

Meeting with Representatives of Survivor Groups/Former Residents

1. The Minister for Education and Skills and senior officials from his Department met 20 representatives from 11 organisations representing survivor/former residents on the 22 July 2011. A list of the representatives and their organisations is attached. The meeting lasted approximately from 10.00 am to 12.15pm.

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

- The State responded to residential institutional abuse through a range of measures – the Commission to Inquire into Child Abuse had been established so that the claims of abuse could be investigated and the story told; the Residential Institutions Redress Board was established so that redress could be paid without going through the courts; it funded the National Counselling Service and the Origins Tracing Service and it introduced the legislation to underpin the Education Finance Board. The Ryan Report sets out a series of recommendations and the Government is committed to implementing these recommendations.

- Following the publication of the Ryan Report the religious congregations were asked to make a further contribution against the backdrop of the State having funded virtually all of the costs. In the congregations' initial responses they offered some €110m in cash as well as some property. The previous Government had decided to use the €110m cash to establish a statutory fund to benefit victims of residential institutional abuse.

- While certain decisions were made by the previous Government over a year ago, much work has been undertaken since then including consideration of the property offers by congregations and the consultation regarding, and preparation of legislation for, the proposed Statutory Fund. The Government, which took up office in March, has considered the whole issue and have taken a number of decisions. These include the decision to proceed with the establishment of a Statutory Fund to provide ongoing support for survivors, the enactment of legislation to facilitate the closure of the Redress Board, the memorial recommended in the Ryan Report to advance to competition stage and the Government is also committed to continue to press the congregations to meet a 50:50 share of the costs.

- A consultation process was undertaken last year in relation to the proposed Statutory Fund and a number of the groups/survivors including a significant input from UK survivors contributed to that process. The consultation process identified a range of views in relation to the establishment of a Statutory Fund including some views that the money should just be paid directly to former residents. However it also highlighted the fact that survivors continue to have

many needs such as housing, medical services and so on. The views were considered carefully and the Government decided to proceed to establish the Fund. The draft Scheme sets out the main features of the Bill and any comments/submissions made on the General Scheme would be welcome and will be considered. It is the intention that the draft Bill itself will be published in the autumn and enacted by the end of the year.

- The key features of the proposed Fund are as follows:

Its focus will be solely on former victims and eligibility will be confined to those who received an award from the Redress Board or those who received an award following a court decision or settlement who would otherwise have received an award from the Redress Board.

The Fund will be able to provide services itself or in effect commission public agencies to provide specific services across a range of areas. These services include counselling, psychological support services and mental health services, educational services and housing services with other services being added if required;

Funding for survivor groups currently provided by the Department of Education and Skills for the provision of information and referral services will cease. Provision has been made for the Statutory Fund to consult with those affected by the performance of its services and it will be open to the Fund to consider funding services to abuse victims including services provided by groups,

The Fund will be easy to access and provision is being made to allow the Redress Board to notify the Fund of the name, address and date of birth of award recipients so that applicants to the Fund will not be required to produce evidence of their residence in a scheduled institution again.

- It is intended that existing support measures such as the National Counselling Service and the Origins Family Tracing Service will continue to be available to help survivors.

- In total some €110m will be available to the Fund. Already congregations have paid €21.05m of this amount. A number of congregations had advised that they would make their contributions once they had sight of the proposals for the Fund and it will take a number of years before the full contribution is paid into the Fund. However, the €21m is more than sufficient to enable the Fund itself to be established and to commence its work of supporting survivors.

- The previous Government raised the issue of congregations meeting 50% of the cost of the response to abuse which is expected to reach €1.36bn. However, the offers from the 18 congregations to date are significantly short of the €680 million needed to meet half the costs. A meeting with the congregations is scheduled for this afternoon to impress upon them the need to share the costs with the taxpayers.

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

4. Christine Buckley (Aislinn), said that her Group were extremely pleased with the proposed Statutory Fund. She said that counselling and education greatly reduced recidivism and that the tracing service provided by Barnardos has made a real difference to survivors. Survivors have reservations about the Faoiseamh counselling service and there are waiting lists of up to 7-8 months for counselling with the National Counselling Service due to a number of vacancies. She was glad that the membership of the Statutory Fund could include people who have expertise in the counselling area. In relation to the Statutory Fund there is nothing about repatriation in the Bill and some former residents would like to come back and live their remaining days in Ireland. She was happy to see that housing, dental care and health issues for survivors had been considered.

