

**Annual Report of  
The Residential  
Institutions  
Redress Board  
2004**

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## **FOREWORD**

This Report is submitted to the Minister for Education and Science pursuant to Section 26(1) of Residential Institutions Redress, Act 2002.

The Board has completed two years of the three years during which applications will be received by the Board from persons who were resident in institutions covered by the Residential Institutions Redress, Act 2002. During that period applications were received from 5,111 applicants of which 2,539 were received in 2004. The Board sat throughout the year and completed the process in 1,838 cases in 2004 making a total of 2,425 since it was established. The strength of the Board has been increased from 7 to 11 within the year under review, with the final appointee commencing duty in January 2005. Completions have now increased to more than 150 per month, up from 120 in 2003.

The Board owes an immense debt to its dedicated staff who perform a difficult task under the leadership of Mr Michael O'Beirne in the highest traditions of the public service.

The Board is fortunate to have an outstanding legal team headed by its two full-time lawyers Mr John McDonagh SC and Ms Sharon Moohan Solicitor.

The Board has enjoyed a good relationship with the appropriate section of the Department of Education and Science and notes that the independence of the Board is respected and reflected in any necessary contact.

The individual applicants and their legal advisers continue to assist greatly in the finalisation and processing of the applications and those who represent any institutions the subject of applications (referred to in the Act as Relevant Persons) continue to assist in what is for them a difficult task.

## **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.

## The Residential Institutions Redress 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 Chairman and 10 ordinary members appointed by the Minister for Education & Science. These are:

The Honourable Mr. Justice Sean O'Leary (Chairman)	appointed 16 <sup>th</sup> December 2002
Professor Desmond Greer	appointed 16 <sup>th</sup> December 2002
Dr. Helen Cummiskey	appointed 16 <sup>th</sup> December 2002
Dr. Ruth Pilkington	appointed 16 <sup>th</sup> December 2002
Ms. Ann O'Brien B.L.	appointed 23 <sup>rd</sup> May 2003
Dr. John Mason	appointed 23 <sup>rd</sup> September 2003
Dr. Mary Bluett	appointed 25 <sup>th</sup> September 2003
Ms. Dariona Conlon	appointed 8 <sup>th</sup> January 2004
Dr. Fionnuala O'Loughlin	appointed 27 <sup>th</sup> April 2004
Mr. John A. Campbell	appointed 27 <sup>th</sup> April 2004
Dr. Harry Bugler	appointed 15 <sup>th</sup> December 2004

Since Establishment Day the number of Board members has increased from 4 to 11.

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

As provided under Section 5 of the Act, the Board has two main functions. The first is 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 are made aware of the existence of the Board, so that they may consider making an application for redress.

It is then the Board's function in relation to each case in which an application is made 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) 30 administrative staff of the Board.
- (b) 1 full time and 3 part-time Counsel.
- (c) 1 full time solicitor to the Board.
- (d) the Board's panel of medical advisers.

## **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 in January 2003. This campaign was confined to Ireland. Advertisements were placed in all the national broadsheet and tabloid newspapers as well as the main provincial newspapers. Advertisements were also placed on RTE 1 television, Network 2, Sky 1, Sky News, TV3 and TG 4. The Board also placed advertisements on all national and major local radio stations. The campaign lasted a fortnight.

In December 2003 the Board distributed 7,500 pamphlets and 7,500 Short Guides to the Redress Scheme as well as a number of posters to Irish clubs in Great Britain with a request that they be displayed prominently in their reception areas. 12 information meetings were held in England in March and April 2004. The meetings were co-ordinated through the Outreach Service whose role is to assist survivors of institutional abuse in Ireland who are currently resident in Great Britain. These meetings, which took the form of a presentation given by key members of the Board’s administrative staff followed by a question and answer session, were generally well received by those who attended. The leaders of the survivor groups affiliated to the National Office for the Victims of Abuse (an umbrella organisation for various groups offering support to the victims of institutional abuse which is funded by the Department of Education and Science) also indicated that they felt the meetings were useful.

Advertisements were placed in selected English Sunday newspapers on April 18<sup>th</sup> 2004 as well as major local newspapers such as the Manchester Evening News and the London Evening Standard during the preceding week.



While the Board does not anticipate conducting similar advertising campaigns elsewhere, as all indications are that the vast majority of survivors of institutional abuse live either in Ireland or the United Kingdom (94% of all applications to date are from these two countries) it continues to make appropriate efforts to inform potential applicants from elsewhere of its existence and functions.

The procedure followed by the Board for the processing of applications is largely prescribed by the Act and by Regulations made by the Minister for Education and Science in accordance with the Act. These Regulations and the Act are available from the Board's office free of charge or may be viewed on the Board's website [www.rirb.ie](http://www.rirb.ie) . 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 version of the Guide issued in October 2004.
- "A Short Guide to the Redress Scheme under the Residential Institutions Redress Act 2002".
- "The Residential Institutions Redress Board Guide to Hearing Procedures".
- 8 newsletters (in order to keep applicants and their legal advisers updated on procedures and developments). The 2004 newsletters are attached as appendices (f) to (h) and may be viewed on the Board's website [www.rirb.ie](http://www.rirb.ie).
- A Board Decision on it's procedures for dealing with applications from outside Ireland. The decision is attached as appendix (e) and may be viewed on the Board's website [www.rirb.ie](http://www.rirb.ie).

These publications are also available from the Board's office free of charge.

## Applications

The Board received 2,539 applications in 2004 and has now received a total of 5,111 applications making an average of 48 applications per week.

Applications must be made to the Board within 3 years of Establishment Day i.e. by 15th December 2005.

## Additional Institutions

By Order entitled the Residential Institutions Redress Act 2002 (Additional Institutions) Order 2004 dated November 9<sup>th</sup> 2004 the Minister for Education and Science amended the Schedule to the Redress Act by adding the following to the list of institutions covered by the redress scheme:

Bartres Childrens' Home, Kill O'the Grange, Dun Laoghaire, Co. Dublin.

Chester Lodge, Moate, Co. Westmeath.

Finglas Child & Adolescent Centre, Dublin 11 comprising of:

- (i) National Remand & Assessment Unit (formerly St. Michael's Remand Assessment Centre), and
- (ii) The Care & Education Unit (formerly St. Laurence's Industrial School)

Holy Family School, Renmore, Co. Galway.

Kilcornan Centre, Clarinbridge, Co. Galway.

Marlborough House, Washerwoman's Hill, Glasnevin, Dublin 11.

Oberstown Boys' Centre, Lusk, Co. Dublin.

Oberstown Girls' Centre, Lusk, Co. Dublin.

St. Columba's Industrial School, Killybegs, Co. Donegal.

St. Patrick's Mother and Baby Home, Navan Road, Dublin.

St. Philomena's, Stillorgan, Co. Dublin.

St. Teresa's, Blackrock, Co. Dublin.

Trinity House, Lusk, Co. Dublin.

Any applicant who was a resident in one of the institutions listed above and who has lodged an application with the Board (and who has not mentioned his or her residence in one of the above institutions on the application form in circumstances where s/he wishes to make a complaint in respect of his or her time in that institution) should, for safety's sake, contact the Board. Applicants who have already received an award in respect of a listed institution and who wish to make an additional claim in respect of a newly listed institution should also contact the Board.

## **Processing an Application**

A question which is asked regularly is: "How long will it take to process my application?" Regrettably there is no simple answer to this. The Board notifies applicants once it has received all necessary documentation in relation to their case. These notifications, known as completion letters, issue at a rate commensurate with the Board's ability to finalise applications. These letters do not always 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. At the time of writing it can take up to 6 months for a case to be scheduled once the Board has issued a completion letter to the applicant or his/her solicitor indicating that the application is ready to proceed to hearing or settlement. This timeframe does not apply to those entitled to priority on grounds of age or medical condition.

The Board has set as a target the adjudication on all applications before the end of 2006. This aspiration may not be possible if a disproportionately large number of applicants leave the lodging of their applications until immediately before the statutory deadline of December 15<sup>th</sup> 2005.

## **Anticipated number of applications**

The Board now anticipates receiving between 7,500 and 8,000 applications in the 3 years allowed under section 8(1) of the Redress Act 2002. This is an increase on the estimate which appears in the 2003 Report and is based on the consistent rate at which applications have been lodged over the past two years as well as on information supplied by a number of the solicitors who have presented the most applications to date as and compared with the total number of applications expected from them in the future.

The Board emphasises that this estimate is tentative as there are no precedents for this scheme. In particular the extent to which potential applicants have postponed until later contact with their legal advisers and/or the Board is an unknown factor.

## **Awards**

The Board commenced making awards in May 2003 and by 31st December 2004 had completed the process in 2425 cases as detailed below:

- 1807 offers/awards made following settlement.
- 496 awards made following hearings.
- 45 awards following Review.
- 71 applications refused.\*
- 6 applications resulted in an award of €0.00 or no award

4 applicants have rejected their awards.

The average value of awards to 31<sup>st</sup> December 2004 is approximately €78,000, the largest award being €300,000, and the lowest €0.00.

\* These 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. If the refusal refers to an institution now included in the scheme as a result of the Additional Institutions Order 2004, the application will be reconsidered by the Board.

The average value of an award after a hearing by the Board is €75,500.

The average value of an award after settlement negotiations is €78,800.

The average value of an award after a failed settlement which went to hearing is €77,300.

## **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 has appointed an existing body called MABS (Money Advice and Budgeting Service) to operate the service. The MABS are locally based independent information and advice providers operating as limited companies. The MABS service has been in operation since 1992 and more details about it are available on 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 was of the view that this could best be done through the Courts Service which has considerable expertise in this area. The Courts Service agreed to provide this service once necessary legislative provisions had been put in place. These provisions are contained in the Commission to Enquire into Child Abuse (Amendment) Bill 2005. The Board will continue to administer these payments until the Bill becomes law. To date the Board has directed that 20 awards be paid in instalments.

## Fraudulent Claims

Section 7 (6) of the Residential Institutions Redress Act 2002 provides: “A person who makes an application under this Act and 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”.....

Of the 5,111 applications received to date, 1 has been referred to the Garda Síochána under this section of the Act. An investigation has been concluded in this matter and the Board has been informed that no criminal prosecution is to be pursued.

## 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 the said 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.

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 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, 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.

To date costs have been finalised in 696 applications. €7,620,755.48 has been paid in respect of applications to the Board and €1,448,847.69 has been paid in respect of related High Court proceedings making a total of €9,069,603.17.

<b>Legal Costs</b>			
	<b>2003</b>	<b>2004</b>	<b>Total</b>
<i><b>Finalised Applications</b></i>	36	660	696
<i><b>Board Costs</b></i>	€337,984.69	€7,282,770.79	€7,620,755.48
<i><b>Court Costs</b></i>	€92,310.18	€1,356,537.51	€1,448,847.69
<i><b>Total Costs</b></i>	€430,294.87	€8,639,308.30	€9,069,603.17

## **Audit**

During the year, the Board 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 are adequate and applied in practice.

