

Annual Report of The Residential Institutions Redress Board 2023

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FOREWORD

The Board has now discharged its final duties and wrote to the Minister for Education on the 11 March 2021 stating that the Board had reached a stage in the fulfilment of its statutory obligations so that the Minister may wish to consider the appropriateness of commencing the consultation envisaged by section 3(3) of the Residential Institutions Redress Act 2002. This relates to the consultation envisaged under the Act to enable the Minister for Education to reach a decision regarding the dissolution of the Board.

The Board is working with a reduced staff of (currently) 3 civil servants. The Board would like to thank Ms. Sharon Moohan who acts as Solicitor to the Board and who has held the post of Acting Secretary to the Board from June 2020 until April 2021 and again from the 5th of October 2021 to date. Ms. Moohan, along with Mr. Fintan Valentine S.C. and Mr. Daragh Troy B.L. continued to provide legal advice to the Board throughout 2023.

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

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

On the 25th of July 2013, the then Minister for Education and Skills, Ruairí Quinn T.D., wrote to the Chairperson of the Board formally putting the Board on notice that the Government had decided to bring forward legislative proposals to provide for the retention of the records of a number of statutory bodies, including the Board, subject to those records being sealed for possibly 75 years. Draft legislation was brought forward in 2015 (General Scheme of Retention of Records Bill 2015) and again in 2019 (Retention of Records Bill 2019), but this legislation was not ultimately enacted.

However, discussion around this draft legislation, as well as discussion around the enactment of the Commission of Investigation (Mother and Baby Homes and Certain Related Matters) Records, and Another Matter, Act, 2020, demonstrated concern on the part of some victims and survivors, as well as academics and other members of the public, about the sealing of retained records. This discussion also focused on whether victims and survivors are being afforded choices as to what should happen to records relating to their stories, which outlined their experiences of abuse.

In March 2022, the Government approved high-level proposals for a National Centre for Research and Remembrance, to be located on the site of the former Magdalen Laundry on Sean McDermott Street in Dublin 1. This Centre will stand as a site of conscience to honour equally all those who were resident in Industrial Schools, Magdalen Laundries, Mother and Baby and County Home Institutions, Reformatories, and related institutions.

The National Centre for Research and Remembrance will stand as part of our national institutions and will comprise:

- a museum and exhibition space, the development of which will be led by the National Museum of Ireland;
- a research centre and repository of records related to institutional trauma in the 20th century, which will form part of the National Archives; and
- a garden space for reflection and remembrance.

Work on the development of the museum and exhibition space is being led by the National Museum of Ireland, while work on the research centre and repository of records related to institutional trauma in the 20th century, is being led by the National Archives.

A Steering Group - chaired by the former Secretary General to the Government and current Ambassador of Ireland to the United Kingdom, Mr. Martin Fraser - is driving the work on the development of the National Centre for Research and Remembrance.

The members of the Steering Group include representatives from the Department of Children, Equality, Disability, Integration and Youth; the Department of Education, the Department of Further and Higher Education, Research, Innovation and Science; the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media; the Department of an Taoiseach; Dublin City Council; the National Museum of Ireland; the National Archive of Ireland; the North East Inner City Taskforce; and the Office of Public Works.

A number of work streams are in development, on topics including: -

- Archives,
- Construction and Site Development, and
- Legislative issues.

The Chairman of the Board met with Mr Fraser and officials from the Department of Education on the 28th of July 2022 to discuss the work of the Steering Group and its work streams, particularly the stream dealing with legislative issues surrounding the retention of the records held by the Board.

The work of the Steering Group is ongoing and timely, and the Board is co-operating with the Steering Group and the National Archives, to provide any assistance that it can, so as to allow for the early introduction of legislation providing for the retention of the Board's records so that as many victims and survivors as possible will benefit from that legislation.

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

The Board paid out no awards or legal costs in 2023.