5. Francis Treanor (Right of Place – Second Chance) said that it was the collective decision of his organisation that it did not want the Statutory Fund. However, as the Government has decided to proceed with the Statutory Fund he had advised Right of Place that it should contribute to the discussion on the Bill and he was now doing that and he welcomed the opportunity to make submissions. He noted that it appeared that the Bill would replace the statutory entitlements of survivors and this was an issue of great concern. Right of Place now operates in 5 regions and they are now dealing with the legacy issues of the Redress system. Many survivors were dissatisfied with the way they were treated by the Redress Board and as a result are now suffering greatly. The Redress Board had told survivors that they could get lower awards if they sought a review and the survivors felt that they had no option but to accept the award.

Finally, he pointed out that it is important going forward that all survivors are treated as equal in everything and that the supports and skills training that they need would be provided. He urged that all survivor groups work together with the common purpose of ensuring that the needs of survivors are met.

The Minister then clarified that no existing statutory entitlements are being removed and explained that the Fund will be able to provide services itself or in effect commission public agencies to provide services. The Fund will also have regard to publicly available services.

6. Michael Waters (SOCA UK) said it was pleasing to hear the approach of the Government and noted that the Minister had answered many of his questions in his opening remarks. He pointed out survivors living in other countries outside of Ireland and the UK have to pay for medical care and treatment. He felt that survivors living outside of Ireland in some cases were not members of any group and many survivors living all over the world are not being kept up to date. SOCA UK is keeping them updated on the information as it becomes available. Many are experiencing extreme hardship with the downturn in the economy. How are they going to pay bills? It will be after Christmas before the Statutory Fund is established and he would like something tangible to be done now. He raised the possibility of getting financial support for survivors out of this fund now. He would also have a concern with the Fund itself. He said that the new

deal with the Religious started two years ago and the congregations have paid only €21m. Will the religious fulfil their obligation and pay the €110m? Would it be possible to apply pressure to get all the money into the account now?

7. Peter Stanton Irish SOCA asked if it was possible to get a copy of the Minister's speaking notes and a copy was provided to all representatives at the meeting.

John Kelly also Irish SOCA welcomed the recent work being undertaken by Minister Fitzgerald and Minister Shatter in relation to the protection of children. As regards the Statutory Fund, his group are currently doing a questionnaire in relation to the Fund which will be circulated to their members. He said that the survivors wanted money but that the decision has been made and they respect that. He expressed concerns about how staff might be recruited to the Fund and that it cannot go the route of the Education Finance Board. The application process in the EFB is cumbersome. He also suggested that a "universal card" could be used whereby each survivor would get credits with a limit of say €10,000 and that the survivors themselves could use these credits on any family member. He felt that this system would be the fairest option and would give the survivor the choice.

In relation to the funding of groups he agreed that funding should come to an end so that the process of closure for survivors could start. He said that his group had applied for retrospective funding and had produced the receipts but that the Department staff had applied unbelievable tactics in dealing with his group.

8. Paddy Doyle said that former residents were posting comments on his website and the vast majority were opposed to the Statutory Fund. He himself was simply an advocate on behalf of survivors and was neither for or against the Fund. Every person will have a bigger degree of disability as they get older and all medical entitlements are already there. Some survivors will have greater needs than others and how will the Board deal with this imbalance? With regards to the funding of groups he said that he would like to have a breakdown of all the funding that was provided to groups.

9. Sally Mulready (Irish Womens Survivors Support Group) raised the issue of the eligibility criteria for the proposed Statutory fund. She said that all applicants who were eligible to apply to the Redress Board should be entitled to apply to the Fund. Applicants to the Redress Board who were rejected on the grounds of being late should not be excluded. It is important to promote and advertise the Statutory Fund. Also she noted that funding of groups including the Outreach Services will cease once the Statutory Fund is set up.

10. Tom Hayes (Alliance) also echoed the point already made regarding applicants who were rejected by the redress Board. He said that Alliance use the statutory bodies for services for survivors. Many survivors say that groups claim to be representing them but they are not doing so. In relation to survivors living in NI and the UK his group would be concerned that any services provided by the

Fund would negatively impact on means tested benefits already available to survivors. Survivors in the UK and NI must inform social services of any change in circumstances when claiming benefits.

