



## **Cost of Child Abuse Inquiry and Redress**



# Report of the Comptroller and Auditor General

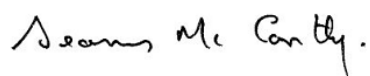
---

## Cost of Child Abuse Inquiry and Redress

I have, in accordance with the provisions of Section 9 of the Comptroller and Auditor General (Amendment) Act 1993, carried out an examination of the cost of the child abuse inquiry and redress.

This report was prepared on the basis of information, documentation and explanations obtained from the public bodies and persons named in the report. The Department of Education and Skills, the Department of Public Expenditure and Reform, the Residential Institutions Redress Board and the Commission to Inquire into Child Abuse were asked to review and comment on the report. Where appropriate, the comments received were incorporated in the final version of the report.

I hereby submit my report for presentation to Dáil Éireann in accordance with Section 11 of the Act.

A handwritten signature in black ink, reading "Seamus McCarthy.", followed by a vertical line.

**Seamus McCarthy**  
**Comptroller and Auditor General**

16 December 2016



## Contents

---

	Page
<b>Summary</b>	<b>7</b>
<b>Cost of Child Abuse Inquiry and Redress</b>	
1 Introduction	15
2 Commission to Inquire into Child Abuse	19
3 Redress scheme payments	23
4 Cases under the Indemnity Agreement	33
5 Other supports	35
6 Contribution from religious congregations	37
7 International experience	41
8 Conclusions and recommendations	43
<b>Appendices</b>	
A Annual costs of the Commission	51
B Annual costs of the Redress Scheme	52
C Legal firms paid in excess of €1 million 2003 - 2015	53
D List of contributing congregations	54
E Contributions received from congregations	55
F Property transfers by congregations	56
G Properties awaiting transfer by congregations	58
H Prohibition on disclosure of information	59



---

## Summary

---





# 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
<b>Funded jointly by Exchequer and congregations</b>			
Residential Institutions Redress Scheme	1,248	2	1,250
<b>Funded by Exchequer</b>			
Commission of Inquiry	80	2	82
Payments under indemnity	10	— <sup>a</sup>	10
Survivor group payments	42	2 <sup>b</sup>	44
<b>Funded by congregations</b>			
Education Finance Board	12	—	12
Counselling and support	10	—	10
Residential Institutions Statutory Fund Board (Caranua) <sup>c</sup>	41	69	110
<b>Total cost</b>	<b>1,443</b>	<b>75</b>	<b>1,518</b>

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.



---

## **Cost of Child Abuse Inquiry and Redress**

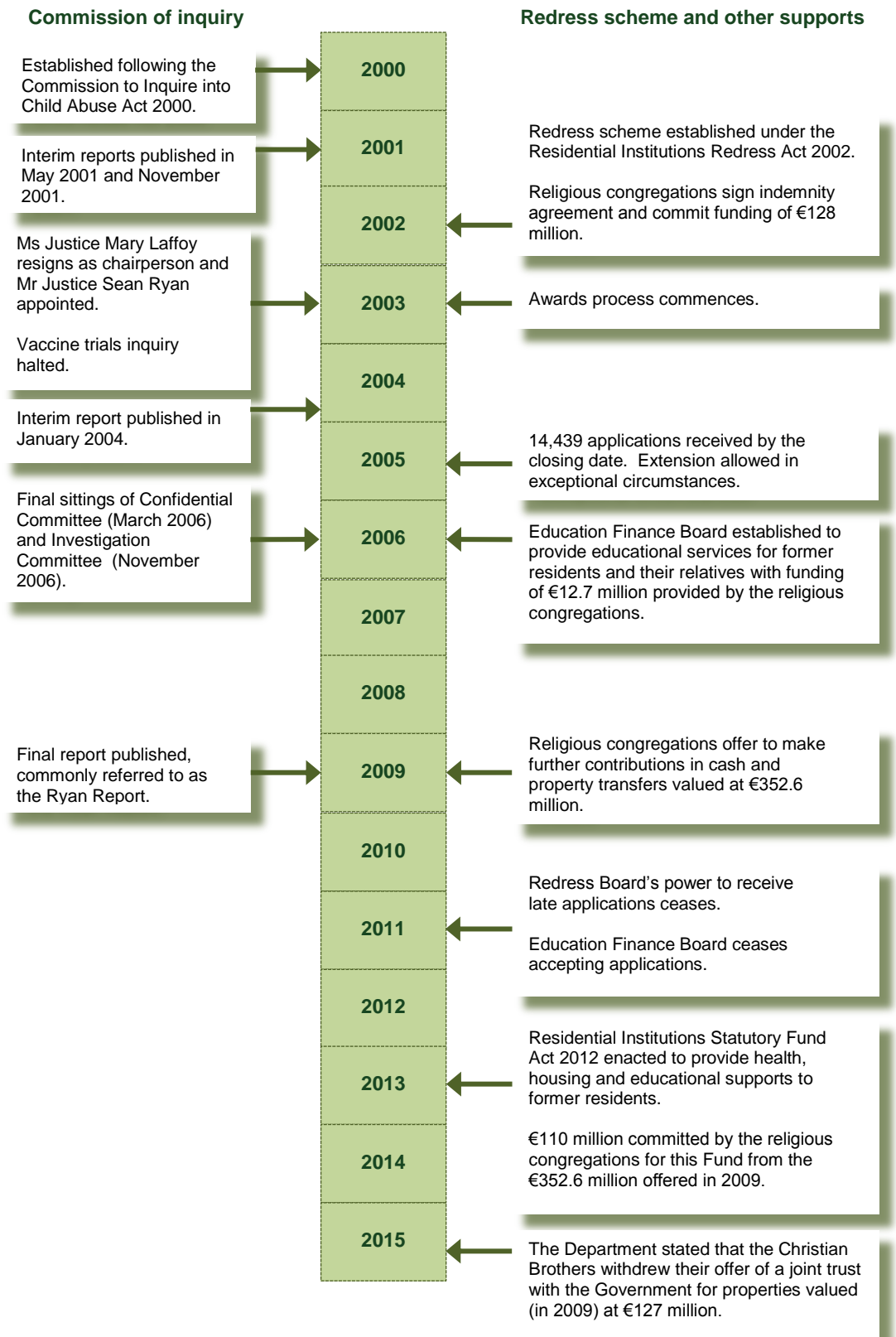
---



# 1 Introduction

- 1.1** In the years from 1936 to 1970, many children and young persons in Ireland were committed to industrial schools, reformatories and other institutions (the institutions). In most cases, the institutions were established and run by religious congregations. The total population that passed through the institutions over this term is not known.
- 1.2** The great majority were committed by the courts because they were deemed to be 'needy'.<sup>1</sup> Others were committed because of involvement in a criminal offence or school non-attendance. A smaller number were placed in the institutions by a health authority, or were placed by their families.
- 1.3** The Department of Education and Skills (the Department) had legal responsibility under the Children Act 1908 for all children committed to the institutions. The Minister for Education and Skills (the Minister) had the power to grant and withdraw certification of institutions, and when certified, the institution had to accept the rules and regulations set out by the Department. The Department's inspectors had a duty to ensure that the institutions complied with these regulations.<sup>1</sup>
- 1.4** During the 1990s, widespread concern was expressed about the extent and effect of child abuse at institutions supervised by the State in previous decades. 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 (the Commission) to listen to those who suffered abuse as children in institutions, to enquire into abuse of children in institutions and to report and make recommendations.
- 1.5** Arising from the early work of the Commission, it was decided that a compensation scheme for survivors of abuse at the institutions was required.
- 1.6** In October 2000, the Minister outlined that the Government was committed to providing funding for redress and that there was a compelling case for putting in place procedures outside the court system. The Government sought agreement with the religious congregations to obtain contributions from them towards the redress.
- 1.7** The Residential Institutions Redress Board (the Redress Board) was established in late 2002 to make fair and reasonable awards to persons who, as children, were abused while resident in institutions.
- 1.8** The religious congregations, in an indemnity agreement with the State in 2002, agreed to contribute to the costs of redress by transferring to the State property assets and cash totalling €128 million.
- 1.9** In 2009, following the publication of the final report of the inquiry (the Ryan Report), the congregations offered to make further contributions totalling €352.6 million in cash and property transfers. The value of the offers was reduced to €225.6 million in September 2015.

<sup>1</sup> Final report of the Commission to Inquire into Child Abuse, 20 May 2009 (also known as the Ryan Report).

**Figure 1.1 Timeline of key events in the child abuse inquiry and redress scheme**



## Previous Reports

**1.10** Previous reports of the Comptroller and Auditor General on the subject matter of this report are

- Report on the Accounts of the Public Services 2002 – Chapter 7 Residential Institutions Redress Scheme
- Report on the Accounts of the Public Services 2003 – Chapter 9 Residential Institutions Redress Board
- Special report 67 (2009) - Chapter 3 Commission to Inquire into Child Abuse
- Special report 74 (2010) - Chapter 6 Residential Institutions Redress Scheme.

## Scope of the Examination

**1.11** The examination reviewed

- the reasons for the delay in finalising the work of the Commission to Inquire into Child Abuse following the publication of its final report, and costs incurred to date
- if the objectives of the redress scheme, in particular with regard to minimising legal costs and settling cases expeditiously, had been achieved, and what indicators (if any) were put in place to measure the effectiveness of the scheme to enable an evaluation of its outcomes and transfer of good practice
- the costs arising from cases where the indemnity agreement with the State was invoked and awards, settlements and costs were decided in the High Court
- the level of contributions committed and ultimately provided by the religious congregations by way of cash and property for redress and other supports for former residents in institutions and their relatives and
- international comparators of redress schemes in other countries.

## Methodology

**1.12** Information on redress awards, compensation and third party legal costs were obtained from the Redress Board. The costs of the Commission and the Redress Board and information on religious congregation contributions were obtained from the Department.

**1.13** The examination was restricted from accessing information on applications, awards and legal costs contained on the Board's case management system by reason of the confidentiality provisions set out in Section 28 of the Residential Institutions Redress Act 2002 (see Appendix H). This information was provided directly by the Redress Board.

**1.14** Information on international comparators was obtained by research and correspondence with the relevant bodies.

## **Report Structure**

- 1.15** Chapter 2 reviews the establishment and operation of the Commission to Inquire into Child Abuse. Chapter 3 provides an analysis of the number of applications and awards made under the redress scheme. Chapter 4 provides information on court cases that occurred outside of the scheme and were heard by the High Court. Chapter 5 sets out the ongoing supports provided to former residents and their relatives. Chapter 6 details how much has been provided by religious congregations towards the costs of the redress scheme to date. Chapter 7 looks at redress schemes from an international perspective. Chapter 8 contains the conclusions and recommendations.

