

Follow-Up to Ryan Report

Meeting with Representatives of Survivor Groups/Former Residents.

15 April 2010

1. The Taoiseach, accompanied by the Tánaiste and Minister for Education and Skills, the Ministers for Health and Children and Justice and Equality and Law Reform, the Minister of State for Children and Youth Affairs and senior Departmental officials, met 19 representatives from 10 organisations representing survivor/former residents at Government Buildings on 15 April 2010. A list of the representatives and their organisations is attached. The meeting lasted approximately from 5.45pm to 9.15 pm.

2. In his opening remarks the Taoiseach thanked the organisations' representatives for accepting his invitation to the meeting and went on to make the following points.

- Since the then Taoiseach's apology in May 1999 the State has put a range of measures in place in response to child abuse in residential institutes. The Commission to Inquire into Child Abuse was established to establish a comprehensive view of the causes, nature and extent of abuse and to report on its findings and recommendations. An independent Redress Scheme was established to provide fair and reasonable awards to victims of childhood abuse. A National Counselling Service was set up to help victims cope with their experiences, together with a family tracing service to assist former residents trace their families of origin. Educational services were provided for former residents and their families, and funding was provided for support groups. These responses had been comprehensive, compassionate and as user-friendly as possible. The taxpayer has met, and continues to meet, almost all of the costs involved.
- The publication of the Ryan Report meant that for the first time an independent Commission had undertaken a detailed examination of the residential institutions and identified the failures of all involved, including the State.
- The Ryan Report had set out a series of recommendations and the Government had published a detailed Implementation Plan last summer to implement them.
- The Ryan Report had vindicated the Government's decision to establish the Residential Institutions Redress Board to compensate survivors without their having to go through the Courts. Being an ex-gratia scheme, involving no finding of fault or declaration of liability, the Redress Scheme requires a much lower burden of proof than would have been required in Court.
- The Redress Board had commenced making awards in May 2003. Wholly independent in the performance of its functions, over the last seven years it has dealt with over 13,800 cases, resulting in over 13,000 awards being accepted by applicants. It has some 800 applications to process and continues to accept late applications in exceptional circumstances. It is expected that the Board will complete its work within the next year or so.

- The Government has considered a range of demands for the Redress Scheme to be extended and for awards made to be reviewed. However, it is not possible for the Government to second-guess the independent Board and associated appeals process to the Review Committee. There is provision for late applications and the Board continues to process such requests. The Government is satisfied that the arrangements put in place have benefited survivors and does not propose to revise the arrangements.
- The final cost of the response to residential institutional abuse is estimated to reach €1.36 billion. While the main cost is from the Redress Scheme, others include the cost of the Commission to Inquire into Child Abuse and the Education Finance Board.
- The Government and Dáil Éireann last year called on the Religious Congregations to make further substantial contributions by way of reparation. The Government envisaged this contribution being available not just for public purposes but as a priority for funding necessary services to victims, including some form of independent trust or fund which would be available to support education and welfare purposes. To facilitate public assessment of the Congregations' contributions in the context of their resources, the Government had appointed an Independent Panel to assess the statements of resources to be provided by the Congregations.
- The Panel's Report was received in late November and shortly afterwards a full set of responses from the Congregations was received. The Panel concluded that the statements of resources provided by the Congregations give a complete and reasonable view of their overall financial situation, and that the assets, liabilities and commitments are fairly stated.
- The Panel's Report and the responses of the Congregations would be published by the Government after today's meeting and copies were available for everyone present.
- The offers of contributions from the Congregations, taken together, were valued by the Congregations at €48.5 million, of which some €10 million is cash to be provided over a number of years. The balance consists of €35.5 million in property and €2 million by way of rent waiver on a property.
- This was a very significant amount. However, some of the offers involve complex property proposals which will require detailed discussions with the Congregations to enable the State to adopt a definitive position in relation to them.
- The Government intends that the €10 million cash element of the offers will be used to establish a Statutory Fund to support the needs of survivors for general education and welfare purposes as envisaged in the motion adopted by Dáil Éireann last June. The exact nature of the Fund, how it would operate and the uses to which it might be put will be addressed in consultation both with the victims' representatives and with the Congregations. Following this

consultation, the arrangements will be considered by the Government. Legislation will be needed to establish the Fund.