In relation to the funding of groups he questioned whether the funding of Aislinn and Right of Place by the HSE would cease. Some groups were receiving vast amounts of money from the Religious and paid salaries. He said that people must never be salaried and that groups had grown into a cottage industry. There should be no hierarchy of survivors. Right of Place had been given money to look after survivors including members of the travelling community: Alliance now trying to assist these people. He noted that the funding of groups would cease but suggested that expenses should be payable.

11. Michael O'Brien (Right to Peace) congratulated the Minister on his appointment. He said that it is now twelve years since the issue of abuse was first raised and survivors were not believed until the Ryan Report was published. Nothing has been done since then. Survivors now want closure. Some survivors are living on the streets in England and repatriation is important. He noted that in the case of the Education Finance Board a huge number of relatives of survivors are availing of grants. He said that it is important that the Fund is advertised properly and he welcomed also the fact that the funding of groups should cease. He suggested that centers in the UK should also close. He also raised the issue of confidentiality for survivors when applying for services. Survivors would not want those working in local authorities for example to know that they had got an award. Finally he said that the closing date for applications to the Redress Board should be advertised so that former survivors would not lose out.

The Minister said in response that he had met with the Redress Board regarding the closing date and impressed on the Chair the need to advertise the closure. He suggested that survivors could contact the Board directly with any advice in relation to the advertising of the closure.

12. Sean Leonard (Justice and Healing for Institutional Abuse) welcomed the Taoiseach's recent comments in the wake of the publication of the Cloyne Report. He expressed concerns regarding the Education Finance Board and noted that only a small percentage of survivors themselves had availed of grants. They felt that it had now become a competition between the Religious and the State. Did the Government pay too much and the Religious not enough? The State was 100% culpable and the Religious were 100% responsible. The Redress Scheme was a total disaster and survivors were told that they could get lower awards if they appealed or could lose more if they

went to court. The legals had made a fortune out of the Scheme. In relation to accessing the Fund, he did not think it was necessary for the Redress Board to notify the fund of the name address etc. of award recipients as the Department had already got this information. He noted that in general survivors were poorly treated when interacting with Government departments. Finally, he made reference to the 153 former members of the Hyde Park laundry that were exhumed.

The Minister noted that details of the awards received by any recipient would not be made available to the Fund.

13. Tom Cronin (Irish Survivors of Institutional Abuse) noted that the €110 million cash offer by the Religious Orders was for the proposed Statutory Fund with the balance going to the State. He said that the 50/50 contribution meant very little to survivors. The Government and the religious have a duty of care to survivors to ensure that the supports they need are provided. Survivors were disillusioned and disappointed with the size of awards given by the Redress Board. Some survivors had borrowed on the strength of awards. The State must now deal comprehensively with survivors and most survivors want a lump sum. The fund is being set up and survivors are not being given a choice. They should be given a choice. They should also be given some form of a pension which they are entitled to. He also expressed dissatisfaction with the Education Finance Board and said that the Statutory Fund should not operate in the same way. The Statutory Fund must be user friendly and be there for survivors.

14. Jennie Mc Shannon (Federation of Irish Societies) outlined the role of the Federation in the UK. The service which is funded by the Department of Education and Skills will assist the survivors to make submissions to the Statutory Fund. She questioned whether there is provision in the Bill for payment directly to service providers. She also raised the question of means tested benefits in the UK and NI as raised earlier by Alliance In relation to the closure of the Redress Board she said that they would be happy to discuss the advertising of the closing date with the Redress Board. They will make submissions on behalf of the survivors in the UK on the proposed bill.

15. Christine Buckley responded to criticism of groups made earlier and said that neither she nor Carmel McDonnell Byrne receives a salary. Aislinn caters for 165 to 180 people 4 days a week and has two paid staff, neither of whom is a survivor.

The Minister thanked all the representatives for coming to the meeting. He made concluding remarks as follows:

- He will listen to comments and take submissions on the proposed bill.
- If he rejects submissions, he will tell them why he rejected them
- He will take into account issues such as the need for a simple application process, user friendliness, etc.
- He shared the wish of survivors to move on in relation to the issues involved.
- It is envisaged that the Bill will be published in the Autumn and enacted by the end of the year.

Finally, he noted that he would be meeting with the congregations in the afternoon.

The meeting then concluded.