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

The Board's Mission

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

Membership & Functions of the Board

The Redress Board, which was established on 16th December 2002 under the provisions of Section 3 of the Residential Institutions Redress Act 2002 (The Act), consists of a Chairperson and 6 ordinary members appointed by the Minister for Education.

These are:

Mr. Justice Esmond Smyth	appointed 3 rd January 2008
Dr. Helen Cummiskey	appointed 16 th December 2002
Ms. Anne O'Brien B.L.	appointed 23 rd May 2003
Dr. Mary Bluett	appointed 25 th September 2003
Ms. Dariona Conlon, Solicitor	appointed 8 th January 2004
Dr. Harry Bugler	appointed 15 th December 2004
Dr. William Delaney	appointed 27 th February 2006

Dr Harry Bugler resigned as a Board Member on the 23rd of October 2023.

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 Board's 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 was made, was to determine whether the applicant was entitled to an award, and, if so, to make an award in accordance with the Act which was fair and reasonable having regard to the unique circumstances of the applicant.

In the performance of its ongoing, the members of the Board were assisted in 2023 by –

- (a) 3 administrative staff.
- (b) 2 part-time Counsel.
- (c) 1 part-time Solicitor.
- (d) 1 part-time Secretary.

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

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

This campaign, the Board's newsletters, annual reports, and subsequent media reports ensured that the Board had a high public profile. In addition, various public discussions concerning the redress scheme raised the profile of the process, as did the frequency with which the Board was

mentioned on talk and news programmes on both radio and television as well as in the Oireachtas. The Board is also aware that there was extensive advertising by third parties here in Ireland as well as abroad which served to inform people of its existence. This advertising was predominantly in the print media.

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

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

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

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

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

As no awards were made by the Board since 2020 the awards statistics in the 2020 annual report remain relevant.

The Board paid out no legal costs since 2021 so the costs statistics in the 2021 annual report also remain relevant.

Legal Costs

To date costs have been finalised in 15,385 applications. €181,032,131.37 has been paid in respect of applications to the Board. In 2,655 of these applications a further €13,473,558.57 has been paid in respect of the costs of associated court proceedings. This makes a total of €194,654,893.08.

Further details are given in the following table, which reflect the fact that no legal costs have been paid out by the Board since 31/12/2021.

	To end 2021
<i>Finalised Applications</i>	15,385
<i>Costs of Applications to the Board*</i>	€181,032,131.37
<i>Costs of Associated Court Proceedings</i>	€13,473,558.57 (2,655cases)
<i>Late Application Oral Hearings Generic Legal Costs and Outlays **</i>	€149,203.14
<i>Total Costs</i>	€194,654,893.08

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

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

Audit

As no awards and associated legal costs were paid out by the Board in 2023, the Comptroller and Auditor General has not conducted an audit and report to the Board for 2023 in the usual way.

The Comptroller and Auditor General have audited the Board's Expenditure for 2023, details of which are to be found at page 21 of this report, as part of their audit of the Special Account operated by the Department of Education.

The Comptroller's certificate of satisfaction dated 25 October 2024 is attached at Appendix (a).

Publications

The following publications have been issued by the Board.

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

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

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

Expenditure data for the year 2023

CATEGORY	Amount €
STENOGRAPHY SERVICES	€602.02
PHONES (SERVICE)	€6,006.55
POSTAGE	€1,935.87
POSTAGE – RENTAL & SERVICES	€1,133.77
COMPUTER HARDWARE/SOFTWARE	€2,429.55
COMPUTER SUPPORT SERVICES	€37,734.19
PHOTOCOPYING	€99.28
OFFICE MACHINERY	€0.00
HEAT, POWER & LIGHT	€8,291.12
CONTRACT CLEANING	€12,455.64
OFFICE SUPPLIES	€2,376.28
PRINTING	€484.62
TRAVEL & SUBSISTENCE	€9,834.42