## 2 Commission to Inquire into Child Abuse

- 2.1** The Commission was established on an administrative basis in 1999 and on a statutory basis in May 2000 following the Commission to Inquire into Child Abuse Act 2000. The Commission was given three primary functions
- to listen to survivors of child abuse who wanted to recount their experiences to a sympathetic forum
  - to fully investigate allegations of abuse made to it, except in cases where survivors did not wish for an investigation<sup>1</sup>
  - to publish a report on its findings.
- 2.2** Ms Justice Mary Laffoy was the first Chairperson of the Commission. Following her resignation in 2003, Mr Justice Sean Ryan was appointed as the new Chairperson of the Commission. As a result, the Commission is often referred to as the Laffoy or the Ryan Commission and the final report is often referred to as the Ryan Report. The other members of the Commission were drawn from various disciplines.
- 2.3** The Commission was initially given two years to carry out its work. The Government extended the term of the Commission on four occasions, with a final completion date of May 2009.<sup>2</sup> A number of factors gave rise to the extension of time, such as
- delays in the initial years in agreeing a legal expenses scheme as well as a compensation scheme for survivors, which slowed the submission of statements to the Commission<sup>3</sup>
  - the quality of interaction and cooperation from a number of the congregations as well as other stakeholders, a point commented upon in the third interim report of the Commission
  - significant volumes of discovery material spanning decades being sought and analysed
  - addition of functions to the Commission's remit relating to the investigation of vaccine trials
  - dealing with extensive bills for legal costs, some through the Taxing Master's Office of the High Court
  - involvement in six separate sets of legal proceedings as well as undergoing two in-depth reviews which halted the work of the Commission for a period of time and subsequently gave rise to legislative changes made in 2005 resulting in changes in the Commission's modus operandi.
- 2.4** The Commission published three interim reports - in May and November 2001, and in January 2004. The final report was published in May 2009. Thereafter, the Commission has retained a small staff to deal with the settlement of third party legal costs, including settlement of costs through the Taxing Master's Office of the High Court where negotiated settlements could not be achieved. The Commission is also working on the cataloguing of its records to prepare these for archiving in the National Archives, in line with the Government decision of July 2013 to retain records of the Commission.

1 This was later limited by the Commission to Inquire into Child Abuse Act 2005, whereby not all allegations would have to be investigated.

2 In its third interim report published in January 2004, the Commission outlined that there had been a number of challenges and reviews of the Commission's work.

3 The State initially envisaged that a compensation scheme would follow on from the work of the Investigation Committee. Due to the uncertainty among claimants as to whether participation in the Investigation Committee was in their personal or legal interest, a redress scheme was ultimately established.

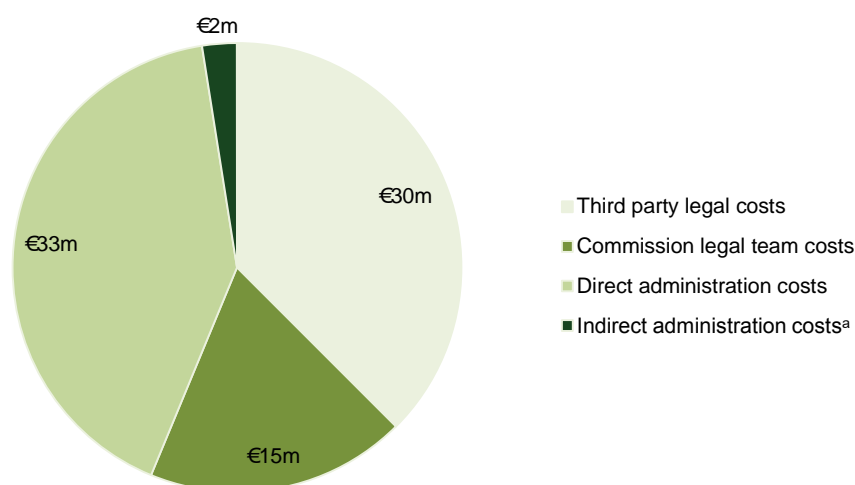
## Financing the Commission

- 2.5** The Commission operates under the aegis of the Department, and its costs are met from a subhead in the Department's vote.
- 2.6** While the Commission emphasised its independence from the Department to avoid any conflict of interest, the Department is provided with monthly returns of expenditure to enable it to monitor expenditure against agreed monthly profiles and budget estimates for the year.

## Cost of the Commission

- 2.7** Figure 2.1 sets out the costs incurred by the Commission. Initially, it was estimated by the Department that the Commission's work would cost in the region of €1.9 million to €2.5 million. The final cost is estimated to be €82 million, with €80 million already incurred at the end of December 2015 and an estimated further €2 million in respect of outstanding legal costs. Appendix A sets out the costs on an annual basis.

**Figure 2.1 Costs of the Commission at 31 December 2015**



Source: Commission to Inquire into Child Abuse

Note a Legal costs incurred by the Department of Education and Skills, as a respondent to the Inquiry.

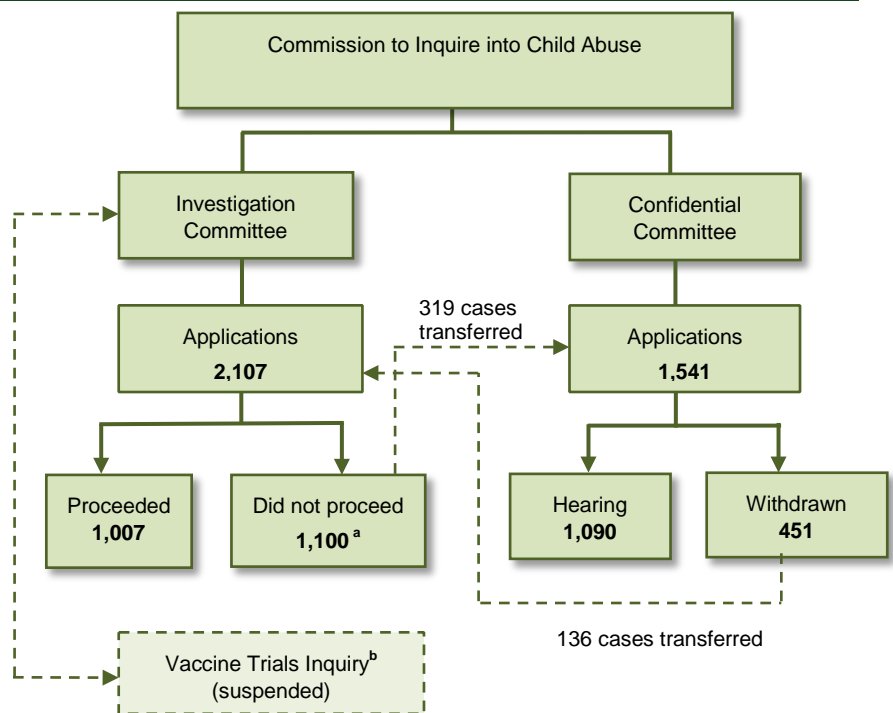
### ***Reductions in third party legal costs***

- 2.8** By the end of 2015, the Commission had paid €30 million in respect of third party legal costs. The initial fees sought by legal firms in respect of these costs were €58 million, but through negotiations and referrals to the Taxing Master, reductions of €28 million were achieved.

## Commission Committees

- 2.9** The Commission's functions in respect of hearing evidence and inquiring into child abuse were performed through two separate committees - the Investigation Committee and the Confidential Committee. A complainant could choose to give evidence to one of the committees, but not both. However, certain cases that did not proceed with the Investigation Committee subsequently transferred to the Confidential Committee, and vice versa. Figure 2.2 shows the final status of applications to the two committees.

**Figure 2.2 Commission process and applications**



Source: Commission to Inquire into Child Abuse

Note a A total of 1,100 applicants to the Investigation Committee did not proceed for various reasons e.g. withdrawn by complainant or Commission, deceased, outside remit etc. 319 applicants that did not proceed transferred to the Confidential Committee. In addition, 136 cases that were withdrawn from the Confidential Committee transferred to the Investigation Committee.

b A separate division of the Investigation Committee – the Vaccine Trials Inquiry – was established in 2001 to investigate the use of children in the testing of vaccines.

### The Investigation Committee

- 2.10** The Investigation Committee investigated complaints and allegations made to it and had the power to compel persons accused to attend before it and to also compel them to produce any documents. All parties had entitlement to legal representation and to cross examine. The format could be by hearing, interview or both. There have been both private and public hearings, but most were held in private. The last sitting of the Investigation Committee was in November 2006.

### The Confidential Committee

- 2.11** The Confidential Committee listened to a person's experience in total confidence and did not inform any institution or person that an allegation had been made against them. Complainants were allowed to bring one person along with them to the hearing but were not legally represented at these hearings. The final hearing was held in March 2006.

## The Vaccine Trials Inquiry

- 2.12** Additional functions conferred on the Commission in 2001 required it to inquire into three specific vaccine trials involving children in the institutions. The Commission was also to investigate any other vaccine trial found to have been carried out on children in the institutions between 1940 and 1987.
- 2.13** A separate division of the Investigation Committee – the Vaccine Trials Inquiry – was established to carry out this inquiry which had its own Commissioner, a legal team and three inquiry officers. Third party legal costs for the investigation into the vaccine trials amounted to €778,300. The salary costs and expenses incurred by the Vaccine Trials Inquiry between November 2001 and September 2005 were approximately €1.2 million.
- 2.14** The Commission incurred costs of €46,300 arising from a Supreme Court challenge in July 2003 in relation to the compellability of a witness to give evidence. Judicial review proceedings were initiated against the Department in November 2003 seeking, *inter alia*, a declaration that the order which established the Vaccine Trials Inquiry was *ultra vires* the Commission to Inquire into Child Abuse Act 2000. Costs paid by the Commission arising from this challenge amounted to €575,000. The court subsequently decided that the order was *ultra vires* the Act, and the Inquiry was suspended in 2003.
- 2.15** Costs continued to be incurred in winding down the Inquiry and arranging for records retrieval and disposal. The Minister for Health made a decision to formally end the Inquiry in June 2006.

## 3 Redress Scheme Payments

- 3.1** The Residential Institutions Redress Scheme (the redress scheme) was established under the Residential Institutions Redress Act 2002 (the Redress Act) to administer a redress scheme for survivors of abuse.
- 3.2** The redress scheme model was adopted following the work of the Compensation Advisory Committee, appointed by the Minister, which culminated in the publication of a report entitled 'Towards Redress and Recovery' in January 2002. It concluded that the tariffs and models for redress in other jurisdictions were unsuitable and that the most appropriate comparison was what the Irish courts might award by way of general damages for injuries. The recommendations were accepted and incorporated into the Redress Act.

### Residential Institutions Redress Board

- 3.3** The Residential Institutions Redress Board was established under the Redress Act. The objective of the Board is to offer fair and reasonable awards to persons who, as children, were abused while resident in any of 139 scheduled institutions.<sup>1</sup>
- 3.4** A Residential Institutions Review Committee (Review Committee) was also set up to review decisions and awards made by the Redress Board.
- 3.5** Awards under the redress scheme were made following applications from the survivors, together with evidence of having been a resident in one or more of these institutions and evidence of injury arising out of abuse suffered while in residence. A relevant person could apply to the Redress Board to give oral evidence.<sup>2</sup>
- 3.6** Where an award was accepted, the individual waived their right to pursue a civil action in respect of the abuse in the courts.