This audit was carried out in January and February 2005 and the Comptroller's certificate is attached in appendix (i).



## 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 October 2004)
- A Short Guide to the Redress Scheme under the Residential Institutions Redress Act 2002
- The Residential Institutions Redress Board Guide to Hearing Procedures.
- 8 newsletters. The newsletters issued in 2004 are attached as appendices (f) to (h) 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. The decision is attached as appendix (e) and may be viewed on the Board's website [www.rirb.ie](http://www.rirb.ie).

These publications 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 applicant 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.

# Statistics\*

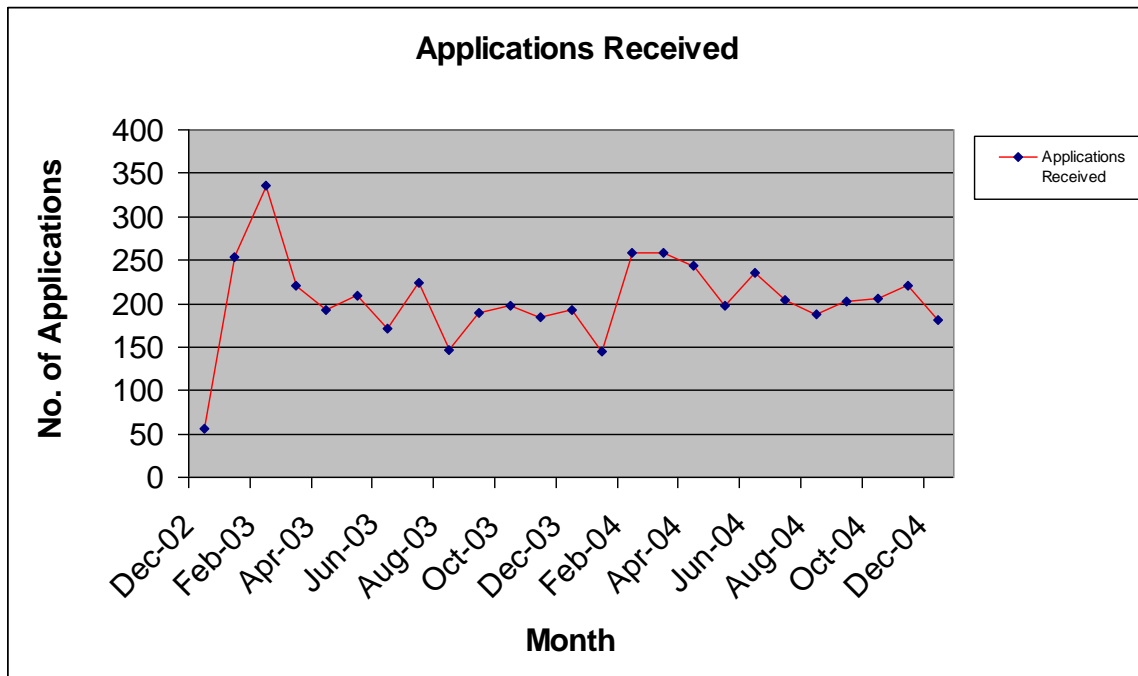
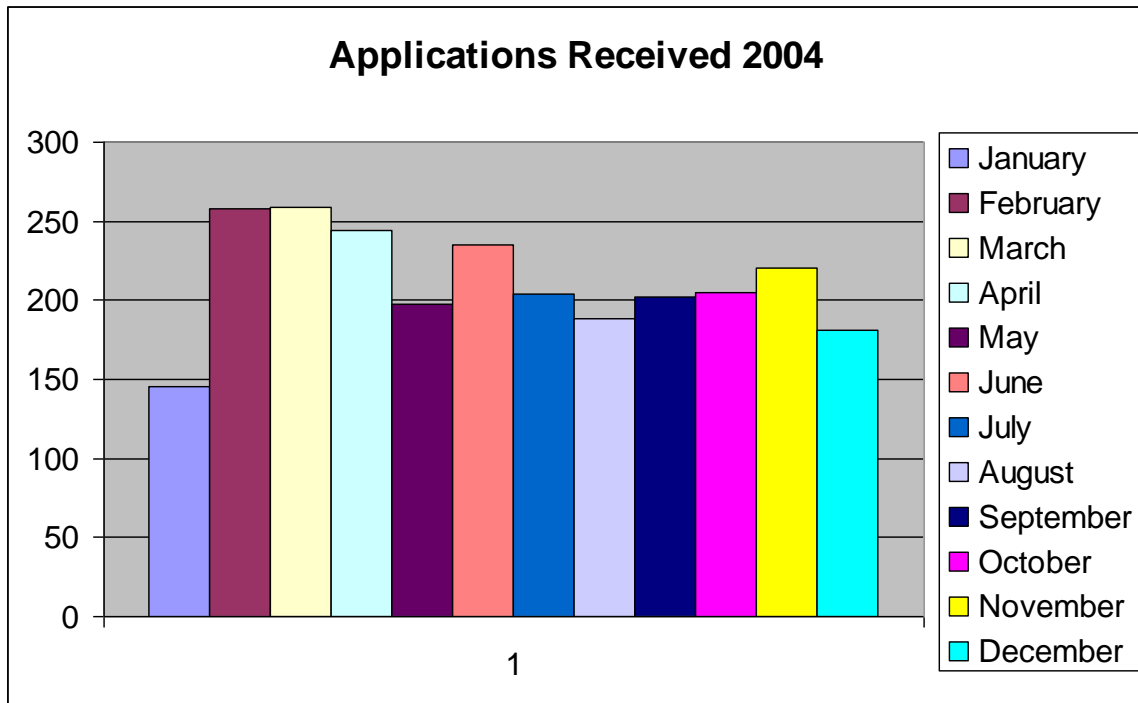
*\* Some figures may vary from those in the 2003 report. This is due to factors such as awards being changed on Review or personal applicants choosing to be legally represented after they have lodged an application.*

## Applications Received

The table and graph below show a breakdown of the applications received per month in 2004, together with an overall breakdown of applications received. The second graph shows the monthly trend of new applications since the establishment of the Board.

Month	Number of applications received - 2004	% of applications received in 2004	Number of applications received 2003 & 2004	% of total applications received
January	145	5.71%	399	7.81%
February	258	10.16%	594	11.62%
March	259	10.20%	479	9.37%
April	244	9.61%	437	8.55%
May	198	7.80%	407	7.96%
June	235	9.26%	406	7.94%
July	204	8.03%	428	8.37%
August	188	7.40%	334	6.53%
September	202	7.96%	391	7.65%
October	205	8.07%	403	7.88%
November	220	8.66%	404	7.90%
December	181	7.13%	429*	8.39%
<b>Total</b>	<b>2539</b>	<b>100%</b>	<b>5111</b>	<b>100%</b>

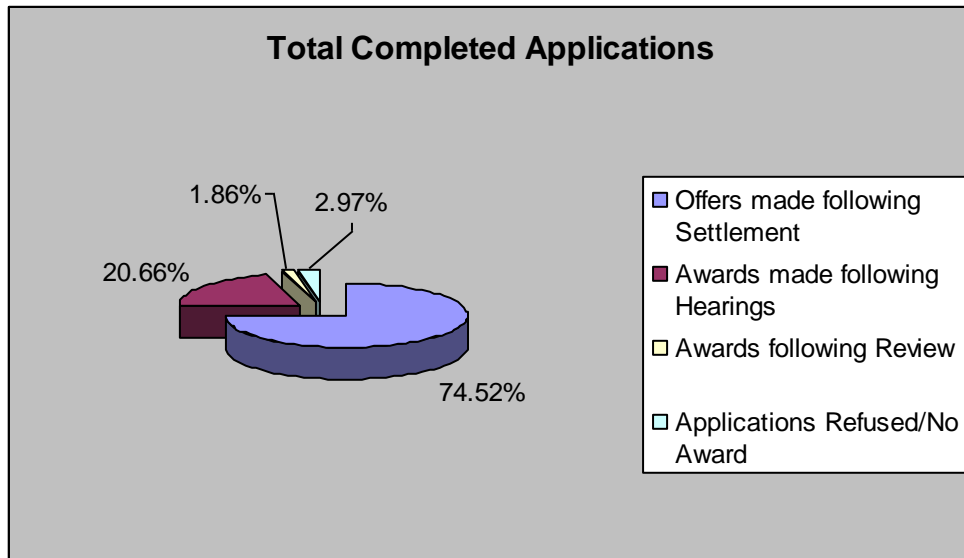
\*The December total includes the 56 applications received in December 2002



## Completed Applications

To date the Board has completed the process in 2,425 cases, as detailed below

- Offers made following settlement - 1807
- Awards made following hearings - 501
- Awards following Review - 45
- Applications refused/no award \* - 72



The breakdown of the completed cases for 2003 and 2004 is detailed in the following table.

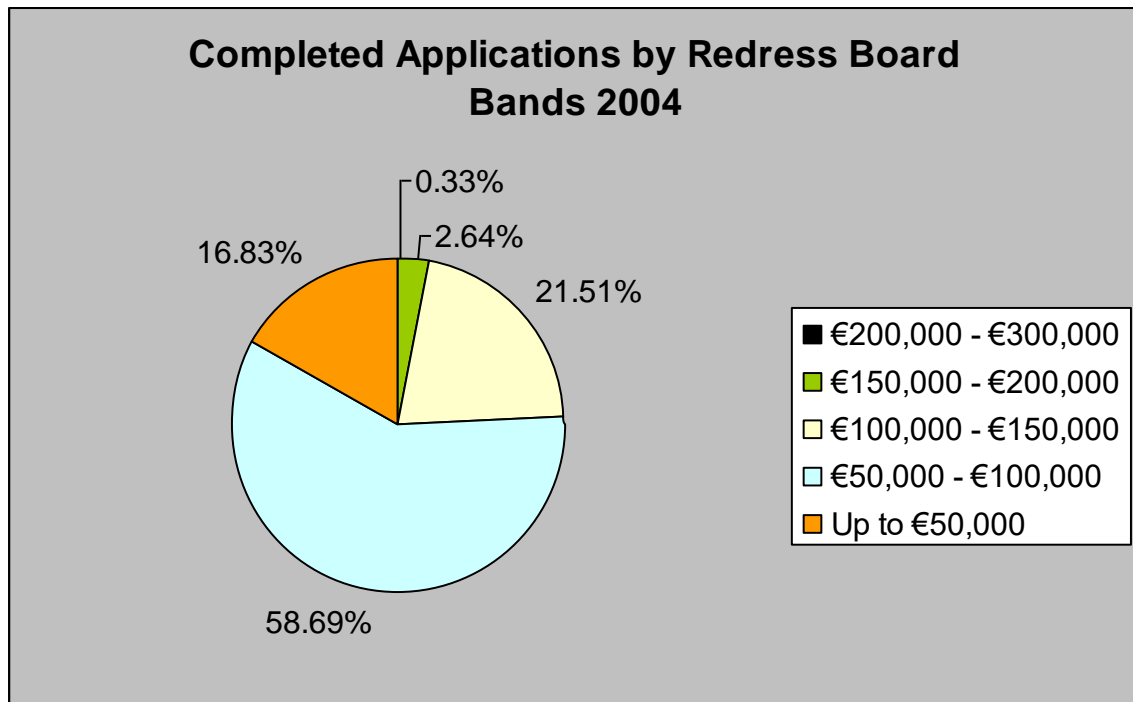
<b>Completed Applications</b>	<b>2003</b>	<b>2004</b>	<b>Total</b>
Offers made following Settlement	405	1402	1807
Awards made following Hearings	116	385	501
Awards following Review	14	31	45
Applications Refused/No Award*	52	20	72
Total Completed Cases	587	1838	2425

\*“In the preponderance of cases these 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. This figure has remained almost static since April 2003. If the refusal refers to an institution now included in the scheme as a result of the Additional Institutions Order 2004, the application will be reconsidered by the Board.”