TAXI/COURIER SERVICE	€2,915.55
WATER SUPPLIES	€1,201.29
MAINTENANCE	€1,448.04
MEDICAL FEES	€0.00
*LEGAL FEES	€101,484.23
**ADMINISTRATIVE SALARIES	€269,088.98
BOARD MEMBERS FEES	€35,961.50
TRAINING	€5,579.00
***SECURITY	€83,891.91
MISCELLANEOUS	€2,788.45
Total	€587,742.26

Notes

- * These fees relate to Counsel employed by the Board and other legally related services.
- ** Please note that this figure includes a refund to Dept. of Social Protection for the salary of a staff member on secondment from that Department for Q4 2022 and Q1, Q2 and Q3 of 2023.
- *** This fee relates to secure off-site storage.

Summary Cost of Redress Scheme

	2023	2022
Awards made	Nil	Nil
Legal costs paid in respect of applications	Nil	Nil
Related High Court and Circuit Court costs	Nil	Nil
Generic Costs	Nil	Nil
Board expenditure	€587,742.26	€630,538.37
Total	€587,742.26	€630,583.37

Comparative Analysis of Costs from Establishment to 31st December 2023

As no costs were paid out by the Board in 2023 the comparative analysis of costs from the establishment of the Board remained unchanged from the 2021 Annual Report and are as set out below.

On average legal costs and expenses paid to applicants' solicitors amount to €12,231.52 * per successful application, or 19.65 % of the award.

The average administrative costs and expenses incurred by the Board in respect of an application amount to €3,691.15** or 5.93% of the award.

* This figure has been calculated by dividing the total amount of the legal costs paid to date by the number of applications in which legal costs were paid. The figure does not include costs paid in respect of associated Court proceedings; these costs average €5074.78 per case in which such costs have been paid.

** This figure has been calculated by dividing the total administrative cost of running the Board (excluding awards and applicants' legal costs) by the total number of applications finalised at the end of 2021.

Appendices

(Appendix a)



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

Audit Certificate

Residential Institutions Redress Special Account

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 the Department of Public Expenditure, NDP Delivery and Reform, (the Departments).

This report covers the period 1 January to 31 December 2023.

Basis of report

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

Awards and costs discharged by the Board

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

There were no awards or costs payments disbursed in the period. There were no instructions for payment issued by the Board in the period.

In certain circumstances, the Board may direct that some or all of the award shall be paid to the applicant by instalments or in another manner (other than in a single payment). In such cases, where the Board applies to the High Court, the High Court may order that the outstanding amount of the award be paid into the High Court and dealt with by it for the benefit of the applicant. At the end of 2023, there were no awards awaiting transfer to the High Court.

Opinion

In my opinion

- proper records were maintained by the Board and by the Departments
- the system of internal control employed by the Board is adequate and operated effectively during the period covered by the report.

Paula O'Connor
For and on behalf of the
Comptroller and Auditor General

25 October 2024

(Appendix b) Website Notices

Access to Information on the Environment Pursuant to the European Communities (Access to Information on the Environment) Regulations 2007- 2014, the Boards AIE officer is Ms. Doreen O'Donnell, who can be contacted at 01 2680600 or via email at general@rirb.ie.

Christmas Opening Hours - Wednesday 20th December 2023

The Board's Offices will close on Friday the 22nd of December 2023 and will re-open on Tuesday the 2nd of January 2024.

Monday 20th February 2023

Under Section 22 of the Protected Disclosures Act 2014 as amended by the Protected Disclosures (Amendment) Act 2022 each public body is required to publish an annual report setting out the number of protected disclosures received in the preceding year and the action taken (if any). This report must not result in persons making disclosures being identifiable. (See below table for the relevant year).

Protected Disclosures by Year

- 2014 Nil
- 2015 Nil
- 2016 Nil
- 2017 Nil
- 2018 Nil
- 2019 Nil
- 2020 Nil
- 2021 Nil
- 2022 Nil