### Financing the Redress Scheme

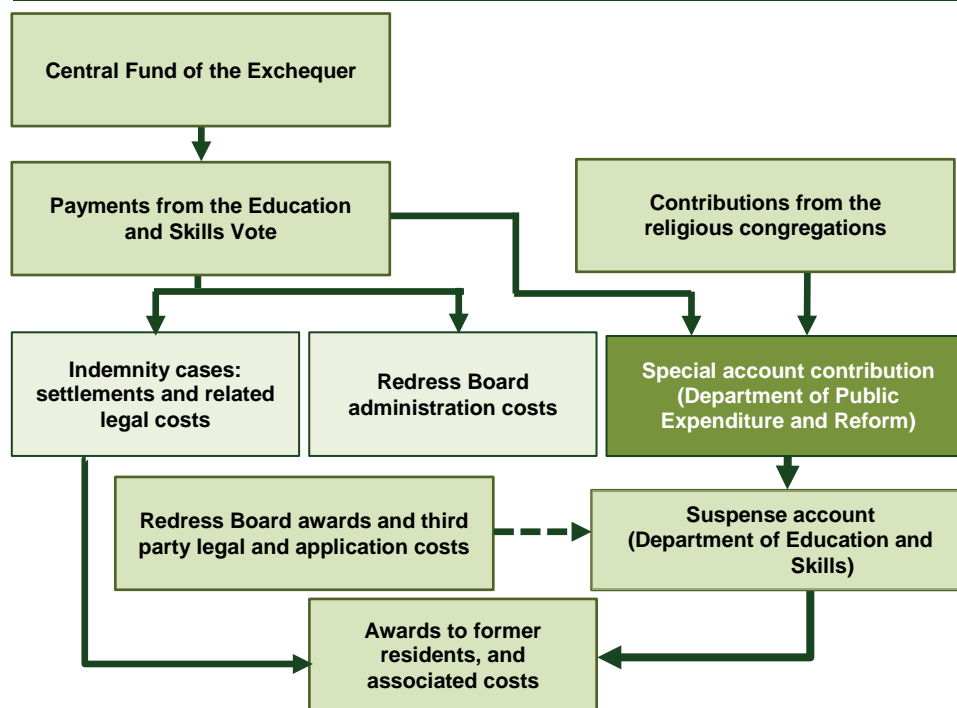
- 3.7** Section 23 of the Redress Act provided for the establishment of a special account to be managed by the Department of Public Expenditure and Reform. The special account is funded from moneys provided by the Oireachtas, through the Education and Skills Vote, and contributions provided by the congregations. The Department of Public Expenditure and Reform transfers moneys on a regular basis from this account to a suspense account which is managed by the Department of Education and Skills. The payment of the awards to applicants together with legal and other costs are made from the suspense account on foot of instructions provided by the Board. A table summarising the transactions on the suspense account is disclosed in notes to the special account financial statement.

<sup>1</sup> The scheme originally extended to former residents of 123 institutions. This was extended to a further 13 institutions in 2004, and a further three in 2005.

<sup>2</sup> A relevant person is (i) a person referred to in an application as having carried out the acts complained of or (ii) an institution about which allegations had been made.

- 3.8 Figure 3.1 shows the flow of moneys into and out of the special account and the accounting arrangements for the payment of awards and associated costs.

**Figure 3.1 Accounting arrangements for the special account**



Source: Analysis by the Office of the Comptroller and Auditor General.

- 3.9 The special account is subject to audit by the Comptroller and Auditor General under Section 23 (7) of the Residential Institutions Redress Act 2002. The report of the Comptroller and Auditor General on the financial statements is presented to the Accounting Officers of the Departments of Education and Skills and of Public Expenditure and Reform. The legislation does not require the audited financial statements to be laid before the Houses of the Oireachtas.
- 3.10 The Redress Board publishes an annual report of its activities which includes statistics on applications received, the number and amount of awards made in each redress band and payments made to legal firms as well as the cost of the Board's operations.
- 3.11 The extent of public information disclosed is subject to the restrictions imposed under the Redress Act (see Appendix H). The same restrictions applied on the extent of information available for audit or *post hoc* evaluations.
- 3.12 By agreement, the Comptroller and Auditor General provides the Board with a report on the results of his audit testing of the processing for payment of awards and related costs, the accounting records maintained, and the system of internal control employed by the Board. The Comptroller and Auditor General report is attached as an appendix to the annual report published by the Board. The report of the Board is laid before the Houses of the Oireachtas.
- 3.13 At the end of 2015, the redress scheme had cost a total of €1.25 billion, including awards, legal fees, and administration costs. Figure 3.2 sets out the costs incurred. The annual costs of the scheme are set out in Appendix B.



**Figure 3.2 Costs of the redress scheme up to 31 December 2015**

Cost	€million	Proportion of costs
Redress awards	969	78%
Legal costs in support of applications	193	15%
Medical costs in support of applications	6	1%
Direct administration costs	69	5%
Indirect administration costs <sup>a</sup>	11	1%
<b>Total known costs</b>	<b>1,248</b>	<b>100%</b>

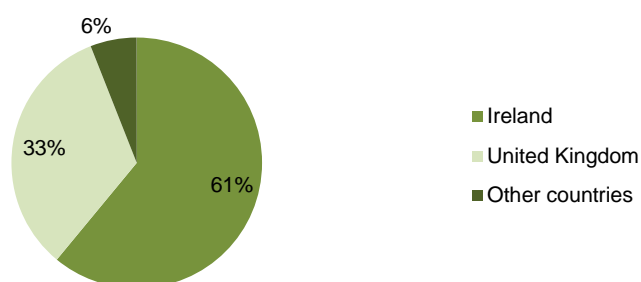
Source: Department of Education and Skills

Note: a These are the estimated costs of the redress unit in the Department of Education and Skills.

## Applications for Redress

**3.14** The statutory closing date for applications was before midnight on 15 December 2005. 14,439 applications had been received by 15 December 2005.<sup>1</sup> The Redress Act allowed the Redress Board to accept late applications after this date in exceptional circumstances or where a person was under a legal disability by reason of unsound mind. In accordance with the provisions of the Residential Institutions Redress (Amendment) Act 2011, the Redress Board's power to accept late application submissions ceased on 16 September 2011. 2,210 late applications were allowed after the closing date by the Redress Board.

**3.15** Overall, the Redress Board accepted 16,649 applications for redress. Figure 3.3 shows the residency of applicants.

**Figure 3.3 Residency of applicants**

Source: Residential Institutions Redress Board

**3.16** Under the rules of the scheme, in order to qualify for redress, an applicant had to establish before the Redress Board

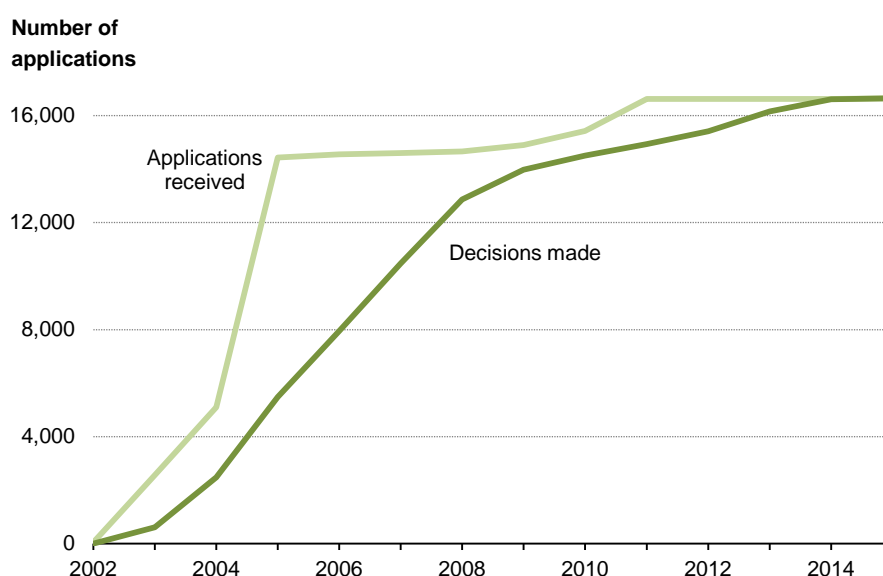
- their identity
- that they had been resident in one of the scheduled institutions
- that they were abused and injured while a resident and that the injury was consistent with abuse suffered.

<sup>1</sup> There were 3,700 applications received within fifteen days of the closing date.

**3.17** For an application for redress to be considered, an applicant was required to obtain documentation and reports from a variety of sources that provided proof that the applicant qualified for redress under the rules of the scheme.

- 3.18** Applications were either accepted or rejected by the Redress Board. Applications were refused mainly on the basis that they did not relate to scheduled residential institutions as defined in the Redress Act.
- 3.19** Decisions regarding applications, such as making awards or rejecting applications commenced in 2003. Nearly 90% of applications had been received by 2005. It took another five years for the total number of cases decided to reach 90%.
- 3.20** Figure 3.4 sets out the cumulative applications accepted and cumulative decisions in each year between 2002 and 2015.

**Figure 3.4 Cumulative applications accepted and Redress Board decisions, up to 31 December 2015**



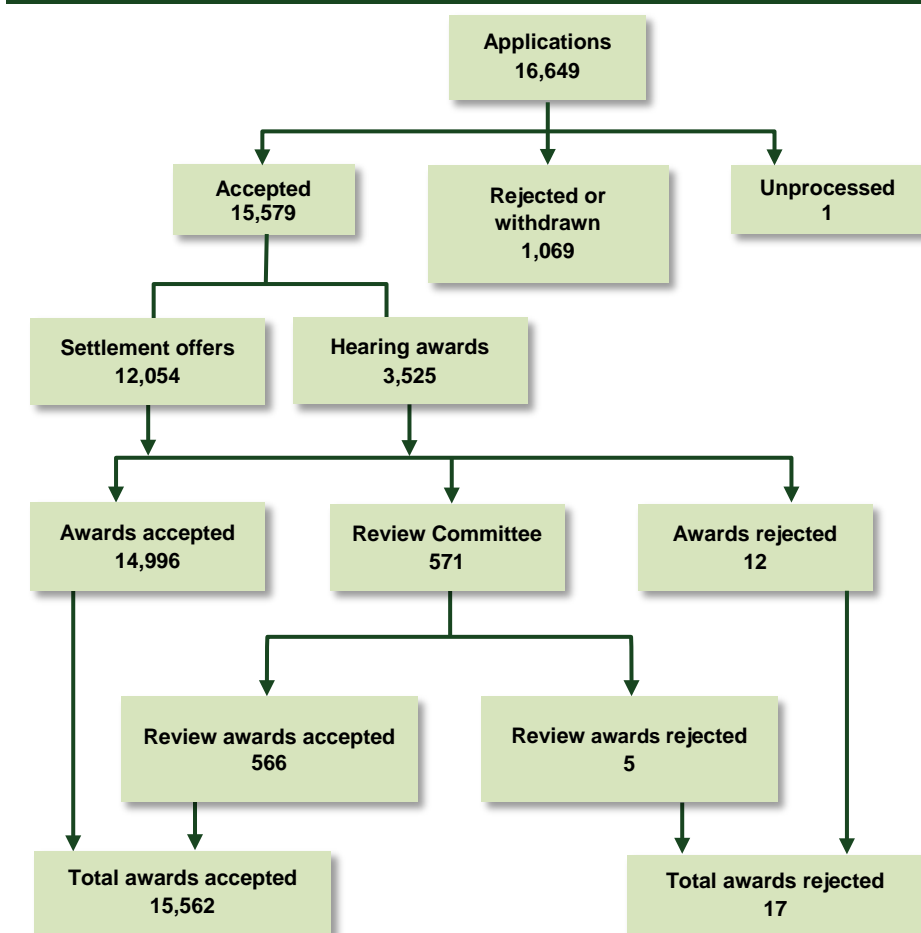
Source: Residential Institutions Redress Board

- 3.21** Awards could be made following settlement negotiations, hearings and/or following an appeal by the applicant to the Review Committee.
- 3.22** In the cases of the 571 awards reviewed by the Review Committee, the average initial award made was €48,700 and the average reviewed award was €67,800 – an average increase of just over €19,100 per reviewed award (39%) and a total overall increase in awards of €10.9 million.
- 3.23** Ultimately, a total of 15,579 awards were offered to survivors or their families. The majority (96%) accepted the Redress Board's award. Most of those who rejected the initial award went on to accept awards made by the Review Committee.
- 3.24** In all, 15,562 offers were accepted. In these cases, the applicants were required to agree in writing to waive any right of action against public bodies, organisations or persons that had contributed towards the cost of redress and to discontinue any proceedings instituted against such bodies or persons.
- 3.25** Awards made were rejected by survivors in 17 cases.

