

Summary

In the years from 1936 to 1970, many children and young persons were committed by the courts to industrial schools, reformatories and other institutions run by religious congregations.

In the late 1990s, there was widespread public concern about the extent and effect of child abuse in these residential institutions. In May 1999, the Taoiseach apologised on behalf of the State to survivors of abuse and announced the establishment of the Commission to Inquire into Child Abuse. This in turn was followed by the setting up of a redress scheme and other supports for survivors of abuse.

This report was compiled to provide an overview of the costs incurred in providing redress and support services. It also seeks to identify lessons that may assist in planning and implementing future such schemes.

Overview of Costs

Overall, costs to the end of 2015 of the child abuse inquiry and redress are an estimated €1.5 billion. While the redress scheme was substantially completed by the end of 2015, expenditure on other supports will continue for some time.

Estimated total cost of child abuse inquiry and redress scheme and survivor supports at 31 December 2015

Cost	Expenditure to date €million	Estimated further expenditure €million	Total cost €million
Funded jointly by Exchequer and congregations			
Residential Institutions Redress Scheme	1,248	2	1,250
Funded by Exchequer			
Commission of Inquiry	80	2	82
Payments under indemnity	10	— ^a	10
Survivor group payments	42	2 ^b	44
Funded by congregations			
Education Finance Board	12	—	12
Counselling and support	10	—	10
Residential Institutions Statutory Fund Board (Caranua) ^c	41	69	110
Total cost	1,443	75	1,518

Source: Department of Education and Skills, Commission to Inquire into Child Abuse and the Redress Board

- Notes:
- a The liability for future individual claims arising under indemnity cases cannot be forecast.
 - b The HSE has service level agreements/grant arrangements with five survivor groups amounting to approximately €1.6 million per annum. The table includes estimated expenditure for 2016 only.
 - c €110 million is the cash amount offered and expenditure will continue until the fund is exhausted. Further moneys may be earned as interest accrues on the investment account administered by the NTMA and therefore final expenditure may be more than the original contribution.

Redress Scheme

The redress scheme accounts for the largest element of the costs, at an estimated €1.25 billion. The original forecasted cost of the scheme was €250 million.

The Residential Institutions Redress Board was established in late 2002 to make fair and reasonable awards to persons who, as children, were abused while resident in any of 139 specified institutions. Awards were made following applications from survivors who provided evidence of having been in a specified institution and evidence also of injury arising out of abuse suffered while in residence. The amount of an award was determined by reference to the Board's assessment of the severity of the abuse and the consequential injury. A Residential Institutions Review Committee was set up to review decisions and awards made by the Redress Board.

By the end of 2015, awards totalling €970 million had been made to 15,579 claimants – an average award of €62,250. 85% of the awards were at or below €100,000. The highest award made was €300,000.

An estimated 98% of applicants relied on legal advice when making an application for redress. By 31 December 2015, the Redress Board had approved legal cost payments of €192.9 million to 991 legal firms in respect of 15,345 applications. 967 legal firms were paid total amounts that were less than €1 million. 17 were paid between €1 million and €5 million and seven firms were paid amounts between €5 million and €19 million.

Other Supports

Outside of the redress scheme, other supports have been put in place to assist the former residents of the institutions. The overall spend on health, housing, educational and counselling services is estimated at €176 million.

Commission to Inquire into Child Abuse

The final cost of the Commission's work is estimated to be €82 million – the Department of Education and Skills initially forecast the cost to be €2.5 million.

The Commission's functions consisted of hearing evidence and inquiring into child abuse allegations and complaints in 139 residential institutions which were supervised by the State and run, for the most part, by religious congregations.

The final report of the Commission — often referred to as the Ryan Report — was published in May 2009. It is estimated that the Commission will not conclude its business before the end of 2016 — over 14 years later than planned. The extended timescale occurred due to a number of factors including delays in agreeing a legal expenses scheme as well as a compensation scheme; non-cooperation from a number of the congregations as well as other stakeholders; and legal challenges and reviews of the Commission's operations.

The Commission's work was extended in 2001 to include inquiries into vaccine trials carried out on children in institutions. Following a High Court judgment, it was found that the Commission's work on the vaccine trials was *ultra vires* the Commission to Inquire into Child Abuse Act 2000. This work was then stopped. This resulted in non-effective expenditure of €2.6 million on that module of work.

Contributions from Religious Congregations

An indemnity agreement was signed in 2002 between the State and 18 religious congregations, who agreed to contribute to the costs of redress by transferring property, cash and other resources totalling €128 million, of which €21 million remains to be transferred to the State at the end of 2015.

In return for the contributions, the State agreed to indemnify the congregations against any claims that might be made against them in the courts. In the event, there were 33 cases of the indemnity being invoked with awards amounting to €4.4 million. Legal and other costs amounted to €5.7 million. The average award made was €133,000.

Following the publication of the Ryan Report in 2009, the congregations offered additional cash and property valued at €353 million. This combined offer was revised to €226 million in September 2015 when, according to the Department of Education and Skills, the Christian Brothers withdrew an offer of school playing fields and associated lands valued at €127 million.

Six years after the publication of the Ryan report, only €85 million (38%) of the remaining €226 million offered has been received by the State. There is no legal obligation regarding the outstanding €141 million. The timeline for receiving those contributions is not clear.

Government policy is that the congregations who ran the institutions would share equal liability of the €1.52 billion cost of redress i.e. contribute €760 million. Total contributions offered to date are €406 million less than this.

Redress Outcomes and Lessons Learned

The setting up of a redress scheme following the work of the Commission provided reparation to those who had suffered abuse in the institutions. Without such a scheme, civil litigation cases taken by former residents through the courts system could have resulted in substantially higher legal costs and could have led to a backlog of cases for many years as a result.

As the redress scheme and Commission draw to a close, an evaluation of both would be useful. This should identify lessons learned and improvements which can be applied to any future redress schemes and/or commissions of inquiry. Areas to be considered by the evaluation include

- scheme design – in particular measures to reduce litigation costs
- accountability arrangements
- expenditure forecasting methodology and
- effectiveness in meeting intended objectives and outcomes.