- In the light of the stark findings of the Ryan Report, the overall costs being incurred in the response to residential institutional abuse and the resources available to the Congregations as outlined in the resource summaries in the Panel Report, the Government considers that the ultimate outcome should be that the State and the Congregations would share the final costs on a 50:50 basis.
- While the Government acknowledge that the bulk of the Congregations' assets are property that is in use for social services or residences, or where use is restricted in some other way, the Government believe that a 50:50 contribution from the Congregations, while challenging, would be fair, reasonable and achievable over time. The Government had met the Congregations earlier today and had proposed to them that they engage in a process to establish how, over time, that outcome can be achieved. The Government intends that any cash received in the additional contribution to reach a 50% share of the overall costs, will be used as a contribution to the planned National Children's Hospital.

3. The Taoiseach then invited each group represented to respond.

4. Tom Hayes, Alliance, said there was a lack of accountability and transparency from Government and Government Agencies such as the Redress Unit. Because of these issues, Members of Alliance could not support a Fund run by the Government. The issues were:

- Some survivor groups were overfunded, had salaried staff, etc.
- no answers had been received as to the audited accounts of the ad-hoc Education Fund from 1997.
- no action had been taken as a result of the Report into the Outreach Services in England, which says that many survivors will not use these Centres because of their religious connections.
- no action had been taken vis-à-vis Right of Place in Cork or the Aislinn Centre in Dublin to regulate their funding. The Alliance wanted an investigation into the activities of Right of Place in Cork and the HSE's handling of what is going on there.
- Funding to groups had been a contentious issue and one that must be addressed now. The Alliance "expenses" amount from the Department of Education and Science for 2010 amounts to only €6,000, which was simply not sufficient, despite the fact that the Committee had complied as far as it could with all requests from the Redress Unit. Alliance Accounts continue to be audited annually with copies sent to the Department of Education and Science and the Redress Unit. Expenses are always based on the previous year's activities, as are this year's requests.
- The Department of Education and Science only funded individuals who were willing to support Department policies, and while it gave the impression that it was engaging

with other survivor groups, it never took their concerns on board. Also, it consistently used funded individuals to create the public perception that those individuals spoke on behalf of the majority of survivors.

- Alliance had always recognised that there would be no more money for Redress. If there was to be a Fund, it was not education and counselling services that were needed now: victims' needs had changed.

John Kelly, Irish SOCA said he was deeply disappointed that prosecutions of individuals guilty of abuse in institutions had not happened. Irish SOCA was very concerned re the protection of the children of today and improving their lot. He considered ABA schools for autistic children should be helped, and mentioned his own child, who requires help with daily needs. He doubted whether the State would in fact obtain a 50:50 contribution from the religious Congregations. He also questioned how the State would manage to liquidate the school playing fields offered by the Christian Brothers and indeed the properties offered generally, and suggested that the Congregations be invited into a buy-back scheme for the properties, an idea about which he said he had spoken to the bishops.

As regards the Department of Education and Science, it had tried to limit each group to two representatives at today's meeting but had then invited several extra groups, including two politicians – one a UK Labour party Councillor – and a salaried person. The Department would not give Irish SOCA a penny in funding. Later during the meeting, Mr Kelly said that he had no confidence in the Redress Unit of the Department. The Taoiseach rejected this view of the Unit.

Marie Seo, also Irish SOCA, said that the consensus at Irish SOCA meetings had been against a Fund and that the Government should give the victims the money and let them look after themselves. She said that discussions on the proposed memorial should be stopped until the contributions from the religious congregations are sorted out and that they wanted the State to consult with the church regarding redress for the Magdalene women. Cardinal Brady was very supportive of the women that were placed in the laundries. She wanted to know how soon the discussions about the Fund would start.

Gerard Lyons and Sean Leonard, Justice and Healing for Institutional Abuse said their Group questioned why the State was defending defenders in abuse trials and criticised the redress process. They felt that the State had taken advantage of people and shafted the victims. Also, there is no 50/50 contribution split as the State was 100% negligent and the religious congregations were 100% guilty of abusing them. They wanted no Fund and the playing fields being offered by the religious congregations had already been paid for by the local communities. The apology rang hollow, there is nothing for them in the present offer and the State did not and does not care. They had not got proper awards and only few people had got awards equivalent to High Court. Finally, it was disingenuous to expect them to read all the documents being released today.