**3.26** Of the 16,649 applications received by 19 May 2016, nine were referred to An Garda Síochána regarding the possible commission of an offence under section 7(6) of the Residential Institutions Redress Act 2002. Garda investigations in respect of all nine referrals have since concluded. One referral led to a criminal prosecution and conviction.

**3.27** Figure 3.5 sets out the status of accepted applications and awards offered and rejected at 31 December 2015.

**Figure 3.5 Status of accepted applications and awards at 31 December 2015**

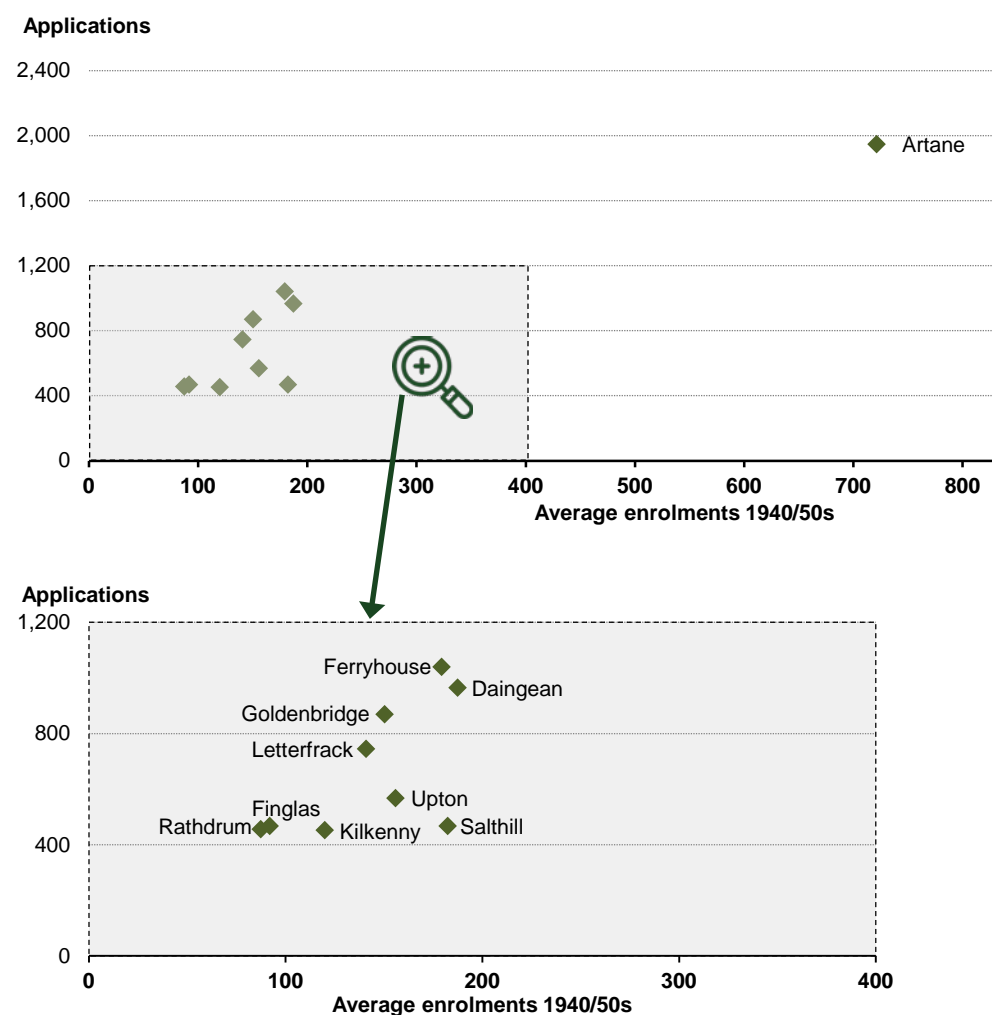


Source: Residential Institutions Redress Board

### ***Number of applications per scheduled institution***

**3.28** The ten scheduled institutions with the highest number in terms of applications received is shown in Figure 3.6. These institutions accounted for nearly half of all applications.

**3.29** Information as to the awards made by the Redress Board in respect of each of the 139 scheduled institutions covered by the scheme was not available. Awards frequently covered multiple institutions where an individual had been in more than one, and costs were not apportioned between the institutions in such cases.

**Figure 3.6 Top ten scheduled institutions by number of applications**

Scheduled institutions	Congregations	Number of applications
Artane Industrial School	Christian Brothers	1,946
St. Joseph's Industrial School, Letterfrack		745
St. Joseph's Industrial School, Salthill		467
St. Joseph's Industrial School, Ferryhouse	Rosminians	1,040
St. Patrick's Industrial School, Upton		567
St. Vincent's Industrial School, Goldenbridge	Sisters of Mercy	869
St. Kyran's Industrial School, Rathdrum		456
St. Conleth's Reformatory School, Daingean	Oblates	965
Finglas Child and Adolescent Centre	De La Salle Order	467
St. Patrick's Industrial School, Kilkenny	Sisters of Charity	452
<b>Total</b>		<b>7,974</b>

Source: Residential Institutions Redress Board and the Commission's Third Interim Report.

**Amount of awards**

- 3.30** The amount of an award was determined by reference to the Redress Board's assessment of the severity of the abuse suffered by the applicant and the consequential injury. Four separate factors were designed to produce an overall assessment, scored out of a total of 100.

	<b>Scale</b> (increasing severity)
<b>Severity of abuse</b> suffered	0 – 25
<b>Severity of physical or psychiatric illness</b> by reference to medical evidence	0 – 30
<b>Emotional and social effects of abuse</b> suffered	0 – 30
<b>Lost opportunity</b> suffered by the applicant	0 – 15

- 3.31** The redress bands and awards are set out in Figure 3.7. The majority of awards – 85% – were in bands I and II, where the awards were up to €100,000.
- 3.32** By the end of 2015, awards totalling €970 million had been made to 15,579 claimants – an average award of €62,250.
- 3.33** Where the abuse and injury suffered was considered by the Redress Board to be so serious as to constitute an exceptional case which could not reasonably be provided for within these redress bands, the Board could deviate from the bands. However, the Redress Board has made no such awards to date.

**Figure 3.7 Redress bands and awards accepted, up to 31 December 2015**

	<b>Severity/injury assessment score</b>	<b>Award payable by way of redress</b>	<b>Total amount awarded<sup>a</sup> €million</b>	<b>Number awarded</b>
Band I	Less than 25	Up to €50,000	159	5,655
Band II	25 – 39	€50,000 - €100,000	522	7,523
Band III	40 – 54	€100,000 - €150,000	232	2,073
Band IV	55 – 69	€150,000 - €200,000	46	280
Band V	70 or more	€200,000 - €300,000	11	48
Exceptions		€300,000 +	–	–
<b>Total</b>			<b>970</b>	<b>15,579</b>

Source: Residential Institutions Redress Board – Analysis by the Office of the Comptroller and Auditor General

Note: a Amount awarded by the Board was €970 million compared to actual payments of €969 million to end of 2015.

***Payment of awards to applicants***

- 3.34** Awards were paid to applicants by the Department on instructions from the Redress Board. Awards were generally paid by the Department within a short time of the award decision being made.

***Legal costs and payments for medical reports in support of applications***

- 3.35** The Redress Act provided that the Redress Board would pay to an applicant, to whom an award has been made, a reasonable amount for expenses incurred by the applicant in the preparation and presentation of the application to the Board. 98% of all applicants to the Redress Board had recourse to legal representation. Costs were not paid by the Redress Board in cases where an application had been rejected or where the award made by the Board had been rejected by the applicant.
- 3.36** In addition to the costs relating to an application to the Redress Board, the Redress Act also provided that the Board pay to an applicant who accepted an award, the costs of any associated court proceedings which had been instituted by that applicant against a public body or a congregation that had made a contribution to the special account. This was provided the applicant signed a waiver agreeing not to proceed with the Court proceedings.
- 3.37** The Redress Board established an in-house legal costs department in order to develop expertise in negotiating third party costs. Where these third party costs could not be negotiated by the Board in-house, they were then referred to a legal costs accountant retained by the Board who entered into further negotiations and/or proceeded to tax the costs before the Taxing Master of the High Court on the Board's behalf.
- 3.38** The Redress Board stated that, in determining the third party costs to be paid, each case was considered on the basis of its unique and individual circumstances. It considers that this approach was more cost effective in reducing legal fees rather than referring cases to the Taxing Master for adjudication. It also considered that if all applications were referred to the Taxing Master of the High Court to finally determine the third party costs, the Taxing Master's office would have been unable to deal with the volume of cases that would have come before it and this could have led to delays of up to 18 months or more to finalise costs.
- 3.39** The Redress Board could not provide the examination with information, on an individual case basis, of reductions in third party legal costs before and after the legal fee negotiation process as these were filed separately on over 15,000 manual files rather than on the Board's case management system. The Redress Board did however conduct an analysis on a sample of cases, and have provided a comparison of the average percentage of awards and costs negotiated in-house and after taxation of costs as shown in Figure 3.8.

**Figure 3.8 Average awards and costs negotiated in-house and after taxation<sup>a</sup>**

Process	Average award	Average legal costs	Total	Costs as a percentage of awards
	€000	€000	€000	
In-house	62	12	74	19%
Taxing Master <sup>b</sup>	78	18	96	23%

Source: Residential institutions Redress Board

Notes: a These are the Board's costs only and exclude any associated High Court costs.

b Cases referred to the Taxing Master represent 0.6% of sample size (89 out of 15,250 cases in total).

**3.40** By 31 December 2015 the Redress Board had approved legal costs of €192.9 million to 991 legal firms in respect of 15,345 applications. €180.2 million related to legal costs in support of applications, while €12.7 million was in respect of associated High Court proceedings.

**3.41** 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. Appendix C lists those firms which were paid more than €1 million each, representing almost three quarters of the legal costs paid.

### **Redress Board and Review Committee direct costs**

**3.42** Between 2003 and 2015, the Redress Board and the Review Committee incurred direct costs of €69 million. €9 million of this expenditure related to the Review Committee which operated as a separate independent entity. The majority of the Redress Board's expenditure was incurred on legal and medical fees and advices, staff salaries and board members fees. Figure 3.9 outlines the direct costs.

