

Meeting with Religious Congregations

22 July 2011

Minutes

1. The Minister for Education and Skills and senior officials from his Department met representatives from fourteen of the eighteen religious Congregations that were party to the 2002 Indemnity Agreement on 22 July 2011. Three of the remaining congregations had advised that they were not in a position to be represented while one congregation declined the invitation to attend.

A list of the congregational representatives is attached.

2. Having welcomed the representatives and explained that the purpose of the meeting was to discuss the question of how the congregations and other management bodies move towards meeting the target of achieving a 50:50 share of the cost of the response to residential institutional abuse, the Minister went on to make the following opening remarks:
 - He himself was immensely grateful for the education he had received from the Holy Ghost Fathers and he fully acknowledged the contribution of religious congregations to the development of Irish life and society and also their missionary role abroad.
 - Much work has been done by the previous Government in relation to the response to the publication of the Ryan Report. Further work had now been done including detailed consideration of the property offers by congregations and the consultation regarding, and preparation of legislation for, the proposed Statutory Fund, all of which has taken time.
 - The new Government had an opportunity to consider all of the relevant issues and had taken a number of decisions in the matter. In summary these were:
 - It affirmed the call made to congregations by the previous Government last year to augment their original offers so as to achieve the 50:50 target;
 - It made decisions relating to property offers made by congregations;
 - It decided to proceed with the establishment of a Statutory Fund to support the victims of residential institutional abuse;
 - It had approved legislation to facilitate the early winding-up of the Redress Board and the necessary legislation had subsequently been approved by Dáil Éireann and Seanad Éireann; and
 - The memorial recommended in the Ryan Report is to advance to competition stage.
 - He noted the Government's disappointment with the poor response by congregations to the call made to them to enhance their contributions, this having resulted in only one offer by a congregation in the amount of €1m. Contributions had also been sought from other management bodies but the response proved equally unsuccessful.
 - He acknowledged that congregations had not agreed to the 50:50 share of the costs of abuse but noted that the previous Government had decided, in the light of the findings set out in the Ryan Report, that it was reasonable that the congregations

should be asked to augment their contributions so as to achieve a 50:50 share. He summarised some of the relevant findings of the Ryan report.

- The Minister went on to note the criticism of the State in the Ryan Report and summarised the various measures taken by the State commencing with the formal apology of the then Taoiseach in 1999, speaking on behalf of the Irish people.
- The Minister asked the attendees to reflect on the components of the response to residential institutional abuse and in particular the Redress Board and the Commission to Inquire into Child Abuse and invited them to consider what alternatives, if any, there were to the Redress Board. He queried if congregations would have favoured pushing all of the former victims down the traumatic and costly litigation route with little chance of getting redress. He acknowledged that Redress had a low burden of proof but suggested that it was the right thing to do. He suggested also that the findings set out in the Ryan Report made the decision to establish the Redress Scheme even more appropriate.
- The Minister noted that when the 2002 Indemnity Agreement was being finalised there was no clear picture as to the actual final cost of redress. Any estimates at the time were crude as it was extremely difficult to estimate the number of potential applicants for redress or to gauge the actual level of awards that would be made. As time went on more definite figures were available and it is clear that the final bill for the Redress Scheme will exceed €1bn with the State meeting virtually the entirety of this cost. As far back as 2005 the Dáil's Public Accounts Committee noted that the €128m contributed by congregations under the 2002 Agreement would seem disproportionately small and it went on to say that the public would reasonably view a 50:50 share as being "*fair and balanced and reflect the responsibilities of both the State and the Congregations*". He pointed out that this view was reflected in subsequent Dáil debates.
- The Minister welcomed the fact that many of the congregations made offers of additional contributions in the aftermath of the publication of the Ryan Report. However, he noted that even if all of the properties offered were accepted by the Government the combined offers, when added to the €128m paid in 2002, would still fall some way short of a 50:50 share. He noted that he understood that there was a view among congregations that they should not meet some of the costs of the response to abuse as they were not consulted in relation to those measures or their involvement was limited. He noted also that many congregations had argued that they had paid their "fair share" of the costs of abuse.
- While noting the confidentiality provisions of the Redress legislation the Minister explained that he was proposing to explore ways in which some indication might be obtained regarding the relative involvement of different institutions in the redress process and he asked congregations for their co-operation in exploring this possibility.
- The Minister stated that having regard to all of the facts the Government was fully satisfied that it was entirely right and proper that the managers of institutions be asked to meet a 50% share of the major costs of dealing with abuse. He pointed out that in his view there was a moral responsibility on congregations to significantly augment their contributions. He noted that he believed that the public supports the 50:50 approach. He urged the attendees to reflect on these points and to revert to

him at an early date with their responses. He emphasised that what he was seeking was a significant increase in the cash offers that congregations had already made.

