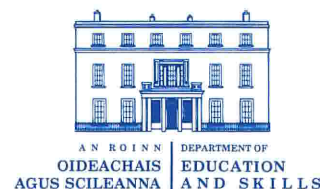




**Oifig an Ard-Rúnaí**  
An Roinn Oideachais agus Scileanna



**Office of the Secretary General**  
Department of Education and Skills

Ms Margaret Falsey,  
Committee Secretariat,  
Committee of Public Accounts,  
Dáil Éireann,  
Leinster House,  
Dublin 2.

17th October 2018

Our ref: SG00069-2018  
Your ref: PAC32-I-1068

**Re: Contributions from religious congregations towards the costs incurred by the State in responding to residential institutional child abuse.**

Dear Ms Falsey,

I refer to your letter of 1<sup>st</sup> October on behalf of the Committee of Public Accounts seeking a further update from this Department in regard to a number of matters raised at the Committee's meeting of 27 September.

As the Committee is aware, properties are being transferred by religious congregations under two distinct rounds: the legally binding 2002 Indemnity Agreement and those offered voluntarily by congregations in 2009. While the indicative timeframes previously given to the Committee in relation to the completion of individual property transfers are not being achieved, it is the case that substantial progress is being made in relation to the completion of most of the outstanding transfers and I am confident that a number of these will fully complete over the next few months.

The position in regard to the properties offered under the two rounds is summarised below while Appendix 1 (2002 Indemnity Agreement) and Appendix 2 (2009 voluntary offers) provide further details regarding each individual property.

### **2002 Indemnity Agreement**

Five properties remain to fully transfer under this round. In the update I provided to the Committee in July, I indicated that it was expected that four of these properties would have fully transferred by the end of Quarter 3 of this year. The current position is that it is likely that three of the properties will have transferred by the end of the current year and a further property will transfer in the first half of 2019. The position in regard to the properties concerned is set out in Appendix 1 and may be summarised as follows:

- Coiscéim and Emohruo, Cappoquin, Co. Waterford (Appendix 1 – Properties 3 and 4 – transferring together)  
Closing documents are with the transferring congregation. Once the completed documents are satisfactorily returned, the properties will then be fully transferred.
- Sacred Heart Centre, Waterford (Appendix 1 – Property 5)  
This property has transferred but a first registration is required with the Property Registration Authority.
- Waterpark National School, Waterford (Appendix 1 – Property 2)  
All outstanding issues have been resolved in relation to this property and contracts are awaited from the transferring congregation. The consent of the Charities Regulatory Authority will then need to be sought by the transferring congregation.
- Mounthawke secondary school, Tralee, Co. Kerry (Appendix 1 – Property 1)  
Confirmation has been sought from the Congregation's representatives that outstanding boundary related litigation (not involving the Minister) has been resolved. Once that confirmation has been received it should be possible to progress the transfer. However it is not possible to give a definitive timeframe for the completion of the transfer.

It should be noted that in the case of the five properties referred to above, the intended recipient is in occupation of the property and providing services from it. The material relevance of the transfer process in these cases is to provide legal ratification of the existing situation where the State is already benefiting from the use of the properties.

### **2009 voluntary offers**

Of the 18 properties offered voluntarily in 2009 and accepted for transfer to State bodies, 9 have fully transferred. Considerable progress has been made in relation to the transfer of the remaining properties. The position in regard to the properties concerned is set out in Appendix 2 and may be summarised as follows:

- St. Bernard's Group Home, Fethard, Co. Tipperary (Appendix 2 - Property 10)  
In my July update to the Committee it was projected that this property would have fully transferred by the end of Quarter 3: that target has not been achieved. However, all consents have been obtained, contracts have been signed and all that remains is that the deed of transfer and conveyance need to be registered. The transfer should therefore complete shortly.
- Adult Education Centre, Waterford and land at Cahir, Co. Tipperary (Appendix 2 - Properties 11 and 12)  
Ministerial consents have been obtained in relation to these properties and contracts have been signed. In the case of the Adult Education Centre, Waterford the transferring congregation has sought the consent of the Charities Regulatory Authority and it will do so in the case of the land at Cahir. On receipt of each consent, the transfer can complete. It is expected that the transfers will complete by end 2018.
- Former school Ballyjamesduff, Co. Cavan, McAuley Centre, Kells, Co. Meath and former school Westport, Co. Mayo (Appendix 2 - Properties 13, 14 and 17)

These properties have been accepted by the Minister for Education and Skills as required under statute. The consent of the Minister for Public Expenditure and Reform to accept these properties was sought on 15<sup>th</sup> October. If the Minister consents, contracts will then be signed and it will be a matter for the transferring congregations to seek the consent of the Charities Regulatory Authority. It is expected that these three transfers will complete by mid-2019.

- The National Rehabilitation Hospital, Dún Laoghaire, Blaithín, Gracepark Road, Dublin 9, and St Anne's Lenaboy, Galway (Appendix 2 - Properties 15, 16 and 18)

These three properties are taking longer to progress. Particular issues are delaying these transfers including the complexities of the transfer and the range of stakeholders involved. In due course it may be necessary to seek ministerial consents and where required the consent of different entities including State bodies such as the Charities Regulatory Authority.