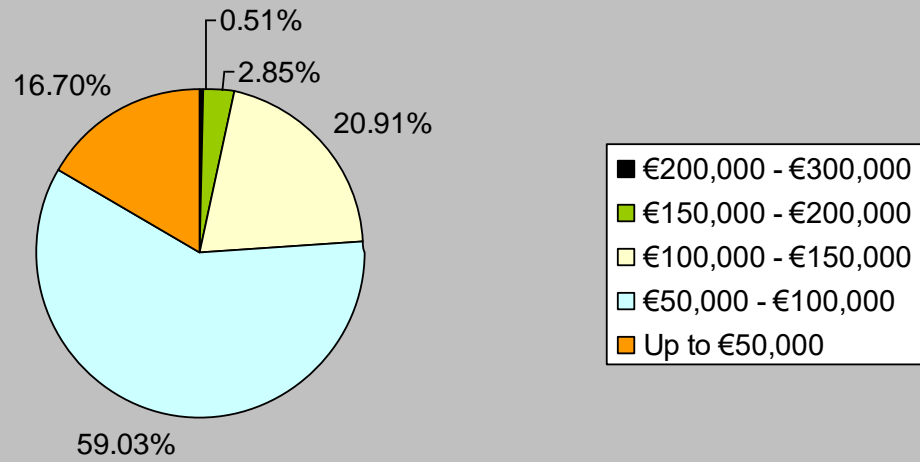
## Redress Board Bands

The breakdown of awards by Redress Bands is as follows:

Redress Bands	Total Weighting	Award Payable	No of Apps 2004	%	Total Apps to 2003 & 2004	%
v	70 or more	€200,000 - €300,000	6	0.33%	12	0.51%
iv	55-69	€150,000 - €200,000	48	2.64%	67	2.85%
iii	40-54	€100,000 - €150,000	391	21.51%	492	20.91%
ii	25-39	€50,000 - €100,000	1067	58.69%	1389	59.03%
i	less than 25	Up to €50,000	306	16.83%	393	16.70%
<b>Total</b>			<b>1818</b>	<b>100.00%</b>	<b>2353</b>	<b>100.00%</b>



### Total Applications by Redress Board Bands 2003 & 2004

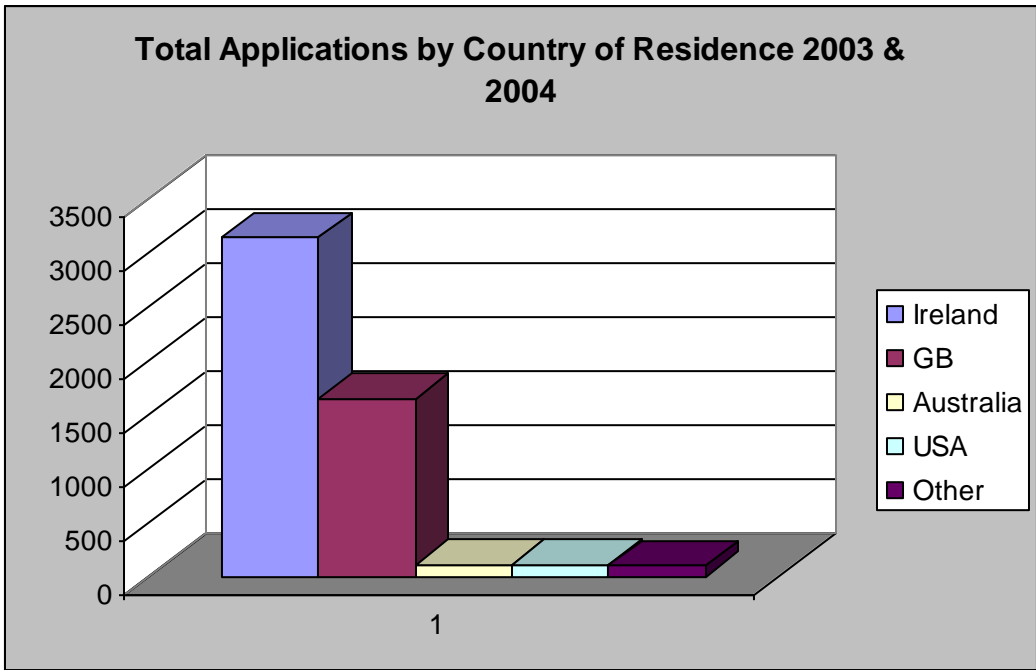
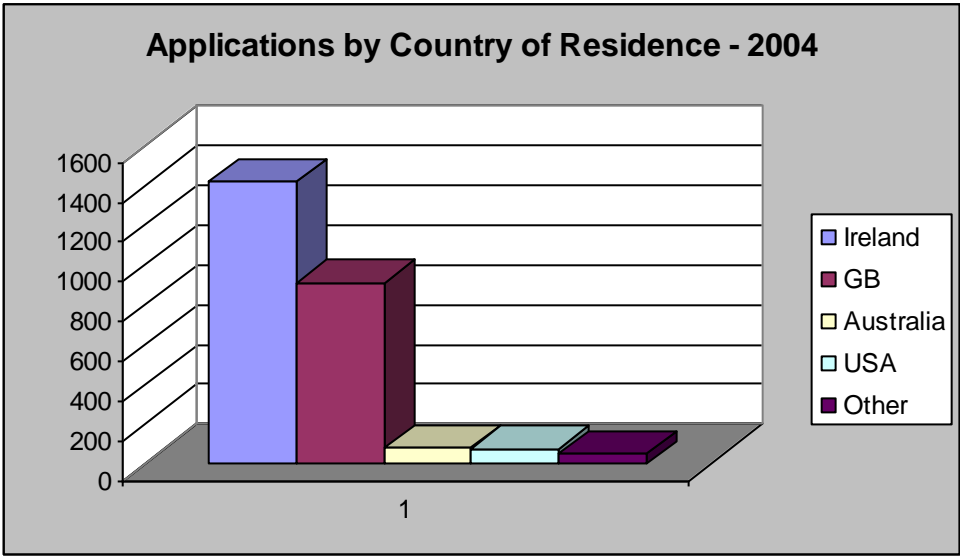




## Country of Residence of Applicants

Country of Residence	2004 Applicants	% of 2004 Applications Received	Total Applications 2003 & 2004	% of Total Applications Received
Ireland	1421	55.97%	3145	61.53%
Great Britain	910	35.84%	1647	32.22%
Australia	83	3.27%	113	2.21%
USA	75	2.95%	110	2.15%
Canada	19	0.75%	31	0.61%
Northern Ireland	14	0.55%	28	0.55%
Spain	5	0.20%	7	0.14%
The Netherlands	3	0.12%	6	0.12%
New Zealand	3	0.12%	5	0.10%
Germany	2	0.08%	8	0.16%
Sweden	1	0.04%	3	0.06%
France	1	0.04%	3	0.06%
United Arab Emirates	1	0.04%	1	0.02%
Finland	1	0.04%	1	0.02%
South Africa	0	0.00%	1	0.02%
Morocco	0	0.00%	1	0.02%
Italy	0	0.00%	1	0.02%
<b>Total</b>	<b>2539</b>	<b>100%</b>	<b>5111</b>	<b>100%</b>

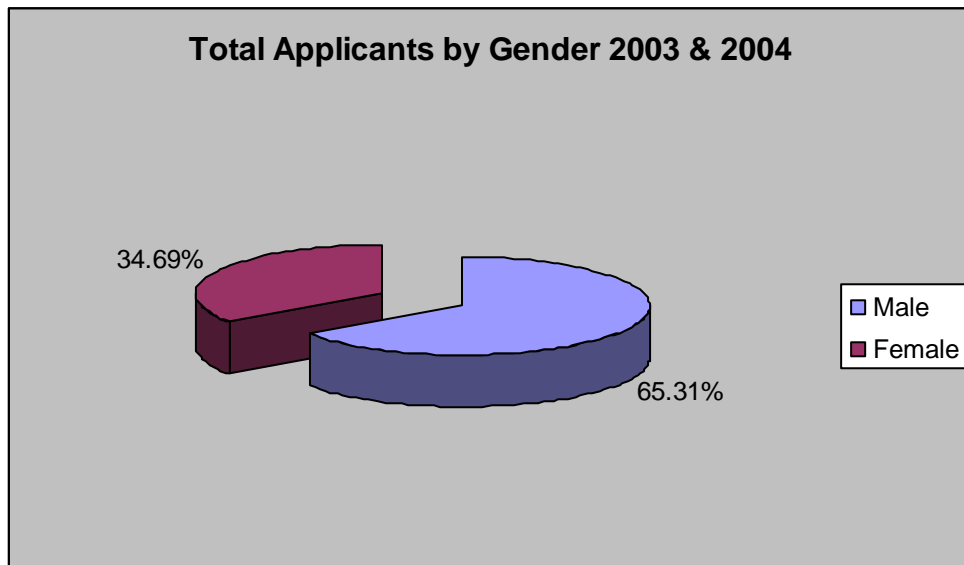
The proportion of applications received from Great Britain has increased from 28.49% in 2003 to 32.22% at the end of 2004, while applications from Ireland have fallen from 67.35% of the total to 61.53% in the same period. Approximately 94% of applicants to date reside in the two countries while applicants from the USA and Australia now constitute approximately 2% each (up from 1% in 2003).