Michael O'Brien, Right to Peace said the Government was afraid to take on the religious and noted that Cardinal Brady had not been approached for a contribution from the bishops. In removing the social welfare Christmas bonus, the Government

had removed it from victims. The Government would not put him into a home. He held up the Court document referring to him when he was being put into an institution as a child and said he wanted it corrected. He complained that Redress Board awards had been reduced when appealed and said he would bring taxpayers out to march for victims again as had been done last year. His organisation wanted no Trust Fund, and he accused the Government of not caring for the victims and hoping they would die off. He noted that staff are paid out of the Education Fund. He also criticised the payment of money to groups. He wanted the bishops, religious, the government and victims' representatives all brought together. He said there were victims dying in the streets in the UK and that victims are the most vulnerable people in the country.

Mr O'Brien ended by saying that he had shortly to go into hospital for a heart operation and this plus his recovery would take some three weeks, but after that he would go on hunger strike for victims' rights. He then walked out of the meeting.

Christopher Heaphey, also of Right to Peace, said that the Government, the Church and the Religious Orders were all equally culpable for the crimes committed against victims. On top of this, the Government had entered into an indemnity deal with the Congregations for €128 million, or some €8,500 per victim. The deal was grotesquely wrong. The survivors had never been consulted about it. To add insult to injury, it was decided that €2.7 million would go to educate victims, but only 23% of survivors avail of the Education Fund. A further €10 million was set aside to give victims counselling but survivors did not want the Congregations to pay for their counselling. It was unclear where the balance of the €128 million had gone.

Also, the Redress Scheme had included, without victims' understanding or consent, a waiver that gave the Congregations a get-out clause for the crimes they had committed. Unless victims signed that waiver, they got no redress. Few survivors who signed it understand or understood its implications.

The Government should take the necessary money from the Congregations and give it to the victims, €60,000 each.

Tom Cronin, Irish Survivors of Institutional Abuse, noted that the victims' groups would have no say re the property in the congregations' offers, and so were left with the €10m cash offer. After last year's meeting, there had been a terrible backlash from survivors, who argued that the representatives had had no standing to do a deal for 15,000 people, so the present offer was not going to be helpful. Very few people had got big awards from the Redress Board and many were in the 0- €50,000 bracket. He felt that the Education Finance Board was too restrictive and should be broadened. Finally, he wanted to know whether the money in the proposed Fund was for successful applicants, their spouses, children etc, and how the criteria would be met.

Paul Cronin, True Survivors of Institutional Abuse, said it was a pity that they hadn't got the reports of the assets of the religious congregations in advance of the meeting. He had suggested that the idea of pensions for former residents should be considered but wasn't disappointed as he had felt the Government's mind was made up.

Carmel McDonnell Byrne from Aislinn, responding to criticism of groups made by earlier speakers, said that neither she nor Christine Buckley receives a salary. Aislinn's funding from the State goes on heat, stationery, etc. Aislinn has two paid staff, of whom neither is a survivor. Christine Buckley had got a salary for four years out of twenty-six. She went on to make the following points:

- Aislinn very much welcomed the Fund proposal and the Memorial proposal.
- Aislinn wanted all late applications to the Redress Board to be allowed. Also, the Redress Scheme should be extended to the Magdalene women.
- the Redress Board hearings had been very adversarial and the requirement that a victim must not reveal information about their award was very undesirable.
- solicitors should have been, but had not been, prosecuted for double-charging
- Aislinn wanted to be involved in negotiations with the religious congregations
- despite what had been said earlier, education and counselling services were very important to the people who call to the Aislinn Centre.

Christine Buckley, Aislinn, thanked the Taoiseach and Ministers for listening. She was in total agreement with the Fund proposal. She was glad that the Congregations had been called in to contribute to the cost of redress. She said the Redress Board hearings were very adversarial, to judge from the experiences of the people Aislinn had accompanied to the Board, and she referred to ongoing research into related suicides. There should be a review of the Redress Board, with every case looked at - perhaps by an independent panel, as she knew from MoS Andrews that for legal reasons a review would be very difficult. She considered the proposed Fund a very important step forward. Also, education was very important: thanks to it, in her view, Aislinn had not been in Court with any clients for the past three years and she suggested a Director of Counselling be seconded to help the Education Finance Board. As to counselling, people were waiting for it, and the proposed Trust Fund should help with this. She too felt that the Magdalen women should be covered by redress.