- The Minister then summarised the position in relation the proposed Statutory Fund and explained that the Government intended to use €10m of the cash committed by congregations to be placed in the Fund and used for the benefit of former survivors who received redress awards and that this would be used to assist them in accessing a range of services such as education, counselling, housing etc. He noted that congregations had been provided with a copy of the report of the consultation process carried out in relation to the needs of survivors and of the General Scheme of the Bill to establish the Fund.
- The Minister outlined the position in regard to property offers by congregations. While noting that the detail would be addressed on a bilateral basis with the congregations concerned, he pointed out that the Government had formed the view that only 12 of the properties offered are of immediate benefit to the State. He noted however that some of the other properties on offer were not of interest to the State at the present time but that that this position may change at some time in the future. He explained that in the light of the gap in meeting the 50:50 share, the Government wished to explore the possibility of putting in place a legal mechanism which would provide the State with a long-term option on the school infrastructure belonging to the congregations. The effect of this would mean that the title to the property could not be altered, whether by sale on the open market or by transfer into any Trust arrangement, without the prior consent of the Department of Education and Skills. He acknowledged that this was a complex issue and that much work would be required to put in place such a mechanism. Notwithstanding this he suggested that it represented an avenue that should be considered most carefully in the context of making progress towards the achievement of the 50:50 share. He stressed that if any educational property was transferred to State ownership under this particular mechanism it would not necessarily follow that the current patronage arrangements would be affected. Such schools would remain as Catholic schools and that position would not be altered without agreement: the lands would however be available to the State. He suggested that the property related mechanism would afford the congregations involved the opportunity to shoulder their share of the costs of responding to the horrendous wrongs suffered by children in their care, while at the same time, recognising the legitimate legacy of their contribution to Irish education.
- The Minister welcomed the fact that congregations had paid €21.05m of their cash contributions and noted that a number had advised that they would make their contributions once they had sight of the proposals for the Fund. He invited them to examine the General Scheme of the Bill so that they might be satisfied that their requirements have been met and that they could then make further payments.
- In conclusion, the Minister summarised matters by asking congregations
 - to accept that Government responses to residential institutional abuse, and in particular the establishment of the Commission and the Redress process, were the appropriate measures required to address the issue;
 - to accept that a 50:50 share of the costs of redress between the State and the management bodies is an appropriate apportionment, and
 - to collaborate in identifying appropriate contributions for each congregation

He invited congregations to reflect on his requests and to consider how they could work with him to achieve a 50:50 sharing of the costs. He then invited each congregation's views on the issues.

3. Representatives from each congregations responded. The most significant points made by the representatives, set out in the order in which they made their initial intervention, were as follows:

Sr Patricia Rogers, Sisters of St. Clare

- Reiterated her shock at the findings of the Ryan Commission;
- Noted that the 18 congregations only managed 100 or so of the 139 scheduled institutions, and while acknowledging that a gap existed noted that that figure raised the issue of proportionality;
- Pointed out that congregation members were taxpayers and paid personal taxes and taxes such as VAT on building projects.

Sr Uainín Clarke, Sisters of St Louis

- Welcomed the exploration of issues relating to the apportionment of costs.

Sr Anne Kavanagh, Sisters of St. Louis

- Willing to engage in discussion with Department/Redress Board.

Sr Mary Christian, Sisters of Charity

- Queried if there had been a change in the estimated total costs of the response to abuse and sought a breakdown.

Br Francis Manning, De La Salle Brothers

- The essential role of congregations was to carry out a mission, if they are prevented from doing so they will no longer have a reason to exist.

Br Alfred Hassett, Brothers of Charity

- Noted that its major engagement was with the Department of Health in relation to services for the vulnerable and that those services were suffering due to cutbacks.
- It continues to care for survivors in congregated settings.