**Figure 3.9 Redress Board and Review Committee direct costs, up to 31 December 2015**

Cost type	€million
<i>Application-related costs</i>	
Legal fees and costs	15
Redress Board members fees	13
Medical fees and payments	2
Advice about financial management of the award	1
Review Committee costs	9
<i>Administration costs</i>	
Administrative salaries	16
Other administrative and support costs	13
<b>Total</b>	<b>69</b>

Source: Residential Institutions Redress Board and Department of Education and Skills

- 3.43** Legal fees relate to counsel and solicitors employed by the Redress Board and other legally-related services, which include counsel retained in respect of judicial reviews, the provision of formal legal opinions and advice and the services of a legal costs accountant. Medical fees and payments relate to medical reports prepared by doctors appointed by the Redress Board under section 11 of the Redress Act and medical reports received prior to the completion of an application with respect to the injuries suffered by applicants.
- 3.44** Security arrangements for the Redress Board's premises accounted for €2 million of the other administrative costs, while other costs included stenography services of €1.5 million, advertising costs of €1 million and travel and subsistence of €1 million.



## 4 Cases under the Indemnity Agreement

- 4.1** Under the Indemnity Agreement 2002 between the State and the religious congregations, the State agreed to indemnify the congregations in respect of court awards, settlements and costs relating to cases of child abuse in residential institutions, which would have been eligible under the redress scheme.
- 4.2** Between December 2002 and the end of December 2015, there were 33 instances of the indemnity being invoked. 31 of these cases were settled with awards amounting to €3.8 million and legal costs of €2.7 million. The remaining two cases proceeded to a full court hearing with awards made totalling €0.5 million and legal fees of just under €0.9 million.
- 4.3** The average award made in respect of the 33 cases was €132,535. The average award made to 15,579 applicants under the redress scheme was €62,250.
- 4.4** The total cost to the State from the commencement of the indemnity to the end of 2015 is just over €10 million. This includes third party legal and other costs of €5.7 million which represents 57% of the total amount.

**Figure 4.1 High Court awards/settlements and costs, up to 31 December 2015**

	€000	€000
Awards/settlements (33 in total)		4,374
<b>Legal and other costs</b>		
Chief State Solicitors Office/State Claims Agency	3,638	
Cases on hand/closed cases <sup>a</sup>	200	
Congregations' solicitor firms fees <sup>b</sup>	1,800	
Medical/other costs	36	5,674
<b>Total</b>		<b>10,048</b>

Source: Residential Institutions Redress Board — analysis by the Office of the Comptroller and Auditor General

Note a Legal and related costs for cases closed for which no settlement was made and for cases still at hand at year-end.

b As part of the indemnity, the Department retained the services of the religious congregations' solicitor firms for the management of indemnity files up to 2004.

- 4.5** Responsibility for the management of indemnity files transferred to the Chief State Solicitors Office from 30 September 2004, and since 2006 all indemnity claims are now processed through the State Claims Agency. As at 31 December 2015 there were 20 further cases being examined by the State Claims Agency. The indemnity has not been invoked in respect of these cases.

## 5 Other Supports

- 5.1** While the purpose of the redress scheme was to make financial awards to the survivors of residential institutional abuse, supports aimed at improving the wellbeing of the survivors and their families have been put in place. These supports include advice and advocacy, the provision of counselling and the paying for services in the area of health, education and housing, which are not readily available through public bodies.

### Ongoing Education and Support Grants

- 5.2** There have been two bodies established to make payments to or on behalf of survivors and their families to provide for education and/or health and housing – the Education Finance Board which was established in February 2006 and dissolved in March 2013 and the Residential Institutions Statutory Fund Board (also known as Caranua) which was established in its place in March 2013 (see Figure 5.1).
- 5.3** Both of these bodies have been funded exclusively by contributions from the congregations, (including interest earned on investments).

**Figure 5.1 The Education Finance Board**

**The Residential Institutions Statutory Fund Board (Caranua)**

Nature		
<b>Legal basis</b>	Commission to Inquire into Child Abuse (Amendment) Act 2005	Residential Institutions Statutory Fund Act 2012
<b>Function</b>	To pay grants to former residents and their relatives for educational services e.g. adult education, personal development, primary, post-primary and third level support programmes.	To administer cash contributions of €110 million pledged by the religious congregations. To provide support services to survivors e.g. health and wellbeing services, housing needs and educational services.
<b>Grants</b>	Grant limit - €15,000 to a former resident - €5,000 to an individual relative, capped at €15,000 - all relatives.	Initially no grant limits on the value (except education grants) or number of supports that could be received, until changes to the application criteria in June 2016. <sup>a</sup>
<b>Application criteria</b>	Proof of residency in one of the scheduled institutions and (where relevant) proof of relationship. <sup>b</sup>	Only available to survivors who have received awards through the Redress Board, Irish courts or settlements with religious congregations.
<b>Funding</b>	Total funding of €14.6 million. <sup>c</sup>	€84.9 million received from the congregations to the end of 2015.
<b>Expenditure</b>	10,695 grants approved <sup>d</sup> (2,470 to former residents and 8,225 to relatives). Cumulative grants paid of €10.6 million and administration costs of €1.5 million to March 2013.	5,052 applications received to the end of December 2015 with 4,406 deemed eligible at that date. Cumulative grant payments of €39 million and administration costs of €3.3 million to the end of 2015. <sup>e</sup>

Source: Department of Education and Skills and Caranua

- Notes:
- a All new applications after 1 June 2016 are subject to a maximum value of €15,000 for each applicant. Other support services such as the provision of household goods, contribution to funeral costs etc. were subsequently included.
  - b Eligible relatives are spouse, son, daughter, grandson, granddaughter, stepson and stepdaughter.
  - c €2.5 million was paid to survivor support groups and the National Office for Victims of Abuse (NOVA) prior to the establishment of the EFB.
  - d Individuals may have received one or more grants. Number of individual beneficiaries is not known.
  - e Figures are from 2015 financial accounts which were unaudited at the time of this report.

## Counselling and Other Supports

- 5.4** As part of the Indemnity Agreement, the religious congregations also agreed to provide counselling and other support services to the value of €10 million. Such counselling services were provided by Faoiseamh since 1996.<sup>1</sup> The Department received documentation from the congregations' legal advisers to support contributions totalling €10.5 million made by the 18 contributing congregations to Faoiseamh in the period 11 May 1999 to 31 December 2006, including a statement from Faoiseamh's auditors to this effect. In 2011, a new service provider – Towards Healing – replaced Faoiseamh and is funded exclusively by the religious congregations and the Irish Conference of Bishops.

## Survivor Support Group Costs

- 5.5** Funding to survivor support groups is estimated to be just over €42 million to the end of 2015. This includes the following funding
- The Department of Education and Skills provided just under €15 million to survivor support groups in the period 2001 – 2013 which included funding for the operation of an information and family tracing service since 2002. This funding ceased in December 2013, except for the family tracing service, as other supports became available. 11 groups – six based in Ireland and five outreach services based in the UK – received funding in that period, including payments to the National Office for Victims of Abuse between 2001 and 2007.
  - The Health Service Executive provided €22 million in the period 2005 to 2015. Some funding is also made available to survivor support groups by other departments and state agencies.
  - The Department of Health provided just over €4 million in the period 2000 to 2004 for the provision of outreach services in the UK and funding towards counselling and other supports.

## Memorial to the Survivors of Child Abuse

- 5.6** The construction of a memorial to the survivors of institutional abuse was one of the recommendations arising from the Ryan Report. The Department planned to erect a memorial to the survivors of child abuse adjacent to the Garden of Remembrance. Expenditure of €91,000 was incurred before An Bord Pleanála refused planning permission to erect the memorial. The Department is considering how best to progress the project.

<sup>1</sup> Faoiseamh was funded by the Congregation of Religious Orders in Ireland and by a number of Catholic dioceses. It provided telephone counselling and a counselling and psychotherapy referral service for adults who as children were abused by religious or diocesan clergy.

## **6 Contributions from Religious Congregations**

### **2002 Indemnity Agreement**

- 6.1** The decision that the State would establish a statutory redress scheme was made regardless of whether or not there would be contributions from other sources. However, in 2002, the Government reached agreement with the religious congregations that the congregations would make a contribution towards the cost of the redress scheme.
- 6.2** In return, the agreement provided that the State would indemnify the congregations against any legal actions which former residents might take against them. The indemnity would apply to those cases which would come within the remit of the scheme and in which proceedings commenced within a period of six years. The indemnity agreement was signed between the State and 18 religious congregations on 5 June 2002.
- 6.3** The Department's estimate at the time was that the total cost of the redress scheme would be in the region of €250 million and government policy was that the State and the congregations would have equal liability. On that basis, the agreement provided that the congregations would make a combined contribution of €128 million (inclusive of some past contributions).
- 6.4** At the end of 2015, €107 million of the €128 million contribution due from the congregations under the indemnity agreement had been received.

### **2009 Offer of Contributions**

- 6.5** In response to a call for further contributions in 2009 following the publication of the Ryan Report, the congregations offered additional contributions, including cash and property, which they valued at €352.6 million. The Department has advised that this offer was revised to €225.6 million in September 2015 following the decision by the Christian Brothers to withdraw their original offer of setting up a joint trust between the Edmund Rice Schools Trust and the Government for 49 school playing fields and associated lands which were valued at €127 million in 2009. The Christian Brothers have advised the Department of their intention to transfer the freehold title of these properties solely to the Edmund Rice Schools Trust.
- 6.6** The Department is currently in negotiations with the congregations regarding the transfer of cash, properties and other elements offered in the aftermath of the publication of the Ryan Report. This includes the proposed transfer by the Sisters of Mercy of properties which were valued at €107.5 million in 2009 to the health sector, voluntary bodies and the Residential Institutions Statutory Fund Board. Properties not required for public purposes are to be disposed of and the related cash proceeds paid over to the State.
- 6.7** The offers made by the congregations post 2009 and the amounts realised is set out in Figure 6.1.

**Figure 6.1 Congregation offers made and contributions realised post 2009**

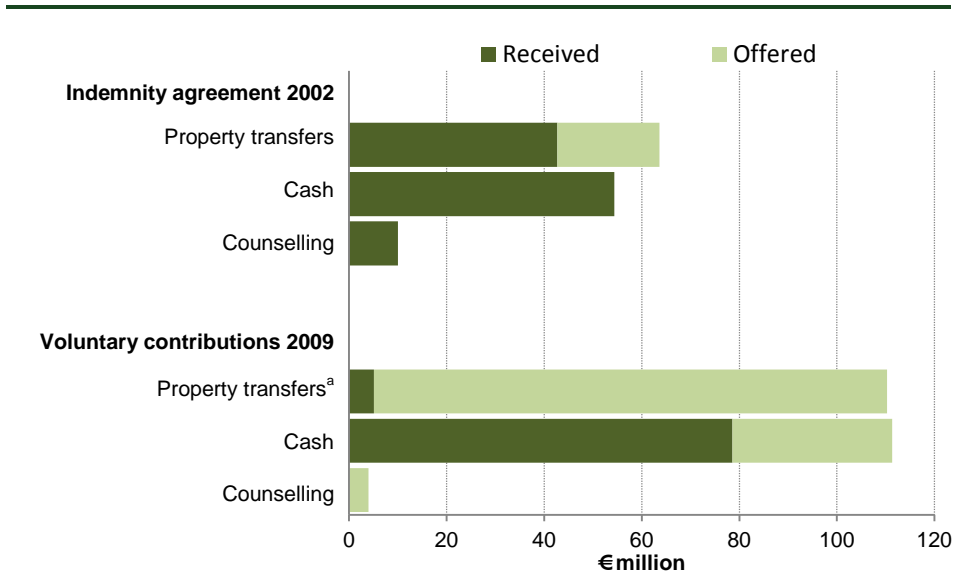
Congregations	Offers	Realised	Last receipt
	€million	€million	
Christian Brothers	34	10	2015
Sisters of Mercy	127.5	24.9	2015
Oblates	20.7	20	2013
Daughters of Charity	10	4	2015
Dominican Order	6.5	6.5	2010
Sisters of Charity	5	2	2013
Presentation Sisters	5	4	2010
Presentation Brothers	4.6	3.6	2013
Sisters of Our Lady of Charity	3	1.5	2012
Sisters of Nazareth	2	Nil	n/a
Daughters of the Heart of Mary	1.5	1.5	2010
Brothers of Charity	1.5	1.5	2010
Sisters of St Clare	1.3	1	2010
Sisters of St Louis	1	1	2010
Order of St John of God	1	1	2010
De La Salle Order	1	1	2013
Good Shephard Sisters	Nil	Nil	n/a
Rosminians	Nil	Nil	n/a
<b>Total</b>	<b>225.6</b>	<b>83.5</b>	