## Gender of Applicants

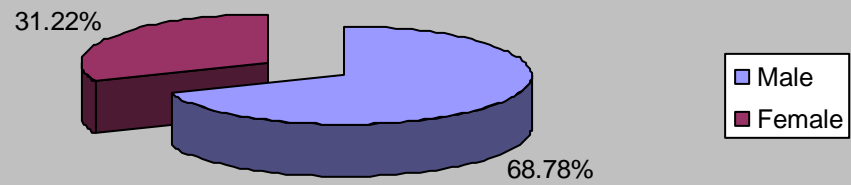
Of the 5111 applications received to 31<sup>st</sup> December 2004, 3338 are from men and 1773 are from women.

Gender	2003	%	2004	%	Total Applications 2003 & 2004	%
Male	1769	68.78%	1569	61.80%	3338	65.31%
Female	803	31.22%	970	38.20%	1773	34.69%
Total	2572	100.00%	2539	100.00%	5111	100.00%

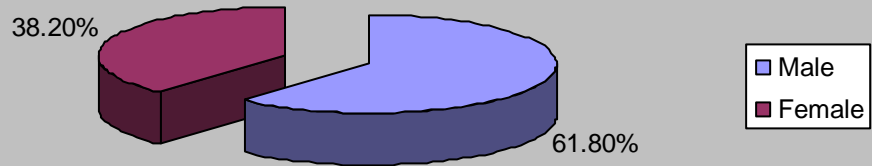


The proportion of female applicants has increased from just over 31% at the end of 2003 to almost 35% at the end of 2004.

**Applicants by Gender 2003**



**Applicants by Gender 2004**



## **Applicants who are not the Injured Party**

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 70 such applications up to 31<sup>st</sup> December 2004.

<b>Applicant Not the Injured Party</b>	
2003	39
2004	31
Total	70

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

Where a person who is or may be entitled to redress has died since 11<sup>th</sup> 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.

70 such applications have been made to the Board. 20 were received in 2003 and a further 50 were received in 2004.

## Priority Applications

In its consideration of applications, the Board will give priority to applicants –

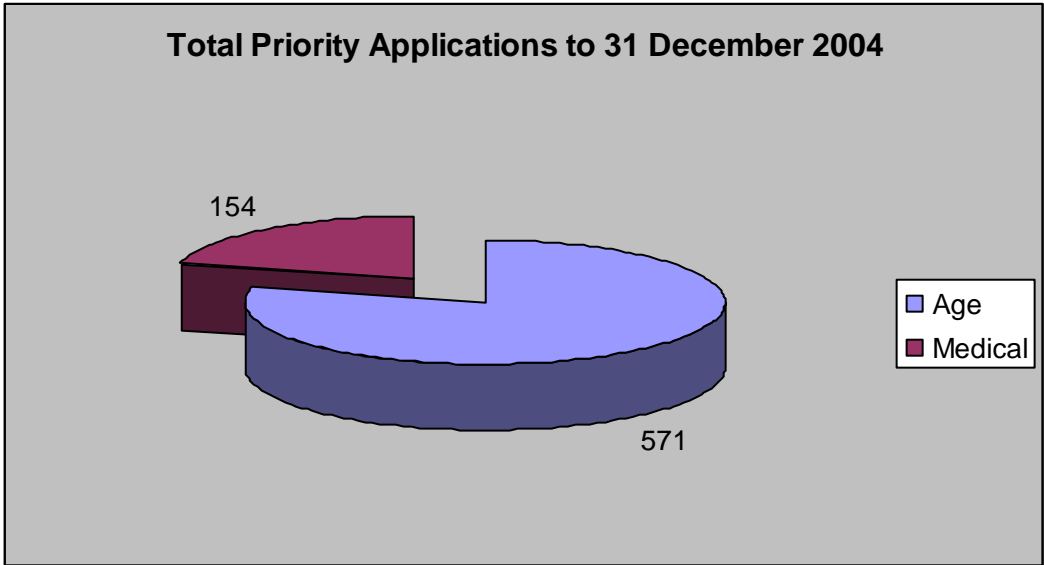
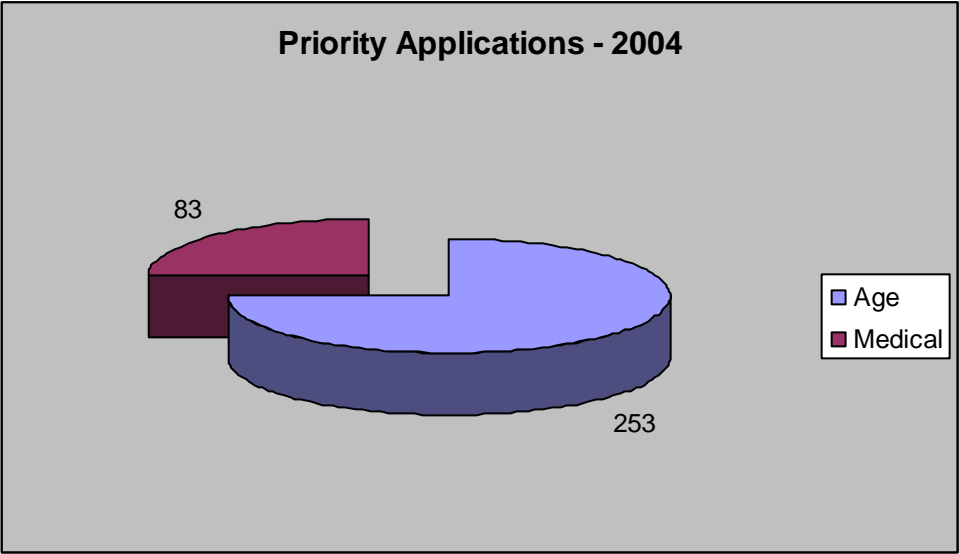
- (i) who were born before 1<sup>st</sup> January 1934, or
- (ii) who are at the time when the application is made suffering from a medical illness or psychiatric condition which is life threatening, as confirmed in writing by a letter from their regular medical adviser.

Please note that as from the end of 2004 the Board will give priority to applicants born before 1<sup>st</sup> January 1935

571 applications have been received from applicants born before 1<sup>st</sup> January 1934.

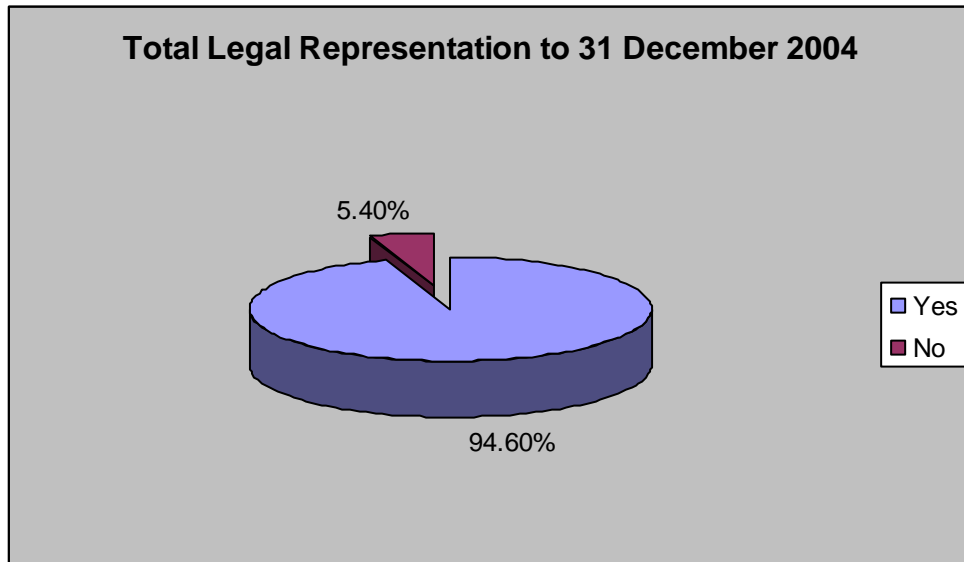
154 applications have been granted priority on the grounds of medical or psychiatric condition.

<b>Priority</b>	<b>2003</b>	<b>2004</b>	<b>Total to 31/12/2004</b>
Age	318	253	571
Medical	71	83	154
<b>Total</b>	<b>389</b>	<b>336</b>	<b>725</b>



## Legal Representation

The percentage of applications from applicants represented by a solicitor stands at 94.6%, up from 91% in 2003.



Applicants are represented by a total of 568 firms of solicitors and costs have been paid to date in respect of 696 applications. The 660 costs payments made by the Board in 2004 are listed below. It should be noted that the Board has not yet received bills in respect of all the applications it has finalised.

These costs are divided into two categories

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



<b>Name of Solicitor</b>	<b>Number of Applications in which Costs have been paid - 2004</b>	<b>Board Costs Paid in 2004</b>	<b>Related High Court Costs paid in 2004</b>	<b>2004 Total</b>
<i>Ahern O'Shea</i>	1	€20,695.90	€1,815.00	€22,510.90
<i>Ahern Roberts Williams &amp; Partners</i>	2	€20,464.36	€2,980.41	€23,444.77
<i>Anne L Horgan &amp; Co</i>	3	€48,373.29	€5,907.14	€54,280.43
<i>Anne Marie McCrystal</i>	2	€26,301.29	0	€26,301.29
<i>Anthony Harris &amp; Company</i>	1	€3,569.50	0	€3,569.50
<i>Augustus Cullen &amp; Son</i>	8	€95,358.10	€33,328.19	€128,686.29
<i>B J O'Beirne &amp; Co</i>	1	€8,653.00	€18,461.60	€27,114.60
<i>Barror &amp; Co,</i>	1	€6,434.08	0	€6,434.08
<i>Baynes &amp; Co</i>	3	€28,507.68	0	€28,507.68
<i>Becker Tansey &amp; Co</i>	2	€25,125.71	€6,777.89	€31,903.60
<i>Birnberg Peirce &amp; Partners</i>	2	€25,805.64	0	€25,805.64
<i>Bolger, White Egan &amp; Flanagan</i>	1	€9,334.68	0	€9,334.68
<i>Bowler Geraghty &amp; Co</i>	1	€20,991.90	€10,361.18	€31,353.08
<i>Brendan Weldon &amp; Co</i>	1	€7,557.50	0	€7,557.50
<i>Brian Berrills &amp; Co</i>	1	€6,396.55	0	€6,396.55
<i>Brian Johnson &amp; Company</i>	2	€16,141.90	0	€16,141.90
<i>Brian Morton &amp; Co</i>	1	€7,419.00	€9,217.55	€16,636.55
<i>Brophy</i>	1	€18,403.95	€1,936.00	€20,339.95
<i>Burke &amp; Co</i>	1	€13,875.75	0	€13,875.75
<i>C Grogan and Company</i>	1	€13,322.00	0	€13,322.00