Sr Frances Murphy, Presentation Sisters

- Schools cannot be simply sold off so as to realise cash, so what is the benefit in the Minister's approach?

Sr Elizabeth Maxwell, Presentation Sisters

- Congregational property is related to its mission;
- Concerned that Minister is attempting to take ownership of schools from congregations;
- Concerned that there is an implication that if congregations do not increase contributions there will be education cuts.

Br Walter Hurley, Presentation Brothers

- Want to advance the process and are happy to cooperate.

Sr Victoire Mulligan, Sisters of Nazareth

- Wish to cooperate with the Minister and enter into dialogue.

Br Kevin Mullan, Christian Brothers

- Wish to cooperate but noted that all congregations are individual entities;
- Congregation had made a full disclosure to the Independent Panel;
- The Congregation's primary concern is ensuring that the needs of survivors are met;
- Need to refer to commitments and liabilities in discussions: the Congregation's level of liabilities preclude enhancement of its contribution;
- Reference to "sending in the bailiffs" not helpful;
- Willing to meet on an individual basis.

Mr John Pepper on behalf of Br Laurence Kearns, Hospitaller Order of St John of Gods

- Welcomed Minister's opening remarks;
- Noted that achievement of 50:50 share required creativity;
- All of the Congregation's assets are used for the benefit of the people of Ireland;
- Will cooperate in relation to bilateral meetings.

Fr Pat Lucey, Dominicans

- Welcomed the Minister's opening remarks and welcomed the possibility of looking at apportionment issue.

Fr William Fitzpatrick, Oblates of Mary Immaculate

- Welcomed the fact that the meeting was taking place and also the progress being made in relation to the Statutory Fund;
- Congregation is still committed to paying €20m and will do so when the Statutory Fund is in place;
- Concerned at proposal to confine eligibility to those who received redress awards and believes everyone who spent time in institutions such as Daingean should be eligible;
- Happy to participate in individual meetings.

Sr Catherine Prendergast, Daughters of Charity

- Welcomed the meeting and the Minister's opening remarks;
- Welcomed also the possibility of looking at issue of proportionality;
- Emphasised the fact that the Congregation's assets are all used to provide various services, particularly for those with special needs, with an intellectual disability, those in special schools, etc.

Sr Bernie McNally, Good Shepherd Sisters

- Welcomed the meetings;
- Noted that Congregation had given a full report on its assets to the Panel and pointed out that it owned no educational properties;
- It had no funds at its disposal.

4. The Minister then responded to the various points raised as follows:

- The sum of €1.36bn given as the estimated total costs of the State's response included all major costs: €1.1bn for Redress, €126m for the Commission, €10m for the Statutory Fund, €12.7m for the Education Finance Board and €10m for the Faoiseamh counselling service (now Towards Healing);
- The Government respects the mission of the various congregations and it has no wish to bankrupt any one or any congregation;

- He did not use certain comments attributed to him;
 - Due to demographic changes the State faced huge challenges over the next few years in terms of providing classrooms: citizens will look favourably on congregational schools staying open even if under different ownership;
 - The State was facing severe financial difficulties therefore any contributions from congregations would reduce the burden on everyone;
 - He was not disposed to widen the eligibility criteria to include all former residents unless a convincing argument was made that it should: the reason for this was that receipt of a redress award would be proof positive of eligibility and no other proofs would be required;
 - The issue of a 50:50 share has been raised previously and no one had fundamentally challenged that principle.
5. Congregational representatives then addressed some of the issues raised by the Minister in his response, as follows:

Sr Patricia Rogers, Sisters of St. Clare, noted that the 2002 Indemnity Agreement did not deal with proportionality. While her congregation wished to help former residents if felt that 50:50 was a bridge too far. Wished to work for the benefit of survivors but could not be expected to pay costs of other congregations.

Mr John Pepper, Hospitaller Order of St John of Gods, noted his Congregation's role in relation to support for the vulnerable including the elderly and those with mental health difficulties including services provided abroad. He noted that though the congregation was not mentioned in the Ryan Report it had made a contribution in 2010 and that it was willing to attend any further meetings.

Br Kevin Mullan, Christian Brothers, stated that he believed that his Congregation's contribution was fair and reasonable. He noted that, having established the Edmund Rice Schools Trust in 2008, the Congregation now had no direct link to schools. It believed that this contribution of property (with an estimated value of €430m) should be included in calculating shares.