Source: Department of Education and Skills

## Contributions Received

- 6.8** In total, the congregations offered to provide contributions towards the costs of residential institution abuse redress of €353.6 million in the form of cash and property assets.<sup>1</sup>
- 6.9** Total contributions received from the congregations by the end of 2015 amounted to €192.7 million (including interest of €1.9 million earned on funds received) – €139.9 million in cash contributions, €10 million in counselling services provided and 48 properties valued at €42.8 million that have been fully and finally accepted by the State. This includes two properties offered voluntarily post 2009 following the Ryan Report. Appendix E sets out the contributions received from the congregations and the application of those contributions by the State.
- 6.10** Arrangements for a further 15 properties transferring under the Indemnity Agreement are under way at present. Appendix F sets out the details of the individual properties fully transferred and Appendix G gives details of properties yet to be transferred.
- 6.11** Figure 6.2 sets out the contributions offered and received from religious congregations at 31 December 2015.

<sup>1</sup> €128 million under the Indemnity Agreement and €225.6 million following the publication of the Ryan Report.

**Figure 6.2 Contributions offered and received at 31 December 2015**

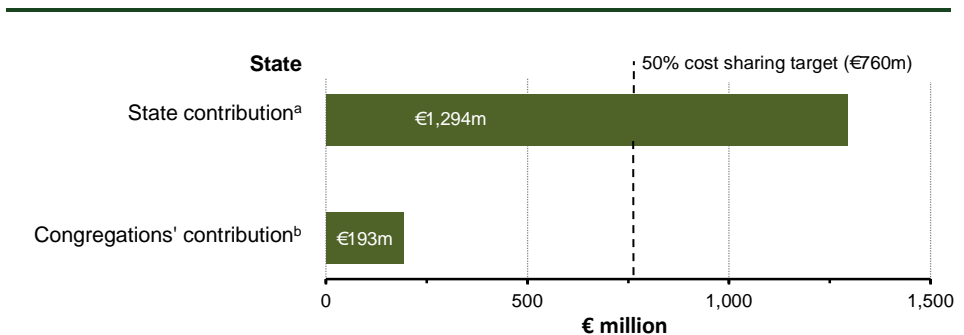
Source: Department of Education and Skills

Note a Excludes offer by Christian Brothers of properties valued at €127 million, subsequently withdrawn.

## Cost Sharing

**6.12** Government policy is to pursue a sharing of the costs on a 50:50 basis between the taxpayer and the congregations. To date, redress arrangements have cost in the region of €1.44 billion, with estimated future costs of €75 million – bringing total redress costs to €1.52 billion. On that basis a contribution of €760 million would be expected from the congregations.<sup>1</sup> Total contributions received from the congregations amount to €192.7 million.

**6.13** Figure 6.3 sets out the extent of contribution by the State and the congregations to the costs of €1,443 million incurred to the end of 2015 and the apportionment of anticipated final costs.

**Figure 6.3 Contribution by the State and the congregations at 31 December 2015**

Source: Department of Education and Skills

Note a The total cost of the child abuse inquiry and redress is €1,443 million of which €1,294 million was provided by the State.

b The total amount contributed of €193 million includes €85 million towards the Residential Institutions Statutory Fund Board (Caranua). €44 million of the €85 million provided was not expended at the end of 2015.





## 7 International Experience

- 7.1** Canada was the first country to commence a national redress scheme in 1993 for historical abuse of children. Since 2000, inquiries, redress schemes, and related responses to historical institutional abuse have been launched or completed in Australia, Belgium, Denmark, England and Wales, Finland, Germany, Iceland, the Netherlands, New Zealand, Northern Ireland, Norway, Scotland, Sweden and the United States.
- 7.2** Canadian and Australian jurisdictions have had considerable experience with redress schemes and Figure 7.1 compares some of the characteristics in a sample of three of these schemes with the Irish model.

**Figure 7.1 Comparison of Irish scheme with Canadian and Australian models**

Factors	Ireland	Canada <sup>a</sup>	Queensland Australia	Western Australia
<b>Term of scheme</b>	<b>2002-2015</b>	<b>2006-2015</b>	<b>2007-2010</b>	<b>2008-2011</b>
No. of institutions	139	139	159	156
No. of applicants	16,649	143,505	15,634	5,768
<b>No. of awards</b>				
<i>Flat rate<sup>b</sup> (% of cases)</i>	—	79,299 (70%)	7,453 (68%)	—
<i>Individualised rate<sup>c</sup></i>	15,562	33,196	3,492	5,302
<b>Award bands</b>				
<i>Flat rate</i>	—	€8,000 plus €2,500 for each year	€5,500	—
<i>Individualised rate</i>	0 to €300,000	€3,000 to €180,000	0 to €31,000	€4,000 to €35,000
<b>Average award</b>				
<i>Flat rate</i>	—	€17,000	€5,500	—
<i>Individualised rate</i>	€62,000	€74,000	€10,000	€18,000
<b>Total of awards</b>	<b>€970 million</b>	<b>€3 billion</b>	<b>€78 million (capped)</b>	<b>€93 million</b>
<b>Legal costs</b>	<b>15%</b>	<b>13%<sup>d</sup></b>	<b>4%</b>	<b>4%</b>

Source: Office of the Comptroller and Auditor General

- Note
- a Scheme refers to the Indian residential schools. Earlier Canadian redress schemes commenced in the 1990s.
  - b Flat rate was applied if an applicant could simply provide evidence of residency in a designated institution.
  - c Individualised rate payable was determined by assessment of severity of abuse by use of weightings and bands.
  - d Claimants received up to a maximum of 15% on top of their compensation award towards legal fees, for individualised claims only.



## 8 Conclusions and Recommendations

- 8.1** Academic studies of redress schemes in other countries have found that reports on the processes and/or outcomes regarding the lessons learned were lacking.<sup>1</sup> A *post hoc* evaluation would allow the State to build up knowledge and to inform potential future redress schemes and should assist departments developing future schemes in relation to
- scheme design and, in particular, measures to reduce litigation costs
  - accountability mechanisms
  - improved forecasting of estimated costs and
  - effectiveness in meeting intended objectives and outcomes.
- 8.2** Due to the cost and resources provided by the State, such an evaluation is particularly important to ensure that the public and the scheme beneficiaries are provided with full transparency and accountability for the scheme oversight and process.
- 8.3** The Redress Board did not have any powers to carry out a post evaluation report at the end of the process as it had no statutory authority under the Redress Act 2002 or in any amending legislation. The Redress Board, the Commission or the Department did not, as a matter of course and as the scheme progressed, set any performance parameters or baseline measures that could be used to inform any future such schemes.

### Redress Scheme

- 8.4** The final cost of the redress scheme must be viewed in the light of the substantial costs that may have been incurred if no such scheme had been put in place and if all cases had been processed through the normal courts process with resulting case logjams in the courts system. Ultimately, the Government did not set any financial limit for the cost of the redress scheme and its assessment of the State's final liability was informed by estimates of the scale of the likely number of claimants and probable awards provided by the Department of Education and Skills.<sup>2</sup>
- 8.5** The Department was unable to forecast the ultimate cost of the redress scheme. It initially estimated that a scheme of redress for survivors of child abuse in residential institutions would cost about €250 million and based its negotiations with the congregations on that estimate. At the end of 2015, the estimated cost of the redress scheme was €1.25 billion — about five times the amount anticipated initially. The total cost of the child abuse inquiry and redress at the end of 2015 is in excess of €1.4 billion and estimated further costs will increase expenditure to €1.5 billion.

<sup>1</sup> An academic study of Canadian and Australian redress schemes found that reports on the outcome of schemes, regarding lessons learned, were lacking in eight out of 15 schemes analysed. (Redressing Institutional Abuse of Children – Kathleen Daly published 2014).

<sup>2</sup> Report on the Accounts of the Public Services 2002 (Chapter 7).

**Recommendation 1.1**

The Department should ensure that a *post hoc* evaluation of the redress scheme is conducted to record the lessons learned in order to inform future such schemes. The evaluation should incorporate and compare international good practice in other countries and contrast and compare best practice. It would also be useful to examine the effectiveness of the supports provided to survivors and to survivor support groups, including the extent to which these initiatives are effective in meeting their intended objectives.

**Accounting Officer's response**

Agreed. It would be useful to commission a focused *post hoc* evaluation of the redress scheme in order to identify learning for the future. The Department will need to draw up the exact parameters for such an evaluation bearing in mind the respective roles of the Redress Board and the Commission and any legislative implications in carrying out this evaluation. The Department will also consider an evaluation into the effectiveness of the supports provided to survivors. However, given the sensitive and confidential nature of this service and the guarantee of confidentiality set out in the legislation, extreme care will need to be taken in carrying out such an evaluation.

**Department of Public Expenditure and Reform Accounting Officer's response**

Agreed. This Department fully endorses the need for a more coordinated, informed, client-centred, transparent and accountable approach to the planning, design and management of such schemes. This should include the undertaking of an effective post evaluation review in order to ensure that experience and learning is brought to bear on similar schemes in the future.

**Recommendation 1.2**

Now that the scheme is largely complete, the Department should reassess its original forecast methodology, to identify how such forecasting could be improved in future.

**Accounting Officer's response**

Agreed. The Department will examine its original approach to forecasting taking into account the different methodologies used, as reported in previous Comptroller and Auditor General reports, and the principal uncertainties in developing a more accurate forecasting model.

**Commission to Inquire into Child Abuse**

**8.6** When it was originally set up in 1999, the Commission to Inquire into Child Abuse was initially given a two-year timeframe to complete its work at a cost, estimated by the Department, to be in the region of up to €2.5 million. In the event, the final report of the Commission was not published until 2009 – ten years after establishment. The final cost of the Commission's work is estimated to be €82 million – about €80 million or 33 times more than initially envisaged.

**8.7** 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.<sup>1</sup>

<sup>1</sup> The Comptroller and Auditor General Special Report 67 (Chapter 3) in 2009 and the Commission's third interim report in January 2004 look in greater detail at the context and circumstances leading to the delay.