<b>Name of Solicitor</b>	<b>Number of Applications in which Costs have been paid - 2004</b>	<b>Board Costs Paid in 2004</b>	<b>Related High Court Costs paid in 2004</b>	<b>2004 Total</b>
<i>C P Crowley &amp; Co.</i>	4	€43,069.38	0	€43,069.38
<i>Carvill Rickard &amp; Co</i>	2	€26,431.70	0	€26,431.70
<i>Casey &amp; Company</i>	1	€23,314.75	€2,208.25	€25,523.00
<i>Chappell Pascoe</i>	1	€14,377.41	0	€14,377.41
<i>Clarksons</i>	1	€11,011.73	0	€11,011.73
<i>Cleary &amp; Co.</i>	1	€18,194.60	0	€18,194.60
<i>Clements Hutchins &amp; Co</i>	1	€7,591.85	0	€7,591.85
<i>Clinch &amp; Collins Co.</i>	2	€8,954.00	0	€8,954.00
<i>Coughhan Griffith &amp; Company</i>	1	€18,952.00	0	€18,952.00
<i>Cullen, Tyrrell &amp; O' Beirne</i>	2	€21,104.50	0	€21,104.50
<i>D J O'Malley &amp; Co</i>	1	€7,551.52	€8,112.58	€15,664.10
<i>Daniel Spring &amp; Co</i>	7	€58,809.27	€36,301.89	€95,111.16
<i>D'Arcy &amp; Co.</i>	1	€16,458.00	€0.00	€16,458.00
<i>Delahunty, O'Connor &amp; Co</i>	2	€16,657.95	€572.03	€17,229.98
<i>Denis A. Linehan &amp; Co.</i>	1	€13,684.55	0	€13,684.55
<i>Denis Healy &amp; Co.</i>	1	€12,389.30	0	€12,389.30
<i>Denis O'Sullivan &amp; Co</i>	1	€11,043.46	€4,078.60	€15,122.06
<i>Dermot F Davis &amp; Co</i>	1	€11,084.20	0	€11,084.20
<i>Dermot Lavery &amp; Co</i>	1	€8,704.01	€1,815.00	€10,519.01

<b>Name of Solicitor</b>	<b>Number of Applications in which Costs have been paid - 2004</b>	<b>Board Costs Paid in 2004</b>	<b>Related High Court Costs paid in 2004</b>	<b>2004 Total</b>
<i>Dermot O' Neill &amp; Co.</i>	1	€10,769.00	0	€10,769.00
<i>Dockrell Farrell</i>	1	€11,922.95	0	€11,922.95
<i>Doyles</i>	1	€9,315.15	0	€9,315.15
<i>Eamon Murray &amp; Co</i>	31	€383,659.90	€6,655.00	€390,314.90
<i>Eamonn Fleming &amp; Co.</i>	2	€18,486.89	0	€18,486.89
<i>Elizabeth Ferris &amp; Co</i>	1	€12,148.50	0	€12,148.50
<i>English Leahy Donovan</i>	1	€10,585.90	0	€10,585.90
<i>Ernest J Cantillon &amp; Co</i>	2	€29,535.04	0	€29,535.04
<i>Eugene Carey &amp; Co</i>	1	€11,849.20	€0.00	€11,849.20
<i>Fahy McGeever</i>	1	€10,038.00	0	€10,038.00
<i>Fair &amp; Murtagh</i>	4	€48,210.50	0	€48,210.50
<i>Farrell &amp; Partners</i>	1	€2,729.25	€5,956.26	€8,685.51
<i>Ferrys</i>	7	€91,110.19	€17,549.81	€108,660.00
<i>Francis X Burke &amp; Co</i>	1	€6,903.75	0	€6,903.75
<i>Frank O'Connor &amp; Co</i>	1	€11,653.00	0	€11,653.00
<i>Frank Ward &amp; Co</i>	2	€22,549.25	€2,117.50	€24,666.75
<i>Frizelle O'Leary &amp; Co</i>	1	€4,600.00	0	€4,600.00
<i>Gaffney Halligan &amp; Co</i>	2	€11,466.86	0	€11,466.86
<i>George F Daly &amp; Co</i>	1	€21,161.80	0	€21,161.80
<i>Gore &amp; Grimes</i>	1	€8,364.31	€13,024.83	€21,389.14

<b>Name of Solicitor</b>	<b>Number of Applications in which Costs have been paid - 2004</b>	<b>Board Costs Paid in 2004</b>	<b>Related High Court Costs paid in 2004</b>	<b>2004 Total</b>
<i>Gregory Hine</i>	1	€5,805.29	0	€5,805.29
<i>Groarke &amp; Partners</i>	1	€7,536.41	0	€7,536.41
<i>Harry P Hunt &amp; Co</i>	1	€13,533.85	€5,015.64	€18,549.49
<i>Hartnett Hayes</i>	1	€18,241.43	€18,617.71	€36,859.14
<i>Haughton McCarroll</i>	1	€13,950.50	0	€13,950.50
<i>Hertitage</i>	1	€10,870.50	0	€10,870.50
<i>Higgins, Chambers &amp; Flanagan</i>	1	€9,220.20	0	€9,220.20
<i>Hodge Jones &amp; Allen</i>	4	€33,634.22	0	€33,634.22
<i>Hodson Parsons James &amp; Vaux</i>	1	€2,591.25	0	€2,591.25
<i>Huggard, Brennan &amp; Murphy</i>	1	€12,644.59	0	€12,644.59
<i>Hughes Murphy &amp; Co</i>	1	€13,070.42	€4,378.27	€17,448.69
<i>Hussey &amp; Bates</i>	1	€10,592.76	0	€10,592.76
<i>J A Canny &amp; Co .</i>	1	€3,906.36	€5,785.59	€9,691.95
<i>J A O'Brien &amp; Co.</i>	1	€5,274.12	0	€5,274.12
<i>J F Goold &amp; Co.</i>	1	€13,788.00	0	€13,788.00
<i>J G Skinner &amp; Co.</i>	3	€25,191.00	€3,320.77	€28,511.77
<i>J Hodnett &amp; Son</i>	1	€14,729.50	0	€14,729.50
<i>J M Cronin &amp; Co</i>	1	€16,640.80	€13,875.16	€30,515.96
<i>J P Foley &amp; Co</i>	1	€11,542.39	0	€11,542.39
<i>James A. Connolly &amp; Co</i>	2	€25,588.00	€15,778.70	€41,366.70

<b>Name of Solicitor</b>	<b>Number of Applications in which Costs have been paid - 2004</b>	<b>Board Costs Paid in 2004</b>	<b>Related High Court Costs paid in 2004</b>	<b>2004 Total</b>
<i>James Binchy &amp; Son</i>	1	€10,162.67	0	€10,162.67
<i>James Fagan &amp; Co</i>	2	€18,711.10	€29,802.24	€48,513.34
<i>James J Hally</i>	1	€4,498.70	0	€4,498.70
<i>John A. Reidy &amp; Co.</i>	1	€5,668.10	0	€5,668.10
<i>John Casey and Company</i>	1	€5,980.23	€2,284.66	€8,264.89
<i>John Devane</i>	12	€94,062.66	€16,251.78	€110,314.44
<i>John Hussey &amp; Co</i>	12	€117,299.87	€27,924.32	€145,224.19
<i>John J Duggan &amp; Co</i>	2	€18,574.85	0	€18,574.85
<i>John J Quinn &amp; Co</i>	1	€9,742.69	0	€9,742.69
<i>John J. Murphy &amp; Co.</i>	1	€11,374.20	0	€11,374.20
<i>John Lanigan &amp; Nolan</i>	1	€8,727.48	0	€8,727.48
<i>John Rochford &amp; Co.</i>	1	€7,791.50	0	€7,791.50
<i>John Walsh &amp; Company</i>	1	€14,731.75	0	€14,731.75
<i>Johnson &amp; Johnson</i>	1	€5,150.50	0	€5,150.50
<i>Jones Magee</i>	1	€15,265.55	€20,530.93	€35,796.48
<i>Jordans</i>	6	€71,182.14	0	€71,182.14
<i>Joseph S. Cuddigan &amp; Co.</i>	1	€6,157.62	0	€6,157.62
<i>Kelly Caulfield Shaw</i>	1	€4,445.50	0	€4,445.50
<i>Kent Carty</i>	3	€27,492.75	€2,199.68	€29,692.43
<i>Kevin Hegarty</i>	1	€19,078.02	0	€19,078.02

Name of Solicitor	Number of Applications in which Costs have been paid - 2004	Board Costs Paid in 2004	Related High Court Costs paid in 2004	2004 Total
<i>Kieran McCourt</i>	2	€17,308.00	0	€17,308.00
<i>Kilrane O'Callaghan &amp; Co</i>	1	€5,966.00	0	€5,966.00
<i>Kings</i>	1	€15,968.98	€2,335.30	€18,304.28
<i>Lavelle Coleman</i>	89	€1,068,373.81	€261,237.90	€1,329,611.71
<i>Lawline</i>	1	€16,757.27	€12,665.20	€29,422.47
<i>Leahy &amp; Partners,</i>	1	€10,665.15	0	€10,665.15
<i>Lees</i>	2	€23,223.19	€2,862.34	€26,085.53
<i>Liam Gallagher &amp; Co.</i>	2	€15,374.81	0	€15,374.81
<i>M A Regan, McEntee &amp; Partners</i>	3	€28,438.35	€7,089.58	€35,527.93
<i>M J Horgan &amp; Sons</i>	2	€25,017.11	0	€25,017.11
<i>M M Halley &amp; Son</i>	7	€78,856.04	€18,446.02	€97,302.06
<i>M Roche &amp; Co.</i>	1	€17,145.00	0	€17,145.00
<i>Macklin &amp; Co.</i>	1	€25,643.30	€8,587.52	€34,230.82
<i>Madden &amp; Associates</i>	1	€6,433.16	€1,404.34	€7,837.50
<i>Maguire McClafferty</i>	7	€107,446.40	€1,815.00	€109,261.40
<i>Mantons</i>	1	€5,282.00	0	€5,282.00
<i>Marcus Lynch</i>	1	€13,202.34	€6,403.57	€19,605.91
<i>Margaret Campbell</i>	47	€516,398.85	€29,733.38	€546,132.23
<i>Martin A Harvey &amp; Co</i>	11	€147,964.04	€48,428.11	€196,392.15
<i>Martin Sheehan &amp; Co.</i>	1	€13,104.30	0	€13,104.30