#### St Anne's, Lenaboy Castle, Galway

In your letter you asked for a note for the Committee on a number of issues relating to the transfer of this property - which is being transferred to Galway City Council by the Western Province of the Congregation of the Sisters of Mercy. This Department is not directly involved in the transfer process. From enquiries made to the Council I understand that as part of the agreement between the two parties it was the Council that requested that the Congregation have a geophysical survey carried out and therefore the survey was commissioned by the Congregation. I understand also that the results of the geophysical survey have not yet been provided to the Congregation.

I will continue to provide the Committee with regular updates in regard to these property transfers.

Yours sincerely,



Seán Ó Foghlú  
Secretary General

## APPENDIX 1

### Properties not fully & finally completed under 2002 Indemnity Agreement

No.	Property	Transferor	Transferee	Current / proposed use	Developments since last report	Position at October 2018
1.	Mounthawke, Tralee, Co Kerry.	Congregation of the Sisters of Mercy Southern Province	Minister for Education and Skills	Functioning post-primary school.	No significant change.	Pre-contract. Outstanding title related issues remain to be resolved. CSSO is in contact with the Congregation's representatives and is awaiting confirmation that the outstanding boundary related litigation has been resolved. <b>It is not possible to give a timeframe for completion as this is dependent on resolution of litigation.</b>
2.	Waterpark, Newtown Road, Waterford.	Congregation of Christian Brothers	Minister for Education and Skills	Functioning primary school.	Outstanding issues have been resolved and final contracts have been requested by the Department.	Pre-contract. Following signature of the contract the consent of the Charities Regulatory Authority will be sought by the transferring congregation. <b>Estimated timeframe for completion: by end Q2 2019 (revised from end Q3 2018).</b>
3.	Coiscéim, Cappoquin, Co. Waterford.	Congregation of the Sisters Southern Province	Health Service Executive	Functioning childcare residential centre.	Closing documents have been forwarded to transferor for completion.	All consents have been obtained. On receipt of completed documents the transaction should complete. This is expected to take place quickly. <b>Estimated timeframe for completion: by end Q4 2018 (revised from end Q3).</b>
4.	Emohruo, Cappoquin, Co. Waterford.	As above.	As above.	As above.	As above.	As above.
5.	Sacred Heart Centre, Waterford.	Sisters of Charity	Health Service Executive	Functioning childrens' health centre.	Property has transferred but first registration is required and an application is currently with the PRA.	All consents have been obtained. Following first registration a certificate of title will then issue and the transfer will complete. <b>Estimated timeframe for completion: by end Q4 2018 (revised from end Q3).</b>

## Appendix 2

### Properties accepted for transfer to the State under the 2009 voluntary offers

No.	Property	Transferor	Proposed transferee	Current / proposed use	Developments since last report	Position at October 2018
1.	Convent & former boarding school, Clonakilty, Co. Cork	Congregation of the Sisters of Mercy Southern Province	Minister for Education and Skills	N/A	Transfer fully completed in 2016.	N/A
2.	Old Primary School and Hall, Trim, Co Meath	Congregation of the Sisters of Mercy Northern Province	Minister for Education and Skills	N/A	Transfer fully completed in 2016.	N/A
3	Fatima Secondary School, Ballinamore, Co Leitrim	Congregation of the Sisters of Mercy Northern Province	Minister for Education and Skills	N/A	Transfer fully completed in 2016.	N/A
4.	St Joseph's Girl's Primary School, Abbey Street, Ballyhaunis, Co Mayo	Congregation of the Sisters of Mercy Western Province	Mayo County Council	N/A	Transfer fully completed in 2015.	N/A
5	Athboy School, Athboy, Co Meath	Congregation of the Sisters of Mercy Northern Province	Meath County Council	N/A	Transfer fully completed in 2015.	N/A
6	Beaumont Convalescent Home	Congregation of the Sisters of Mercy South Central Province	Health Service Executive	N/A	Transfer fully completed in Q4 2017.	N/A
7	St. Joseph's (former) VEC College, Carrick on Suir, Co. Tipperary	Congregation of the Sisters of Mercy Southern Province	Minister for Education and Skills	N/A	Transfer fully completed in Q1 2018.	N/A
8	Scoil Mhuire Secondary School and Mercy Primary School, Ennistymon, Co Clare.	Congregation of the Sisters of Mercy Western Province	Minister for Education and Skills	N/A	Transfer fully completed in Q1 2018.	N/A
9	Seamount	Congregation	Minister	N/A	Transfer fully	N/A