Finally, she said that Aislinn wanted to be able to visit victims in prison but had been refused [Minister Ahern responded that he would have this looked into] and that she supported the idea of a Memorial. A Memorial was not about those who had been in the institutions in the past, as that was over and one with, but it was very important in relation to children who were in care now, and also for abusers to see the memorial in place.

Here the Taoiseach pointed out that the question of Magdalene women was not part of the present discussion, which was about people who had been abused as children in residential institutions, and the position of Magdalene women was no analogous with that. In relation to women who had been in Magdalene laundries, the relevant Departments will help individuals with information where they can, but it was not part of today's discussion.

Frank Traynor (Right of Place) said the Ryan Report had enabled victims to be known as survivors, and no longer to be embarrassed about their past. Obviously, there was anger and distrust both among groups and with the Government, and it would not be right to dismiss that anger. Survivor groups could benefit from professional liaison group to work with them to figure out what survivors want. He was not a spokesperson for Right of Place but wanted to say that he had no issue with the governance of Right of Place.

Funding for the survivor groups was important: the groups are undervalued and underfunded. A report on the groups, how they are structured, who they represent, so as to give them respect for what they do, would be a good idea.

As regards the proposed Fund, survivor groups need to find out if its the only show in town. It was important that the Government make that clear, because some people think there's another windfall coming their way. If there is to be no windfall, the Government should clear that up, so that people can focus on victims' real needs.

Noel Barry, Right of Place said the State couldn't do everything. His group would like to see the Magdalen women qualify for Redress. Also, the legal profession should be removed from the process. Solicitors deserved their fees but not the barristers, and they should be excluded. As regards the proposed Memorial, its purpose is to remind future generations about Ireland not being an island of Saints and Scholars, and it is very important.

Andrew Brennan, SOCA UK thanked the Government for their efforts. He said he found it hard to separate Magdalenes from the victims' situation. His mother was in a Magdalen, and his family had then been put into an institution.

Michael Waters, SOCA UK thanked the Taoiseach for his invitation. He wanted to wish Michael O'Brien well. He felt the Outreach Service in Camden Town did a good job. Returning to 3 June last, he said that there was an expectation of further substantial financial contribution from the religious and that this offer will not be welcomed by many survivors.

He raised the possibility of a ballot among all survivors (using the Redress Board list), to see what they wanted done about the offer, because, he suggested, the people in the room today represented only a small number of survivors.

Quality care for today's children with disabilities was very important. Three hostels for children recently closed in Dublin, he said, and he couldn't find what alternative has been put in place. Had any lessons been learnt?

Also, the situation in the UK should be considered: many survivors were living rough etc, and the Redress Board awards had not changed their lives. He instanced the suicide of a person who had been in contact with him. It was crucial to be able to support victims. Money wouldn't solve the problem.

Phyllis Morgan of the Outreach Centre, London said the Centre always helped all who came through its doors.

Sally Mulready said she was the Local Councillor in London that had been referred to earlier. She had a number of questions:

- the Trust Fund: Would there be an opportunity to contribute on the Legislation? What was the timetable? It would be useful to get down to detail quickly.
- 32%, or some 4800 people, at the Redress Board were from the UK and they should have a voice.
- how would the Fund be administered? Public finance skills would be necessary.

She also said that the Education Finance Board was a good idea – but there was a problem with take-up and greater promotion and advertising were necessary. Also, it would be useful to widen the criteria for it so that group applications can be made. She would consult with UK survivors and revert. Finally, she echoed the point already made re windfalls – tonight’s meeting would put an end to that speculation.