<b>Name of Solicitor</b>	<b>Number of Applications in which Costs have been paid - 2004</b>	<b>Board Costs Paid in 2004</b>	<b>Related High Court Costs paid in 2004</b>	<b>2004 Total</b>
<i>Matthew Gold &amp; Co</i>	32	€406,821.86	0	€406,821.86
<i>Maurice O'Sullivan &amp; Co.</i>	1	€10,708.50	0	€10,708.50
<i>McCartan &amp; Burke</i>	1	€12,600.45	0	€12,600.45
<i>McGonagle</i>	1	€13,123.50	0	€13,123.50
<i>McMahon &amp; Co</i>	12	€142,936.08	0	€142,936.08
<i>McMahon O'Brien Downes</i>	1	€5,423.30	0	€5,423.30
<i>Michael B O'Donnell</i>	1	€7,911.25	€13,483.71	€21,394.96
<i>Michael Collins &amp; Co.</i>	1	€11,708.24	0	€11,708.24
<i>Michael E Hanahoe</i>	18	€236,269.01	€126,140.15	€362,409.16
<i>Michael Houlihan &amp; Partners</i>	1	€6,339.90	0	€6,339.90
<i>Michael J Breen &amp; Co</i>	1	€10,548.50	0	€10,548.50
<i>Michael J Hanrahan</i>	1	€4,439.68	0	€4,439.68
<i>Michael J. Kennedy &amp; Co.</i>	1	€7,754.75	0	€7,754.75
<i>Michael Lanigan &amp; Co</i>	6	€51,318.28	€15,911.96	€67,230.24
<i>Michael McDarby &amp; Co.</i>	1	€13,791.33	0	€13,791.33
<i>Michael O'Shea &amp; Co.</i>	1	€10,382.50	0	€10,382.50
<i>Moloney &amp; Company</i>	1	€7,461.71	0	€7,461.71
<i>Murray Flynn</i>	1	€18,216.17	€11,323.40	€29,539.57
<i>N J Downes &amp; Co Solrs</i>	1	€6,874.16	0	€6,874.16
<i>Neil Twomey &amp; Co</i>	2	€18,822.94	0	€18,822.94

<b>Name of Solicitor</b>	<b>Number of Applications in which Costs have been paid - 2004</b>	<b>Board Costs Paid in 2004</b>	<b>Related High Court Costs paid in 2004</b>	<b>2004 Total</b>
<i>Neville Murphy &amp; Co</i>	2	€34,588.29	€26,008.11	€60,596.40
<i>Niall Browne</i>	1	€5,026.85	0	€5,026.85
<i>Nooney &amp; Dowdall,</i>	1	€5,653.04	0	€5,653.04
<i>O'Connor Buckley &amp; Co.</i>	1	€9,356.25	0	€9,356.25
<i>O'Donnell &amp; Sweeney</i>	1	€8,711.35	0	€8,711.35
<i>O'Donohoe</i>	1	€8,886.00	0	€8,886.00
<i>O'Dowd</i>	1	€8,311.90	0	€8,311.90
<i>O'Neill Quinn &amp; Co</i>	2	€12,623.30	0	€12,623.30
<i>O'Scanaill &amp; Co</i>	2	€21,255.10	0	€21,255.10
<i>O'Shea Byrne &amp; Co</i>	1	€13,472.50	€7,426.72	€20,899.22
<i>O'Sullivan</i>	1	€8,081.94	0	€8,081.94
<i>Owen O'Mahony &amp; Co.</i>	1	€11,918.50	0	€11,918.50
<i>P D Scully</i>	1	€14,716.00	€2,385.37	€17,101.37
<i>P J Lavan &amp; Co.</i>	5	€44,606.75	€18,275.25	€62,882.00
<i>P O Connor &amp; Son</i>	1	€4,193.85	0	€4,193.85
<i>Padraig Foley &amp; Co</i>	18	€201,485.26	€83,657.86	€285,143.12
<i>Padraig J O'Connell</i>	5	€36,741.57	€2,678.09	€39,419.66
<i>Padraig O' Donovan &amp; Company</i>	1	€18,096.25	€5,556.43	€23,652.68
<i>Palmers</i>	1	€2,042.97	0	€2,042.97
<i>Partners At Law</i>	1	€8,437.10	0	€8,437.10



<b>Name of Solicitor</b>	<b>Number of Applications in which Costs have been paid - 2004</b>	<b>Board Costs Paid in 2004</b>	<b>Related High Court Costs paid in 2004</b>	<b>2004 Total</b>
<i>Patrick Enright</i>	1	€11,500.50	0	€11,500.50
<i>Patrick Casey &amp; Co</i>	2	€31,757.00	€2,229.41	€33,986.41
<i>Patrick G. McMahon</i>	1	€13,571.50	0	€13,571.50
<i>Patrick Troy &amp; Co</i>	1	€11,048.00	€2,496.18	€13,544.18
<i>Patrick V. Boland &amp; Son</i>	2	€14,854.41	€4,990.28	€19,844.69
<i>Paul Cagney &amp; Co.</i>	1	€12,008.70	0	€12,008.70
<i>Paul W Tracey</i>	6	€56,468.84	€21,561.86	€78,030.70
<i>Pauline O'Reilly &amp; Co</i>	1	€5,187.50	0	€5,187.50
<i>Pearse Mehigan &amp; Co</i>	56	€578,692.04	€63,572.89	€642,264.93
<i>Peter Fleming &amp; Co</i>	1	€16,424.58	€9,528.66	€25,953.24
<i>Peter McDonnell &amp; Associates</i>	18	€184,366.82	€30,050.65	€214,417.47
<i>Poe Kiely Hogan</i>	1	€15,286.00	0	€15,286.00
<i>Quinn &amp; Co</i>	10	€90,134.20	€7,471.44	€97,605.64
<i>R G Emerson &amp; Co</i>	2	€21,392.75	€4,704.61	€26,097.36
<i>R T Ringrose &amp; Co.</i>	1	€13,249.50	0	€13,249.50
<i>Reidy Stafford</i>	1	€13,910.15	0	€13,910.15
<i>Robert B Marron &amp; Co</i>	1	€5,967.00	0	€5,967.00
<i>Rosemary Gantley</i>	1	€10,143.79	0	€10,143.79
<i>Sadlier &amp; Associates</i>	1	€6,973.89	€2,321.94	€9,295.83
<i>Sandys &amp; Brophy</i>	1	€9,342.50	0	€9,342.50

Name of Solicitor	Number of Applications in which Costs have been paid - 2004	Board Costs Paid in 2004	Related High Court Costs paid in 2004	2004 Total
<i>Scott Ryan</i>	4	€31,929.67	€3,038.28	€34,967.95
<i>Sean Mulvihill &amp; Co.</i>	1	€8,160.41	0	€8,160.41
<i>Shaun Elder</i>	1	€8,348.07	€9,908.08	€18,256.15
<i>Simon W Kennedy &amp; Co</i>	1	€11,474.70	€9,075.00	€20,549.70
<i>Spelman &amp; Co</i>	3	€32,850.91	€32,653.77	€65,504.68
<i>Thomas Barry &amp; Co</i>	1	€12,611.05	€3,846.86	€16,457.91
<i>Thomas J Kelly &amp; Co</i>	1	€12,237.21	€4,150.29	€16,387.50
<i>Thomas Loomes &amp; Company</i>	3	€26,154.60	0	€26,154.60
<i>Thomas Quigley &amp; Co.</i>	1	€2,414.65	0	€2,414.65
<i>Thomas W. Enright</i>	1	€7,447.89	0	€7,447.89
<i>Tom Collins &amp; Co.</i>	2	€25,212.41	€7,731.54	€32,943.95
<i>Tony Taaffe &amp; Co</i>	1	€2,907.00	0	€2,907.00
<i>Traynor Mallon &amp; Co</i>	1	€16,870.45	€2,026.80	€18,897.25
<i>Tynan Murphy Yelverton</i>	1	€11,213.07	€0.00	€11,213.07
<i>Val W. Stone &amp; Co</i>	1	€6,509.05	0	€6,509.05
<i>Wilkie &amp; Flanagan</i>	1	€6,782.50	0	€6,782.50
<i>Wolfe &amp; Co</i>	3	€38,307.05	€66,381.50	€104,688.55
<i>Woods and Company</i>	1	€5,210.58	0	€5,210.58
<b>Total</b>	<b>660</b>	<b>€7,282,770.79</b>	<b>€1,356,537.51</b>	<b>€8,639,308.30</b>

## **Comparative Analysis of Costs**

On average, costs and expenses paid to applicants' solicitors amount to €10,949\* per application, or 14.4% of the award. By contrast, the average costs and expenses incurred by the Board amount to €4,064\*\* or 5.2% 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. These figures do not include costs paid in respect of High Court proceedings.

\*\* 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 2004.

# Appendices

## Customer Service Plan

Under the terms of the current national agreement “Sustaining Progress Social Partnership Agreement 2003-2005” there is an obligation on all public service organizations to commit publicly to service standards for their customers.

As part of this process, 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 office hours (9.30am to 5.00pm Monday to Friday).
4. Register and acknowledge all applications within 5 working days of receipt.
5. Issue statutory correspondence within 5 working days of the file's readiness to proceed to the next stage.
6. Schedule applications for settlement or hearing as soon as dates are available.

7. Greet applicants and their party cordially and give every reasonable assistance on the day of their attendance at the Redress Board offices.
8. Issue notice of award to the applicant within 5 working days of the decision of the Board.
9. Ensure appropriate facilities are available for people with disabilities or special needs.
10. Update information on our website to ensure that the fullest information possible is available to the public.
11. Post regular newsletters on the website in the interests of openness and transparency.
12. Periodically review this plan in accordance with section 20.13 of the Sustaining Progress Social Partnership Agreement 2003-2005.

## EXPENDITURE DATA FOR THE YEAR 2004

CATEGORY	AMOUNT €
ADVERTISING	133,753.79
STENOGRAPHY SERVICES	81,391.78
PHONES (SERVICE)	41,376.89
PHONES (EQUIPMENT)	2,232.87
POSTAGE - COSTS	38,789.00
POSTAGE – RENTAL & SERVICES	2,275.69
COMPUTER HARDWARE/SOFTWARE	20,692.94
COMPUTER SUPPORT SERVICES	40,531.16
PHOTOCOPYING	5,730.43
OFFICE MACHINERY	23,162.18
HEAT, POWER & LIGHT	11,777.40
CONTRACT CLEANING	17,895.62
OFFICE SUPPLIES	25,286.93
PRINTING	13,614.92
FURNITURE & FITTINGS	24,472.81
TRAVEL & SUBSISTENCE	81,704.88
TAXI/COURIER SERVICE	19,119.21
VENDING MACHINE & WATER SUPPLIES	8,627.85
MAINTENANCE	19,302.22
HOTEL ROOM HIRE/ACCOMODATION	29,420.85
MEDICAL FEES*	405,800.00
MEDICAL PAYMENTS**	1,193,146.51
LEGAL FEES ***	1,369,869.53
LEGAL COSTS****	8,639,308.30
ADMINISTRATIVE SALARIES	1,137,708.13

BOARD MEMBERS FEES	898,034.17
TRAINING	7,925.38
PUBLICATIONS	1,491.89
SECURITY	40,735.31
BOARD CATERING	16,389.82
MISCELLANEOUS	49,481.90
TOTAL	14,401,050.36

\* 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.