	College, Kinvara, Co. Galway.	of the Sisters of Mercy Western Province	for Education and Skills		completed in Q1 2018.	
10	St Bernard's Group Home, Fethard, Co. Tipperary	Presentation Sisters	Health Service Executive	This property is leased to the HSE as a children's group home. It will continue to function as such following transfer.	Deeds of transfer and conveyance documents now registered in Registry of Deeds.	Ministerial consents and CRA consent obtained. Deed of Transfer and Conveyance now to be registered in Land Registry to complete. <b>Estimated timeframe for completion: by end Q4 2018 (revised from end Q3).</b>
11	Adult Education Centre, Ozanam Street, Waterford	Congregation of the Sisters of Mercy Southern Province	Minister for Education and Skills	The property is occupied by Waterford Wexford ETB for educational purposes. This position will continue following transfer.	No significant change.	Ministerial consents have been obtained. Contract signed. Charities Regulatory Authority consent has been sought by the Congregation. <b>Estimated timeframe for completion: by end of Q4 2018.</b>
12	Lands at Convent Road, Cahir, Co Tipperary	Congregation of the Sisters of Mercy Southern Province	Minister for Education and Skills	The property consists of 2 acres of land and the transfer will facilitate accommodation for an amalgamated school.	Contracts have been signed.	Ministerial consents have been obtained. Contract signed. Charities Regulatory Authority consent being sought by the Congregation. <b>Estimated timeframe for completion: by end of Q4 2018 (revised from end Q3).</b>
13	Ballyjamesduff Co Cavan	Sisters of St. Clare	Minister for Education and Skills	The property is occupied by Cavan Meath ETB for educational purposes. This position will continue following transfer.	Technical and legal enquiries completed. The Minister for Education and Skills has approved the acceptance of the property and the consent of the Minister for Public Expenditure and	At pre-contract stage. Following receipt of the consent of the Minister for Public Expenditure and Reform the contracts will be signed and the consent of the Charities Regulatory Authority will be sought by the Congregation. <b>Estimated</b>

					Reform has been sought.	<b>timeframe for completion: by end of Q2 2019 (revised from end Q4 2018).</b>
14	McAuley Centre, Kells, Co. Meath	Congregation of the Sisters of Mercy Northern Province	Health Service Executive	Property to transfer with vacant possession. The HSE is considering additional utilisation.	The Minister for Education and Skills has approved the acceptance of the property and the consent of the Minister for Public Expenditure and Reform has been sought.	Contracts signed. Following receipt of the consent of the Minister for Public Expenditure and Reform the consent of the Charities Regulatory Authority will be sought by the Congregation. <b>Estimated timeframe for completion: by end of Q2 2019 (revised from end Q4 2018).</b>
15	National Rehabilitation Hospital, Dún Laoghaire, Co. Dublin	Congregation of the Sisters of Mercy South Central Province	Health Service Executive	This offer comprises the lease of land and operation of the National Rehabilitation Hospital and the transfer of a 33 acre site. This transfer will facilitate the redevelopment of the hospital (that project is now underway).	Continued engagement between the stakeholders: the HSE, the transferring Congregation, the Hospital trust, the Dept. of Health etc.	Work on this complex transfer is progressing but is taking longer than expected. <b>Estimated timeframe for completion: by end of Q3 2019.</b>
16	Blaithín - Childcare facility at Gracepark Rd, Drumcondra, Dublin 9	Sisters of Our Lady of Charity	Health Service Executive	This 6 bed childcare facility is leased to the HSE. It will continue to function as such following transfer.	No recent developments.	Congregation yet to provide contract. HSE pursuing the matter. <b>Estimated timeframe for completion: by end of Q3 2019 (revised from end Q4 2018).</b>
17	St Patrick's Primary School, Altamont Street, Westport, Co Mayo	Congregation of the Sisters of Mercy Western Province	Minister for Education and Skills	The property recently ceased to function as a school. Mayo County Council had been progressing the transfer up to this, however, in order to	Technical and legal enquiries carried out. The Minister for Education and Skills has approved the acceptance of the property and the consent of	Contract agreed. Following receipt of the consent of the Minister for Public Expenditure and Reform the contracts will be signed and the consent of the Charities Regulatory Authority will be

				overcome some legal issues with this proposed transfer, it has been agreed that the property should transfer instead to the Minister with a portion to be subsequently transferred into the ownership of the Council for the purpose of its proposed development.	the Minister for Public Expenditure and Reform has been sought.	sought by the transferring Congregation.  <b>Estimated timeframe for completion: by end of Q2 2019 (revised from end Q4 2018).</b>
18	St Anne's, Lenaboy, Galway	Congregation of the Sisters of Mercy Western Province	Galway City Council	The property was previously leased as a childcare facility and it is understood to have been vacant for a number of years. Galway City Council is proposing to redevelop the property as a Children and Young People's Creative and Cultural Hub. This will allow its transformation into a cultural and artistic hub under the Council's cultural strategy 'Everybody Matters' to benefit children and young people across Galway city and its wider hinterland. If the city council assumes ownership of the property, work to plan and renovate the property will be initiated	Geophysical survey completed and report to be provided to Congregation shortly.	The transfer is subject to 'Contract/Contract denied'.  The transfer is progressing. The geophysical survey will determine the next steps in the process. It is likely however that the transfer will take a further period of time to complete. <b>Estimated timeframe for completion: by end of Q3 2019 (revised from end Q4 2018).</b>



				thereafter. This will include consultation and engagement with interested stakeholders, especially persons who were associated with the property in its many previous guises, including former residents.		
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