- 8.8** It is estimated that its business will not be completed until the end of 2016 at the earliest, over 14 years later than planned. In addition, the General Scheme of the Retention of Records Bill 2015 remains to be enacted which will remove the power of the Commission, the Redress Board and the Review Committee to determine the disposal of their records and to provide for the retention of their records with the National Archives.
- 8.9** By virtue of the fact that the vaccine trial inquiry did not proceed as it was found by the High Court to be *ultra vires* the Commission to Inquire into Child Abuse Act 2000, non effective expenditure of €2.6 million was incurred for the salary costs of a Commissioner, his legal team and related third party legal costs.

### Recommendation 1.3

The Department should conduct a post evaluation review on the establishment, functions and operation of the Commission and the factors that impacted on the timescale to complete its work with a view to lessons learned and to inform future commissions and inquiries.

#### Accounting Officer's response

Agreed.

### Religious Congregations' Share of Cost

- 8.10** Government policy is to pursue the sharing of the cost of redress on a 50:50 basis between the State and the religious congregations. The Department estimates that this would require the congregations to contribute €760 million towards the cost of redress. Total contributions offered by the congregations are €406 million less than this.
- 8.11** Under the 2002 indemnity scheme, the congregations entered a legal agreement to contribute €128 million. Nearly 14 years later, €21 million (16%) has still not been transferred to the State.
- 8.12** Following further consultations in 2009, the congregations offered to make additional contributions of €353 million in cash and property, subsequently revised to €226 million. Six years later, €85 million of the revised €226 million offered (38%) has been received by the State. There is no legal obligation regarding the outstanding €141 million. The timeline for receiving these contributions is not clear.

### Recommendation 1.4

The Department should actively pursue the outstanding balance of €21 million agreed under the Indemnity Agreement. Arrangements for the transfer of 15 properties with good and marketable title as at the end of 2015 and any other contributions offered post 2009 by the congregations should be concluded as soon as practicable.

### Accounting Officer's response

Agreed. Work is continuing to complete the legal requirements to finalise the transfer process of the remaining 15 properties under the terms of the Indemnity Agreement. The Department expects that a number of properties will be fully transferred under the Agreement in the next few months. The Department is continuing to actively engage with the Chief State Solicitor's Office who liaise with the solicitors for the congregations and the solicitors for the Health Service Executive.

Cash contributions offered by the congregations in 2009 are expected to be fully realised by 2018 and to date 86% of the amounts offered have been received. Property transfers are being actively progressed by the Department in association with the Chief State Solicitor's Office, the Health Service Executive etc. The transfers of a number of properties have been submitted to the Charities Regulatory Authority for authorisation as required under section 42 of the Residential Institutions Statutory Fund Act 2012. A number of other transfers will be submitted for such authorisation in the course of this year.

### Third Party Legal Fees

- 8.13** The Redress Board received 16,649 applications in total. A high proportion (98%) of applicants relied on legal advice when making an application. This was the case even though the burden of proof was lower than in court proceedings, in a scheme developed as an alternative to civil litigation. Third party legal fees represent €193 million or 15% of the costs of the redress scheme and €30 million or 38% of the Commission's total costs. The legal and related costs for cases that were settled in the High Court through the indemnity mechanism account for €5.7 million or 57% of the total costs. Outstanding legal costs remain to be settled for both the Redress Board and the Commission.
- 8.14** The Canadian and some of the Australian schemes sought to reduce third party legal costs by the adoption of a more straightforward administrative compensation claims process. A survivor merely had to prove that they were present in an institution to receive a set level of compensation. Further bands of payments for consequential harm and loss of opportunity could be further pursued which required a higher standard of proof and legal advice was obtained in those circumstances only.

### Recommendation 1.5

The Department of Public Expenditure and Reform should give consideration to lessons learned from other countries in seeking to reduce third party legal costs and for limiting as much as possible the adversarial nature of the process when designing future redress schemes.

### Department of Public Expenditure and Reform Accounting Officer's response

Agreed. It is obviously in the interests of the Exchequer to arrive at reduced third party legal costs in similar instances in the future. In the light of the incidence of high legal fees in the redress area and in tribunals and commissions of inquiry generally, the State has taken the initiative of reducing costs. For example, a cap has been placed on fees and a State Legal Costs Unit has been established within the State Claims Agency. This has succeeded in reducing costs. Unfortunately, most of the legal costs arising from the redress process had already been incurred by the time these initiatives were taken.

It would also be in the Exchequer's interest to limit the adversarial nature of the process and we would advocate general support for this concept. Consequently, the relevant experience of foreign administrations in this area should be considered.

In addition, it is noted that in Australia and Canada, a survivor merely had to prove that they were present in an institution to receive compensation. While the level of compensation involved in such individual cases is probably low, blanket access of this nature could result in the effort to drive down legal costs being completely nullified by higher overall expenditure on compensation payments.

- 8.15** The Redress Board sought to reduce the level of third party legal fees by the engagement of a legal costs accountant in cases that proceeded to taxation before a Taxing Master of the High Court. The Redress Board was unable to provide data on outcomes as the documentation for initial third party legal fee costs submitted for comparison to final settlements is contained on each applicant's manual file rather than held on the case management system.

#### **Recommendation 1.6**

When designing future redress schemes, public bodies should ensure that the IT system employed captures full relevant information from the outset, and on an ongoing basis, on all data regarding applicants and legal costs arising and incurred. The electronic capture of such data provides important management information and can be used as a baseline for future redress schemes and for evaluation, without the need for disclosure of claimants' details.

#### **Department of Public Expenditure and Reform Accounting Officer's response**

Agreed. The Department of Public Expenditure and Reform supports the recommendation that all data regarding applicants and legal costs arising and incurred should be captured from the outset and structured in such a way as to enable ease of reporting of any such transactions and costs. In doing so, public bodies should also be aware of data protection and related issues.

Additionally, and in line with the 'build to share' principle of the public service information and communications technology strategy, public bodies responsible for designing future redress schemes should consult with the Office of the Government Chief Information Officer regarding the potential to reuse or develop a case management system template that can be shared across public bodies.

### **Accounting and Audit Arrangements**

- 8.16** The special account records the funds provided by the Oireachtas and the congregations and the transfer of those funds to a suspense account to support the payment of awards and related costs. The circuitous accounting arrangements were put in place to ring-fence the redress funding for transparency and accountability. However, the special account financial statement and audit opinion is not laid before the Houses of the Oireachtas, is not available to the public and is not subject to examination by the Committee of Public Accounts.
- 8.17** The redress legislation does not require the Comptroller and Auditor General to report on the accounting records maintained by the Board and on the adequacy of the system of internal controls operated. By agreement with the Board, an audit opinion on these matters is provided and published with the Board's annual report.





---

## Appendices

---



**Appendix A Annual costs of the Commission to Inquire into Child Abuse**

Year	Commission legal costs	Third party legal costs	Direct administration costs	Indirect administration costs	Total costs at end of 2015
	€000	€000	€000	€000	€000
1999	–	–	328	–	328
2000	8	–	912	–	920
2001	263	–	1,472	–	1,735
2002	1,681	–	2,899	–	4,580
2003	1,979	283	2,611	–	4,873
2004	2,437	1,655	2,466	1,112	7,670
2005	2,635	382	4,664	45	7,726
2006	2,354	1,506	4,251	413	8,524
2007	1,746	2,736	2,902	–	7,384
2008	1,222	11,335	3,066	–	15,623
2009	363	882	2,321	4	3,570
2010	28	1,129	1,104	–	2,261
2011	23	1,166	984	–	2,173
2012	5	324	966	–	1,295
2013	8	1,956	852	–	2,816
2014	–	6,449	719	–	7,168
2015	–	407	883	–	1,290
<b>Total</b>	<b>14,752</b>	<b>30,210</b>	<b>33,400</b>	<b>1,574</b>	<b>79,936</b>

Source: Department of Education and Skills

**Appendix B Annual costs of the Residential Institutions Redress Scheme**

Year	Redress awards paid	Legal and Medical costs	Direct administration costs <sup>a</sup>	Indirect administration costs <sup>b</sup>	Total costs at end of 2015
	€000	€000	€000	€000	€000
2003	29,946	987	5,693	2,056	38,682
2004	131,878	9,406	5,084	1,148	147,516
2005	158,262	30,080	6,181	1,092	195,615
2006	153,296	27,557	6,057	1,018	187,928
2007	141,087	32,401	7,676	879	182,043
2008	123,308	28,318	7,555	815	159,996
2009	66,753	21,102	6,426	730	95,011
2010	31,750	8,577	5,368	736	46,431
2011	30,296	7,915	4,439	655	43,305
2012	27,460	6,665	4,076	703	38,904
2013	33,577	8,688	4,577	616	47,458
2014	35,898	11,558	3,741	598	51,795
2015	5,079	5,654	2,289	590	13,612
<b>Total</b>	<b>968,590</b>	<b>198,908</b>	<b>69,162</b>	<b>11,636</b>	<b>1,248,296</b>

Source: Department of Education and Skills

Notes: a Expenditure by the Board during 2002 is included with the 2003 figure. The amounts expended include the Review Committee costs totalling €9.2 million.

b These are the estimated costs of the Redress Unit in the Department of Education and Skills.

**Appendix C 24 legal firms paid in excess of €1 million in legal costs for the years 2003 to 2015**

Legal Firm	Costs in support of an application €m	High Court costs €m	Total legal costs to end of 2015 €m	Number of cases
Michael E Hanahoe	15.81	2.93	18.74	1,097
Peter McDonnell & Assoc.	16.48	0.06	16.54	2,001
Byrne Carolan Cunningham	14.15	0.41	14.56	1,209
Lavelle Coleman	11.69	1.87	13.56	1,054
Burns Kelly Corrigan	10.28	0.01	10.29	1,014
Murphy English & Co	9.73	0.35	10.08	683
Hodge Jones & Allen	5.53	0.00	5.53	533
McMahon Solicitors Ltd	4.94	0.04	4.98	397
Matthew Gold & Co	4.73	0.01	4.74	340
Paul W Tracey	4.63	0.06	4.69	590
Margaret Campbell	4.42	0.17	4.59	417
Madden & Associates	3.34	0.35	3.69	306
Rosario Lee & Co	3.20	0.30	3.50	181
Pearse Mehigan & Co	3.17	0.31	3.48	295
Frank Ward & Co	3.40	0.05	3.45	213
Declan Duggan & Co	2.84	0.00	2.84	197
Eamon Murray & Co	2.75	0.02	2.77	250
McMahon O'Brien Tynan	2.51	0.03	2.54	265
MacGuill & Co	2.04	0.12	2.16	157
Ferrys	1.53	0.19	1.72	171
Linder Myers	1.53	0.00	1.53	125
Patrick Mann & Co	1.27	0.18	1.45	112
Wolfe & Co	0.89	0.40	1.29	50
Michael Lanigan & Co	1.05	0.13	1.18	168
<b>Total</b>	<b>131.91</b>	<b>7.99</b>	<b>139.90</b>	<b>11,825</b>

Source: Residential Institutions Redress Board

---

**Appendix D List of contributing congregations**

---

Congregation of the Sisters of Mercy (South Central Province)  
Congregation of the Sisters of Mercy (Northern Province)  
Congregation of the Sisters of Mercy (Western Province)  
Congregation of the Sisters of Mercy (Southern Province)  
Daughters of Charity of St Vincent de Paul  
Congregation of Christian Brothers  
Congregation of Our Lady of Charity of the Good Shepherd  
Congregation of the Presentation Brothers  
Institute of Charity (Rosminians)  
Congregation of Oblates of Mary Immaculate  
Hospitaller Order of St John of God  
Religious Sisters of Charity  
Congregation of the Sisters of Our Lady of Charity Refuge  
Congregation of the Sisters of St Clare  
Institute of St Louis  
Union of the Presentation Sisters  
Institute of the Brothers of the Christian Schools (De La Salle)  
Dominican Friars' Order of Preachers  
Daughters of the Heart of Mary  
Congregation of the Brothers of Charity  
Congregation of the Sisters of Nazareth