\*\*\*\* These figures represent legal costs paid to applicants' solicitors in respect of applications to the Board and related High Court proceedings.



## AWARDS DATA FOR THE YEAR 2004

AWARDS	AMOUNT €
TOTAL	141,868,330.28

## LEGAL COSTS DATA FOR THE YEAR 2004

COSTS	AMOUNT €
COSTS PAID IN RESPECT OF APPLICATIONS TO BOARD	7,282,770.79
COSTS PAID IN RESPECT OF RELATED HIGH COURT PROCEEDINGS	1,356,537.51
TOTAL	8,639,308.30

## **Applications from outside Ireland**

The Board has received a number of queries on its policy concerning the holding of hearings abroad for the convenience of applicants who live outside the State. The Board has postponed a decision on this until now so as to assess the likely volume of such requests.

As at mid March 2004 the Board has received a substantial number of applications from persons living in the United Kingdom or further afield. Most of these applicants have been represented by Irish solicitors. The majority of these applications have been concluded by settlement without the requirement for a hearing. Where a hearing has been necessary, each of the applicants, bar one, has been able to travel to Dublin at the Board's expense in order to give evidence at a hearing. There has to date been only one application in which, out of medical necessity, arrangements have had to be made to take an applicant's evidence outside the State.

There are three different issues to be considered in the context of possible hearings abroad i.e. the efficiency of the process, the legal implications of a hearing abroad and the wishes of the applicants.

### **The efficiency of the process:**

In the case of applications from within Ireland, the Board has in the interests of efficiency made special arrangements for settlements and hearings to take place in locations other than Dublin where applications have been clustered in urban areas such as Cork, Limerick and Galway. With this in mind, the Board has looked at the residential locations of foreign-based applicants and other than in the U.K. (and one U.S. location) they are not clustered in a way which would render it efficient to set up settlement sessions covering a large number of applications.

In many U.K. cases internal travel within the U.K. would appear to present as big a problem for applicants as coming to Dublin. Further, in the case of the U.K the vast majority of lawyers used by the applicants are Irish based. To date, settlements of applications from persons resident in the UK have been conducted in the normal way. Only a minority of lawyers bring their clients to settlement discussions and this has not been a problem in the case of foreign residents. Most applicants are willing to come to Dublin for a hearing on the basis that the Board will pay all reasonable travel and subsistence expenses. In such cases, the Board has adopted a policy of allowing persons from abroad to bring one companion free of charge once the matter is cleared with the Board's administration beforehand. Even if there were no legal impediments it is therefore unlikely that as a matter of routine the Board would set up hearing facilities in the U.K. or elsewhere.

The general policy of the Board on the need for hearings abroad does not cater for those who by reason of health or other serious difficulty cannot travel to Ireland. The Board has considered how these persons can be facilitated. Before outlining that policy it is necessary to set out certain legal matters, which may impinge on the Board's work in this area.

## **The legal implications of a hearing abroad:**

There is no doubt that the law applicable to the Redress process is Irish law. The Board and the scheme are established by Irish law with no external jurisdiction or any international law element. The domestic nature of the scheme does not prevent those living abroad from applying, but the scheme under which they choose to apply is governed by domestic Irish law and not by the law of their country of residence.

The Board is a body established by the Oireachtas to assess the redress payable to victims of child abuse. It is not a court of law. The distinction between the Board and a court of law is illustrated by the provisions of section 18 of Residential Institutions Redress, Act 2002, which grants absolute privilege to the Board and its staff in connection with the Board's work. Such protection would not be necessary if the Board was a court of law. The absolute privilege covers the actions of the Board within the State only but confers no external protection.

Utterances by Board members and staff made abroad do not have the absolute privilege afforded by law to similar comments made within the State. The nature of the privilege actually enjoyed would vary within each jurisdiction. The Board has been advised that in England and Wales, for example, the utterances of Board members and staff would probably attract only qualified privilege, a lesser and more uncertain form of protection. Different rules would probably apply in other jurisdictions, creating a considerable degree of legal difficulty for the Board in carrying out its functions.

In addition there are a number of aspects of the redress scheme which depend upon the application of other aspects of Irish law. To give two examples. In the interests of obtaining a true account of the abuse which an applicant has suffered, it is the Board's policy to take his or her evidence on oath; the sanction for fraudulent evidence must be proceedings by the Irish authorities. This sanction would not be available in the case of hearings conducted outside the State. It is also an essential aspect of the scheme that applications are dealt with in the strictest confidence and it is therefore a criminal offence to make public any information about an application; this sanction also could not be enforced outside the State.

## **The wishes of applicants:**

The Board's experience is that most applicants are willing to come to Ireland for a hearing of their application.

## **Decision of Board**

**Following a full consideration of all the relevant issues, the Board has decided that it will continue as a general rule to conduct settlements and/or hearings of applications, from persons who reside outside Ireland, at its premises in Dublin. All reasonable expenses incurred by applicants travelling to Dublin for a successfully concluded settlement or for a hearing will be met by the Board.**

### **Applicants for whom travel to Dublin is impossible or too great a burden**

The Board is, however, anxious within its policy framework to assist those for whom travel to Dublin is impossible or too great a burden. The Board will make every effort to settle informally (that is, without the need for a hearing) applications made by such persons and will for this purpose enter into negotiations in Ireland and/or by telephone, mail or otherwise with a view to reaching a settlement acceptable to the applicant. In the small number of cases where a settlement of this kind is not possible, and the applicant satisfies the Board that he or she is unable to travel to Dublin, the Board will be willing to consider an application (supported by appropriate evidence) to hear the oral evidence of the applicant at a suitable location close to his or her place of residence.

The applicant's oral evidence is but part of the evidence to be considered by the Board in any case. Other evidence includes the application form, medical reports and other verbal and written information. This other evidence will be received in Ireland only.

Having heard the oral evidence of the applicant, the Board will adjourn further consideration of the application and make its decision within Ireland. In that way the Board will facilitate applicants while minimising the exposure of the Board and its staff to the kind of legal difficulties which we have identified.

## **Newsletter Dated 21<sup>st</sup> October 2004**

This is the 6th 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. Our first five newsletters issued in March, June, August, October and December of 2003. The Board's "Guide to Hearing Procedures" issued in April 2003 and the Board's annual report issued to the Minister for Education and Science in April of this year.

### **The Board:**

The number of Board members has now increased to 10. These are

The Honourable Mr. Justice Sean O'Leary (Chairman)	- appointed 16th December 2002
Professor Desmond Greer	- appointed 16th December 2002
Dr. Helen Cummiskey	- appointed 16th December 2002
Dr. Ruth Pilkington	- appointed 16th December 2002
Ms. Ann O'Brien B.L.	- appointed 23rd May 2003
Dr. John Mason	- appointed 23rd September 2003
Dr. Mary Bluett	- appointed 25th September 2003
Ms. Dariona Conlon, Solicitor	- appointed 9th January 2004
Mr. John Campbell, Solicitor	- appointed 27th April 2004
Dr. Fionnuala O'Loughlin	- appointed 27th April 2004

### **Applications:**

The Board continues to receive applications at a steady rate and has received a total of 4,633 to date. Applicants are reminded that the statutory steps and times allowed for each step laid down in the Act and Regulations now occupy a minimum of 14 weeks. This assumes that all necessary documentation has been lodged with the Board. It is only when the Board has received all the necessary documentation that the 14 week timescale commences. In broad terms the first 8 weeks is taken up notifying relevant persons as outlined in the Residential Institutions Redress Act 2002 (Miscellaneous Provisions) Regulations 2002. The following 6 weeks is taken up confirming with the applicant or his/her solicitor that the application is complete (2 weeks) and scheduling the application for hearing or settlement (4 weeks). In some instances this may be extended if the applicant or his/her solicitor indicate that they wish to lodge additional documentation.

Applicants are reminded that the timeframe outlined above is the minimum period required to process an application and only commences when the Board has received all the documents it requires. At the time of writing it can take up to 6 months for a case to be scheduled once the Board has issued a completion letter to the applicant or his/her solicitor indicating that the application is ready to proceed to hearing or settlement. This timeframe does not apply to those entitled to priority on grounds of age or medical condition.

## Awards:

To date the Board have completed the process in 2,011 cases. 1,489 offers have been made following settlement talks and 450 awards have been made following hearings, two of which were rejected by the applicants. No award was made in one application. In applications covering 71 applicants refusals have issued for one reason or another. These applications have been refused as, on the face of the documentation, the application was outside the Boards 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 €77,000, the smallest award being €0.00 and the largest award being €300,000.

## 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	11	0.57
IV	55 – 69	€150,000 - €200,000	60	3.09
III	40 – 54	€100,000 - €150,000	383	19.75
II	25 – 39	€ 50,000 - €100,000	1157	59.67
I	Less than 25	Up to €50,000	328	16.92
<b>Total</b>			<b>1939</b>	<b>100.00</b>

The Board sits every day in its premises in Clonskeagh and now completes approximately 180 cases per month. It has also sat in Galway and Limerick. The Board sits for approximately one week per month in Cork and will continue to do as long as there are sufficient applications from the region.

## **Advertising in the United Kingdom**

The Board has sent a total of 15,000 documents to Irish Centres in the United Kingdom. These consist of posters, short guides to the redress scheme and single page handouts. The Board has asked that these documents be prominently displayed in the centres in the hope that they will be seen by the maximum number of potential applicants. The Board's U.K. lo-call number 0845 300 4264 is displayed in all of the documents.

In March and April the Board hosted a total of 12 information meetings in Manchester, London, Birmingham, Coventry and Leeds as well as placing advertisements in selected Sunday and daily papers.

## **Review of Publications**

The Board is currently updating its "Guide to the Redress Scheme under the Residential Institutions Redress Act, 2002" to reflect the minor changes to the scheme which have taken place since its inception. Until the revised guide is published the original guide should be read in conjunction with the Board's newsletters which reflect these changes.

## **Advice on Financial Management of Award**

In accordance with Section 21 of the Residential Institutions Redress Act, 2002, the Board has established a free, confidential and independent service through which applicants who have received an award may be given advice as to financial management of the award. 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 has appointed an existing body called MABS (Money Advice and Budgeting Service) to operate the service. MABS are locally based independent information and advice providers operating as limited companies.

MABS has been in operation since 1992 and more details about it are available on website: [www.mabs.ie](http://www.mabs.ie). The Redress Board scheme will be separate from MABS usual advice services. The Board will advise all award recipients of the service through their solicitors or directly if unrepresented. MABS may be contacted on 01/ 8645656.

## **Confidentiality**

On November 4th 2003 the Board issued a statement as follows: "The Residential Institutions Redress Board notes that in commenting on certain procedures of the Board sections of the media have identified applicants by name. Further, in some cases, the name of the institution in which the applicant claimed to have been abused has been published.