Br Walter Hurley, Presentation Brothers, said that the 50:50 principle was difficult to accept. He queried if Faoiseamh/Towards Healing could access funding.

Sr Frances Murphy, Presentation Sisters, expressed the view that her Congregation had paid its fair share but would welcome seeing official figures and would be happy to discuss issues if figures are made available. Sought further information regarding the meaning of 50:50 and questioned whether the 50:50 related to the costs associated with the Presentation Sisters or the overall costs.

Sr Mary Hoare, Presentation Sisters, wanted to refute the media view that congregations did not care about survivors and also the view that the congregations have not paid.

Sr Elizabeth Maxwell, Presentation Sisters, said that congregations generally have contributed to needy Irish causes and referenced a historic CORI study that indicated that those contributions amounted to €132m and included significant property transfers to various parts of the community that predated transfers under Redress. Furthermore, those transfers benefited the State. This indicated clearly, in her view, that congregations

had a long tradition of acting in the public good. Any future contributions or property transfers should be seen in the same light.

Br Francis Manning, De La Salle Brothers, said that he was struggling to understand what “fair and reasonable” meant in this context and wondered how small congregations could be treated on the same basis as the Government in terms of assets.

Fr Pat Lucey, Dominicans, noted that his Congregation could accept the 50:50 principle, though he could not speak for any other congregation. He felt that this and other meetings were positive and that the Minister’s comments gave food for thought to all attendees.

Sr Mary Christian, Sisters of Charity, Welcomed discussions but noted that she would have to go back to her congregation. Expressed concern that media was portraying congregations as being 100% responsible for the abuse perpetrated in institutions.

Sr Anne Kavanagh, Sisters of St Louis, enquired if the names of other management bodies would be published.

6. The Minister made further comments in response to the contributions from the congregational representatives, as follows:
- He noted that the publication of the Ryan Report in 2009 transformed public opinion. He stressed that if the 50:50 principle could be agreed then discussions could begin on how that might be achieved.
 - The individuality of congregations would be fully respected and there was no question of the confiscation of assets.
 - Legal advice would be obtained in relation to the apportionment issue and if that permitted the Redress Board providing figures then it would be possible to look at the 50:50 issue by congregation.
 - Fairness referred to the equitable sharing of the cost of redress while reasonableness referred to the manner in which that might be achieved.
 - He acknowledged congregations did not bear sole responsibility for abuse and noted role of the State, the Oireachtas, parents and families, etc.
 - He noted that most abuse took place in families.
 - He did not believe that media coverage has been fair on congregations.
 - He believes that respect can be rebuilt for congregations through responding to the call for a 50:50 share.
 - He confirmed that a number of other management bodies had been written to seeking contributions. He intended to write to those bodies himself and confirmed that the list of those bodies would be made available publicly.

The Minister then summarised the position as he saw it: There was general consensus in regard to the 50:50 issue as long as it was fair to all. Access to appropriate Redress Board information would facilitate bilateral discussions with congregations which would explore how matters could be advanced. The aim would be to move close to the 50:50 share.

The meeting then concluded.

**Attendees on behalf of Religious Congregations
at Meeting with the Minister for Education and Skill, Ruairí Quinn on Friday
22nd July 2011**

Congregation		Name of those Attending
1	Brothers of Charity	Br Alfred Hassett Br Noel Corcoran
2	Christian Brothers	Br J K Mullan Br Edmond Garvey
3	De La Salle Brothers	Br Francis Manning
4	Dominican Order	Fr Pat Lucey Mr Martin Brennan
5	Oblates of Mary Immaculate	Fr William Fitzpatrick
6	Presentation Brothers	Br Walter Hurley
7	Daughters of Charity	Sr Catherine Prendergast
8	Religious Sisters of Charity	Sr Mary Christian Sr Miriam Hennessy
9	Good Shepherd Sisters	Sr Bernadette McNally
10	Sisters of Nazareth	Sr Victoire Mulligan Mr John O'Mahoney
11	Presentations Sisters	Sr Frances Murphy Sr Elizabeth Maxwell Sr Mary Hoare
12	Sisters of St Clare	Sr Patricia Rogers Sr Ann Kelly
13	Hospitaller Order of St John of God	Mr John Pepper
14	Sisters of St Louis	Sr Ann Kavanagh Sr Uainín Clarke