---

Source: Indemnity Agreement of 5 June 2002

**Appendix E Contributions received from congregations and application of those contributions by the State as at 31 December 2015**

	Total	cash	of which: property transfers	counselling services	Number of properties
	€m	€m	€m	€m	
<b>Total contributions received</b>	<b>190.8</b>	<b>133.0</b>	<b>47.8</b>	<b>10.0</b>	<b>48</b>
Interest earned	1.9	1.9	–	–	–
<b>Total contributions available</b>	<b>192.7</b>	<b>134.9</b>	<b>47.8</b>	<b>10.0</b>	<b>48</b>
<b>Application of contributions available</b>					
RIRS special account	42.3	42.3	–	–	–
Education Finance Board	12.7	12.7	–	–	–
Residential Institutions Statutory Fund Board	84.9	84.9	–	–	–
Counselling services	10.0	–	–	10.0	–
Local authorities	12.4	–	12.4	–	5
Department of Education and Skills	9.0	–	9.0	–	9
Health Service Executive	7.4	–	7.4	–	20
Housing associations	5.2	–	5.2	–	4
Other organisations (10)	8.8	–	8.8	–	10
<b>Total application of contributions</b>	<b>192.7</b>	<b>139.9<sup>a</sup></b>	<b>42.8</b>	<b>10.0</b>	<b>48</b>

Source: Department of Education and Skills

Note: a The Sisters of Mercy offered 13 properties after 2009 which were not accepted by the State. The properties were sold by the congregation and the cash proceeds of €5 million were treated as a contribution to the Residential Institutions Statutory Fund. This accounts for the switch between cash and property in the table.

**Appendix F 46 properties transferred by congregations under the 2002 Indemnity Agreement**

Transferor	Address of property	Valuation in 2002 €	Transferee
Christian Brothers	23 Parnell Square, Dublin 1	1,270,000	Office of Public Works
	11 acre site at Virginia Road, Kells, County Meath	825,000	Department of Education and Skills
	0.28 acre site at Dolphin Pk, Crumlin, Dublin 6	250,000	Dublin City Council
Daughters of Charity	Travellers site at Blackrock, County Dublin	3,045,000	Dun Laoghaire Rathdown County Council
	St Teresa, Temple Hill, Blackrock, County Dublin	3,045,000	Alzheimer Society
Hospitaller Order	2 Moyle Crescent, Clondalkin, Dublin 22	325,000	Eastern Regional Health Authority
	28 The Woodlands, Celbridge, County Kildare <sup>a</sup>	270,000	Eastern Regional Health Authority
Presentation Sisters	Presentation Convent Hospital, Limerick	254,000	Hospital Voluntary Housing Association
	Terenure secondary school, Dublin 6	4,500,000	Department of Education and Skills
	Presentation Convent Hospital Limerick	175,000	Department of Education and Skills
Rosminians	Roseboro, 2 Firgrove Gardens, Bishopstown, Cork	292,100	Southern Health Board
	Gentili, Farahoe, Innishannon, County Cork.	228,600	Southern Health Board
	4 The Hawthorns, Macroom Road, Bandon, Cork	215,900	Southern Health Board
	5 Avondale Drive, Bandon, County Cork	190,500	Health Service Executive
Sisters of Charity	Site at Merrion, Dublin 4	8,900,000	Dublin City Council
	St Anne's secondary school	2,600,000	St Vincent de Paul
	Avondale, Waterford Road, Kilkenny	330,000	South Eastern Health Board
	Site at Long Mile Road, Walkinstown, Dublin 12	325,000	Walkinstown Association for Mentally Handicapped
Sisters of Mercy	Two properties at Tuam, County Galway	3,020,000	Cluid and GAMHC
	Holy Cross Gardens, Killarney, County Kerry	1,270,000	Cluid Housing
	Goldenbridge Group Homes	1,269,700	Eastern Regional Health Authority
	Secondary school and site at Ennistymon, County Clare	980,000	Department of Education and Skills
	Mount St Joseph, Passage West, County Cork	914,210	Southern Health Board
	Doon, County Limerick	640,000	Department of Education and Skills
	Convent at Newport, County Mayo	635,000	Dominic Housing Association
	Convent land at Barrack St, Limerick	625,000	Irish Wheelchair Association
	Site at Glenamaddy, County Galway	600,000	Department of Education and Skills
	Building and site at Edgeworthstown, County Longford	598,045	Department of Education and Skills
	St Colemans, Rushbrooke, Cork	571,380	Southern Health Board
	Nursery buildings Goldenbridge, Dublin 12	570,000	Health Service Executive
	59 Hollybank Road, Drumcondra, Dublin 9 <sup>b</sup>	570,000	PACE
	Mohill Community School site, County Leitrim	520,000	Department of Education and Skills
	6 Mount Vincent Terrace, O'Connell Ave, Limerick	400,000	Mid Western Health Board
	The Vineyard, Rathdrum, County Wicklow	349,250	Health Service Executive
	Vacant buildings and land at Rathdrum, County Wicklow <sup>c</sup>	349,200	Eastern Regional Health Authority
	1 Garravogue Road, Raheen, County Limerick	228,550	Mid Western Health Board
	Airne Villa, Rock Road, Killarney, County Kerry.	221,615	Southern Health Board
	Gate lodge, Goldenbridge, Dublin 12	220,000	Dublin City Council
	Deenagh House, Killarney, County Kerry	215,265	Southern Health Board
	24 Westcourt, Tralee, County Kerry	184,110	Southern Health Board
	Playing field at Carna County Galway	175,000	Department of Education and Skills
	23 Woodlee, Tralee, County Kerry	152,370	Southern Health Board
	Belmullet, County Mayo	140,000	Irish Wheelchair Association
	15 The Willows, Mallow, County Cork	114,280	Southern Health Board
	Ballina, County Mayo	38,000	Western Care Association
	Ballymote, County Sligo	38,000	Ballymote Childcare Association
<b>Total transferred</b>		<b>42,650,075</b>	
Source:	Department of Education and Skills		
Notes:	a	Sold for €280,000 in 2008	
	b	Sold for €440,000 in 2011	
	c	Sold for €125,000 in 2013	



---

**Appendix F – continued**


---

**Current use of a sample of nine properties transferred under the Indemnity Agreement**


---

Transferor	Address of property	Valuation in 2002 €	Transferee / current or planned use
Christian Brothers	23 Parnell Square, Dublin 1	1,270,000	<b>Office of Public Works</b> Dublin City Council - part of Parnell Square cultural quarter
	11 acre site at Virginia Road, Kells, County Meath	825,000	<b>Department of Education and Skills</b> A replacement school due to be built as part of PPP project, commencing in summer 2016
Daughters of Charity	Travellers site at Blackrock, County Dublin	3,045,000	<b>Dun Laoghaire Rathdown Council</b> Six grouped houses traveller accommodation
	St Teresa, Temple Hill, Blackrock, County Dublin	3,045,000	<b>Alzheimer Society</b> Offices and day care centre
Presentation Sisters	Terenure secondary school, Dublin 6	4,500,000	<b>Department of Education and Skills</b> City of Dublin Education and Training Board — Presentation Community College
Sisters of Charity	Site at Merrion, Dublin 4	8,900,000	<b>Dublin City Council</b> 100 accommodation units for senior citizens
	St Anne's secondary school	2,600,000	<b>St Vincent de Paul</b> Sheltered housing consisting of 31 apartments
Sisters of Mercy	Two properties at Tuam, County Galway	3,020,000	<b>Cluaid and GAMHC</b> Assisted accommodation and day care centre
	Secondary school and site at Ennistymon, County Clare	980,000	<b>Department of Education and Skills</b> New school construction due to start in 2017

---

Source: Department of Education and Skills. Analysis by the Office of the Comptroller and Auditor General.

**Appendix G Properties yet to be transferred by congregations under the 2002 Indemnity Agreement as at 31 December 2015<sup>a</sup>**

Transferor	Transferee(s)	Number of properties	Valuation in 2002
			€
Sisters of Mercy	Department of Education and Skills and the Health Service Executive	5	8,970,700
Rosminians	Health Service Executive	6	6,083,300
Brothers of Charity and Sisters of Charity	Health Service Executive	2	4,190,500
Christian Brothers	Department of Education and Skills	2 <sup>b</sup>	1,525,000
<b>Total amount to be transferred</b>		<b>15</b>	<b>€20,769,500</b>

Source: Department of Education and Skills

Notes: a Property valuations were provided by the congregations and cannot be confirmed until the formal transfer of the property is completed.

b The formal transfer of one of these properties was completed on 25 January 2016.

---

## Appendix H Prohibition on disclosure of information

---

### Section 28 of the Residential Institutions Redress Act 2002

(1) A person (including the Board and the Review Committee) shall not, subject to this section, disclose information other than the information specified in *subsection (4) or (5)* that is provided to the Board or the Review Committee and obtained by that person in the course of the performance of the functions of the person under this Act.

(2) A person referred to in subsection (1) shall disclose information so referred to for the purpose of the performance of the functions of the person under this Act.

(3) Documents that are

(a) provided to or prepared by the Board and where appropriate the Review Committee, or

(b) prepared by a person for the Board or the Review Committee in the course of the performance of the functions of such person as a member of the Board, Review Committee, a member of the staff of the Board or the Review Committee or an adviser,

shall not constitute Departmental records within the meaning of section 2(2) of the National Archives Act 1986 .

(4) The Board shall keep a record of the following information

(a) the name, address and date of birth of an applicant

(b) the name of the institution concerned

(c) the period in which the applicant was resident at the institution, and

(d) the amount awarded to the applicant under this Act

and such records shall be available to the Minister for the purposes of section 13 (13) and to any party against whom proceedings are initiated contrary to section 13 (12).

(5) Notwithstanding subsection (1) or any other provision of, or an instrument made under, a statute or any other rule of law, a person shall disclose information other than the information specified in subsection (4) that is provided to the Board or the Review Committee and obtained by that person in the course of the performance of the functions of the person under this Act to—

(a) a member of the Garda Síochána if the person is acting in good faith and reasonably believes that such disclosure is necessary in order to prevent an act or omission constituting a serious offence, and

(b) to an appropriate person (within the meaning of the Protections for Persons Reporting Child Abuse Act 1998) if the person is acting in good faith and reasonably believes that such disclosure is necessary to prevent, reduce or remove a substantial risk to the life or to prevent the continuance of abuse of a child.

(6) A person shall not publish any information concerning an application or an award made under this Act that refers to any other person (including an applicant), relevant person or institution by name or which could reasonably lead to the identification of any other person (including an applicant), a relevant person or an institution referred to in an application made under this Act.

(7) The Board shall, prior to the making of an order under section 3 (3), determine the disposal of the documents concerning applications made to it.

(8) The Review Committee shall, prior to the making of an order under section 14 (3), determine the disposal of the documents concerning applications made to it.

(9) A person who contravenes subsection (1) or subsection (6) shall be guilty of an offence.