The Board welcomes scrutiny of its decisions and criticism of its actions but those involved in this process are obliged to structure their reports and comments without identifying any party covered by the provisions of Section 28(6) of the Residential Institutions Redress Act 2002. This section provides:

“A person shall not publish any information concerning an application or an award made under this Act that refers to any other person (including an applicant), relevant person or institution by name or which could reasonably lead to the identification of any person (including the applicant), a relevant person or an institution referred to in an application made under this Act”.

While the Board continues to welcome scrutiny of its decisions and criticism of its actions it reminds those who breach this section of the Act of the provisions of section 34 which states: “A person who is guilty of an offence under sections 7(6) and 28(9) shall be liable-

(a) on summary conviction, to a fine not exceeding €3,000 (£2,362.69) or to imprisonment for a term not exceeding 6 months or both, or

(b) on conviction on indictment, to a fine not exceeding €25,000 (£19,689.10) or imprisonment for a term not exceeding 2 years or both.”

The Board also points out that the fact that a person has applied for and/been granted redress in no way hinders a person from criticising and/or publicising any wrong suffered (subject to the laws of defamation). It is only the disclosure of the fact of an application to this Board and/or any award, and/or the name of any institution or person in the context of an application that is prohibited. An applicant may still publicise his or her experiences in an institution but must not include any information relating to the fact of an application to or award by the Board.

The above does not purport to be a legal interpretation. Those requiring a fuller understanding of the requirements in relation to confidentiality should refer to the Residential Institutions Redress Act 2002.

## **Reception Facilities**

The Board would like to take this opportunity to update you on the facilities available at its headquarters and how it proposes putting them to best use now that it is working at full capacity. Seven rooms are available for the use of applicants and their legal advisers. The reception area, hearing rooms, waiting rooms and toilet facilities are all wheelchair accessible. Daily newspapers, magazines, tea and coffee are all provided to applicants free of charge.

On arrival applicants and their legal advisers should make themselves known to the staff member at reception who will then show them to a room. Volume of business means that rooms cannot be reserved and it may not always be possible to provide separate rooms for applicants and their legal advisers. This may mean that applicants have to share a room with other applicants or with their legal advisers. If this is the case the staff member co-ordinating reception will inform you. In order to use the space most effectively it would be of great assistance if solicitors could indicate whether their clients will be attending and, if so, how many others will be accompanying them. This will help us to allocate the larger rooms to those who need them. In this regard the Board is particularly mindful of those with special needs.



On occasion solicitors and applicants have arrived several hours in advance of the time scheduled for their settlement or hearing. This is not a problem for cases scheduled for 10.30 a.m as the office opens at 9.00 a.m. It does however cause problems for cases scheduled after that. In such cases it is rarely possible to provide rooms as they will need to be given to those whose applications have been scheduled for an earlier time. In order to avoid any inconvenience we recommend that in cases scheduled for any time after 10.30 a.m, applicants and their legal advisers should arrive approximately half an hour before the appointed time.

The Board's aim is to maximise the benefit that all its customers derive from its facilities and is confident that the steps outlined above will help it to achieve this. The Board will of course continue to do all it can to facilitate those with special requirements.

## **Newsletter Dated 26<sup>th</sup> November 2004**

This is the 7<sup>th</sup> 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 the Board's annual report issued to the Minister for Education and Science in April of this year. In October of this year the Board issued the second edition of its Guide to the Redress Scheme.

### **Applications:**

The Board continues to receive applications at a steady rate and has received a total of 4908 to date. The Board notifies applicants once it has received all necessary documentation in relation to their case. These notifications, known as completion letters, issue at a rate commensurate with the Board's ability to finalise applications and therefore do not always 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. At the time of writing it can take up to 6 months for a case to be scheduled once the Board has issued a completion letter to the applicant or his/her solicitor indicating that the application is ready to proceed to hearing or settlement. This timeframe does not apply to those entitled to priority on grounds of age or medical condition.

### **Awards:**

To date the Board has completed the process in 2234 cases. 1659 offers have been made following settlement talks and 501 awards have been made following hearings. Two applicants have rejected their awards. No award was made in one application. In applications covering 73 applicants refusals have issued for one reason or another. These 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 €77,500, the smallest award being €0.00 and the largest award being €300,000.

## 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	12	0.56%
IV	55 – 69	€150,000 - €200,000	61	2.82%
III	40 – 54	€100,000 - €150,000	437	20.23%
II	25 – 39	€ 50,000 - €100,000	1283	59.40%
I	Less than 25	Up to €50,000	367	16.99%
<b>Total</b>			<b>2160</b>	<b>100%</b>

## Sittings

The Board sits every day in its premises in Clonskeagh and now completes approximately 180 cases per month. It has also sat in Galway and Limerick. The Board sits for approximately one week per month in Cork and will continue to do as long as there are sufficient applications from the region.

## New Institutions

By Order entitled the Residential Institutions Redress Act 2002 (Additional Institutions) Order 2004 dated November 9th 2004 the Minister for Education and Science amended the Schedule to the 2002 Redress Act by adding the following institutions:

Bartres Childrens' Home, Kill O'the Grange, Dun Laoghaire, Co. Dublin.

Chester Lodge, Moate, Co. Westmeath.

Finglas Child & Adolescent Centre, Dublin 11 comprising of:

(i) National Remand & Assessment Unit (formerly St. Michael's Remand & Assessment Centre),  
and

(ii) The Care & Education Unit (formerly St. Laurence's Industrial School)

Holy Family School, Renmore, Co. Galway.

Kilcornan Centre, Clarinbridge, Co. Galway.

Marlborough House, Washerwoman's Hill, Glasnevin, Dublin 11.

Oberstown Boys' Centre, Lusk, Co. Dublin.

Oberstown Girls' Centre, Lusk, Co. Dublin.

St. Columba's Industrial School, Killybegs, Co. Donegal.

St. Patrick's Mother and Baby Home, Navan Road, Dublin.

St. Philomena's, Stillorgan, Co. Dublin.

St. Teresa's, Blackrock, Co. Dublin.

Trinity House, Lusk, Co. Dublin.

Any applicant who was a resident in one of the institutions listed above and who has lodged an application with the Board (and who has not mentioned his or her residence in one of the above institutions on the application form in circumstances where s/he wishes to make a complaint in respect of his or her time in that institution) should, for safety's sake, contact the Board. Applicants who have already received an award in respect of a listed institution and who wish to make an additional claim in respect of a newly listed institution should also contact the Board.

## **Review of Publications**

The Board has updated its "Guide to the Redress Scheme under the Residential Institutions Redress Act, 2002" to reflect the minor changes to the Board's procedures in relation to the scheme which have taken place since its inception. The revised guide is on the Board's website or available from the Board's office free of charge by phoning (01) 2680600 from Ireland or 00 353 1 2680600 from outside Ireland.

## **Advice on Financial Management of Award.**

As stated in the October newsletter the Board has appointed MABS (Money Advice and Budgeting Service) to operate a free, confidential and independent service through which applicants who have received an award may be given advice as to financial management of the award. 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. MABS are locally based independent information and advice providers operating as limited companies.

MABS has been in operation since 1992 and more details about it are available on website: [www.mabs.ie](http://www.mabs.ie). The Redress Board scheme will be separate from MABS usual advice services.

The Board has now advised all award recipients of the service through their solicitors or directly if unrepresented. All future award recipients will be advised of the service once they have accepted an award. MABS may be contacted on 01/ 8645656.

## **Newsletter dated 22<sup>nd</sup> December 2004**

This is the 8th 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 the Board's annual report for 2003 issued to the Minister for Education and Science in April of this year. In October of this year the Board issued the second edition of its Guide to the Redress Scheme.

### **Christmas Opening Hours:**

The Board's offices in Clonskeagh will be open until 4.00 p.m on Christmas Eve and will re-open on Thursday December 30th. The office will be closed on New Year's Day.

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.

### **Applications:**

The Board continues to receive applications at a steady rate and has received a total of 5071 to date. The Board notifies applicants once it has received all necessary documentation in relation to their case. These notifications, known as completion letters, issue at a rate commensurate with the Board's ability to finalise applications and therefore do not always 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. At the time of writing it can take up to 6 months for a case to be scheduled once the Board has issued a completion letter to the applicant or his/her solicitor indicating that the application is ready to proceed to hearing or settlement. This timeframe does not apply to those entitled to priority on grounds of age or medical condition.

### **Awards:**

To date the Board has completed the process in 2397 cases. 1784 offers have been made following settlement talks and 539 awards have been made following hearings. Two applicants have rejected their awards. No award was made in one application. In applications covering 73 applicants refusals have issued for one reason or another. These 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 €77,917.00, the smallest award being €0.00 and the largest award being €300,000.

## 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	12	0.52%
IV	55 – 69	€150,000 - €200,000	66	2.84%
III	40 – 54	€100,000 - €150,000	481	20.71%
II	25 – 39	€ 50,000 - €100,000	1373	59.10%
I	Less than 25	Up to €50,000	391	16.83%
<b>Total</b>			<b>2323</b>	<b>100%</b>

## Sittings

The Board continues to sit every day in its premises in Clonskeagh and now completes approximately 180 cases per month. It has also sat in Galway and Limerick. The Board sits for approximately one week per month in Cork and will continue to do as long as there are sufficient applications from the region.

## **Residential Institutions Redress Board**

By agreement with the Residential Institutions Redress 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 Act, 2002. The Special Account is maintained jointly by the Department of Education and Science and the Department of Finance (the Departments).

The report covers the period 1 April 2003 to 31 December 2004.

### **Basis of Report**

The report is based on the results of audit testing which formed part of my audit of the Special Account. This 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 considered necessary for the purpose of my report.

### **Awards and Costs determined by the Board**

Awards determined by the Board and the Review Committee at 31 December 2004 and costs granted by the Board at that date were as follows

Cumulative Awards to 31 December 2004	<b><i>Awards</i></b>
	<b>€</b>
Payments made from the Special Account	161,823,933
Payments met from other accounts	150,000
Due for payment (including instalments not yet due)	<u>5,819,564</u>
Cumulative expenditure	167,793,497
Awards not yet accepted by applicants	16,404,572
Awards rejected by applicants	245,533
<b>Total Awards</b>	<b>184,443,602</b>

In addition to the above, a further €10.9m had been awarded in respect of costs up to 31 December 2004, of which €10.4m had been paid at that date.

### **Opinion**

In my opinion, proper records were maintained by the Residential Institutions Redress Board and the Departments and

- payments made during the period were duly made on foot of valid awards
- all awards which came in course of payment were discharged
- the system of internal control employed by the Board is adequate and operated effectively during the period.

**John Buckley**  
**for and on behalf of the Comptroller and Auditor General**  
**March 2005**