Paddy Doyle said he was not representing any group but felt tremendous sadness at the end of the meeting, for two reasons. First, the real issue was being lost sight of. Money hadn’t so far sorted out much for people and it was time to move away from how much victims were going to get. Rumours that each victim was going to get €300,000 were ridiculous nonsense. To do so would cost well over €5 billion and it was time those rumours were put a stop to: people were even trying to borrow on the strength of such a windfall. He was also sad at the evident tensions between groups claiming to represent survivors, and reports of those tensions were getting into the media. Groups should come to their senses and stop tearing each other apart. There was a need to work together. He had accepted an invitation to join the Committee about the proposed Memorial and he had also served as a member of the government-appointed Commission on the Status of People with Disabilities.

Services for people who had a disability because of what happened them in care were equally important. As regards the Education Finance Board, he hadn’t bothered to apply to it, because of the form-filling required: instead of requiring forms to be filled up, the EFB should simply check whether the applicant had been before the Redress Board, and if so, entitlement under the EFB would be automatic. Finally, he said, people should stop ringing Department of Education and Science staff dealing with victims and being abusive to them. He also mentioned that he had picketed the current play in the Peacock Theatre because of lack of disabled access.

The Taoiseach had responded at a number of stages during the meeting to points and questions raised by various speakers. At the end he spoke again, at length. Following is a summary of the points he made;

- he had listened to all the contributions, which often differed in approach but were candid and sincere, and he acknowledged the hurt suffered. For former residents it was clear that supports, avoiding isolation etc through survivor groups was important.
- The Redress Scheme had been an appropriate response by the Government to the situation that had faced victims. Before the Redress Scheme was set up, only a very small proportion of the cases for damages being taken by victims through the Courts

system against members of religious congregations were successful. There were important reasons for this, including the length of time that had passed since the alleged abuse occurred and therefore difficulty of gathering evidence, and the Constitutional right of every person to defend their good name. The adversarial nature of the Courts system, especially when someone was being accused of a heinous crime, was also relevant.

- the Redress Scheme had got around these difficulties by greatly lowering the burden of evidence before someone could receive an award. Also, the Redress Board could and did make offers without a hearing and the great majority of the 13,000 or so applicants who had got awards - some 78.5% - had got them on that basis, without having to go to a hearing at all.
- While acknowledging that no scheme could remove all injuries suffered, the facts spoke for themselves and without the scheme many would have not got any award. The scheme of awards had been laid down by the Judge, the finances available to the scheme had not been capped and the scheme operated independently of Government. The Government did not propose to review or amend it. The Commission offered people the opportunity to tell their stories and former residents had eloquently told of their experiences.
- In the light of the Ryan Report the Government and the Dáil had called on the congregations for a further contribution. The congregations came forward with further contributions. The independent Panel reported on the financial assets. The Government had carefully considered the matter and its view, which he said is shared by the Dáil generally, is that the costs should be borne on a 50:50 basis by the Congregations and the Government. The mechanism to achieve this split by further contributions from the Congregations over time will be pursued, with any further contributions being for State use.
- The proposed Fund is intended to address ongoing needs of former residents to cope. As the cash contributions become available it is proposed to put the €10m into a Fund to benefit survivors/former residents, with the properties offered – to the extent it is suitable – going towards the State's costs of redress. It was important for everyone to move on to the next stage. There will be a process of engagement with survivors' representatives regarding the Fund and he will be asking the relevant Ministers to progress matters.

**Attendees from Survivor Groups/Former Residents
Meeting with the Taoiseach on 15th April 2010.**

Mr Noel Barry	Right of Place
Mr Francis Treanor	Right of Place
Mr Michael O'Brien	Right to Peace
Mr Christopher Heaphey	Right to Peace
Mr Tom Hayes	Alliance Victim Support Group
Mr Joe Jordan	Alliance Victim Support Group
Mr Mick Waters	SOCA UK
Mr Andrew Brennan	SOCA UK
Ms Christine Buckley	Aislinn
Ms Carmel McDonnell/Byrne	Aislinn
Mr John Kelly	Irish SOCA
Ms Marie Seo	Irish SOCA
Mr Sean Leonard	Justice and Healing for Institutional Abuse
Mr Gerard Lyons	Justice and Healing for Institutional Abuse
Mr Paul Cronin	True Survivors of Institutional Abuse
Mr Tom Cronin	Irish Survivors of Institutional Abuse
Ms Sally Mulready	Representing UK former residents
Ms Phyllis Morgan	
Mr Paddy Doyle	