have been made following hearings. 16 applicants have rejected their awards. 1,018 applications were withdrawn, refused or resulted in no award.

The average value of awards to date is €62,860, the largest award being €300,500.

### **Redress Board Bands**

The breakdown of awards by Redress Band is as follows:

Redress Bands	Total Weightings for Severity of Abuse and Injury/Effects of Abuse	Award Payable by way of Redress	Number	Percentage
V	70 or more	€200,000 - €300,000	43	0.30%
IV	55 to 69	€150,000 - €200,000	261	1.82%
III	40 to 54	€100,000 - €150,000	1954	13.59%
II	25 to 39	€50,000 - €100,000	7019	48.81%
I	Less than 25	Up to €50,000	5102	35.48%
<b>Total</b>			<b>14379</b>	<b>100.00%</b>

### **Legal Costs**

To date the Board has paid legal costs to 970 firms of solicitors in respect of 13,754 applications. A total of €172.4 million has been paid, of which €12 million was paid in respect of associated High Court proceedings in accordance with section 27(2) of the Redress Act.

### **Christmas Opening Hours**

The Board's offices will close on Christmas Eve and will re-open on Thursday 27th December 2012.

The Board and staff would like to take this opportunity to wish all applicants a happy Christmas and a peaceful New Year. A special note of thanks is extended to all those who contributed to the establishment of the Board and who continue to help us in our attempt to provide the best possible service to all applicants.

## (Appendix h) Audit certificate 2012

### 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 2012.

#### 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 bills submitted.

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

	<b>2012</b>	<b>2011</b>
	<b>€</b>	<b>€</b>
Awards paid	27,460,366	30,295,881
Costs paid	6,664,662	7,914,637
Total award related expenditure	34,125,028	38,210,518

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. The outstanding payments at the end of 2012 were awards to the value of €161,836 and costs to the value of €55,472. These were paid in 2013.

In certain circumstances, the Board may decide that it is appropriate to pay some of the amount awarded to applicants in instalments. In these cases, the Board issues instructions to the Department of Education and Skills for the payment of the initial instalments to the applicants, and applies to the High Court under Section 34 (e) of the 2005 Act to lodge the balance of the award amounts with the Court, which oversees arrangements for managing such payments. (The Board does not issue payment instructions for such balances until instalment plans are finalised.)

At the end of 2012, a total of €1,960,059 in outstanding instalments was awaiting transfer to the Court.

## **Opinion**

In my opinion

- proper records were maintained by the Board and by the Departments
- payments made during 2012 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**  
November 2013



## (Appendix i) Board information updated to 31<sup>st</sup> December 2013

### Awards

By the 31<sup>st</sup> December 2013 the Board had completed the process in 16,151 cases. 11,709 offers have been made following settlement talks, 2,907 awards have been made following hearings and 487 awards have been made following review. 16 applicants have rejected their awards. 1,048 applications were withdrawn, refused or resulted in no award. By and large applications have been refused as, on the face of the documentation, the application was outside the Board's terms of reference as laid down in the 2002 Act. In other words, the applications did not relate to residential institutions as defined in the Act. These applications are determined by the Board immediately on receipt so that the applicant is informed at the earliest possible date that his/her application is outside the ambit of the redress scheme.

The average value of awards to date is €62,496 the largest award being €300,500.

### Redress Board Bands

The breakdown of awards by Redress Band is as follows:

Redress Bands	Total Weightings for Severity of Abuse and Injury/Effects of Abuse	Award Payable by way of Redress	Number	Percentage
V	70 or more	€200,000 - €300,000	46	0.30%
IV	55 - 69	€150,000 - €200,000	271	1.79%
III	40 - 54	€100,000 - €150,000	2023	13.39%
II	25 - 39	€50,000 - €100,000	7341	48.61%
I	Less than 25	Up to €50,000	5422	35.90%
<b>Total</b>			<b>15103</b>	<b>100.00%</b>

## **Legal Costs**

By the 31<sup>st</sup> December 2013 the Board had approved legal costs to 992 firms of solicitors in respect of 14,286 applications. A total of €181 million has been paid, of which €12.4 million was paid in respect of associated High Court proceedings in accordance with section 27(2) of the Redress Act.

## **Applications Received after 15th December 2005**

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 December 15th 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. Since the 15<sup>th</sup> December 2005 the Board had received 2,766 such submissions which were dealt with as follows;

- 2,179 submissions were accepted by the Board
- 367 submissions were disallowed by the Board
- 39 submissions were not valid
- 164 submissions were withdrawn or had their files closed
- In 17 cases the Board is awaiting further information from the applicant