

# RYAN REPORT FOLLOW-UP

Submission to the United Nations Committee  
Against Torture

Session 61

By



June 2017

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Reclaiming Self (CLG) is a not for profit organisation. We are a voluntary group of advocates, survivors, psychologists, academics, service providers and solicitors. We aim to provide a number of services for victims of historical institutions in the near future. Bringing the results of our research into the public domain is a core function of our organisation, with the goal of informing society in general and, in particular policy makers about the plight of this community of Irish men and women. Our premises and website are currently under development. This is our first publication.

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“The redress board and the commission were intended to be non-adversarial but they ended up causing further abuse and undermined the survivors...The redress scheme was supposed to minimise the distress caused to our survivors but in many cases it added to the hurt. Some felt further trauma because the abuse they suffered was not sufficiently recognised. They felt pushed into accepting settlements they believed to be insufficient and were then legally gagged from talking about the matter. They were further traumatised through the commission...They (religious orders) trampled over the survivors by challenging, denying and obstructing the process. Protecting the orders was put before the abuse of the victims.

The abuse, neglect and disregard of our survivors must end now.”<sup>1</sup>

*Deputy, John Gormley*

“The scheme is meant to enable people live a fuller life, but the way it’s run, it’s disabling people. It’s abuse, again. We should be treated as citizens, with the dignity and respect we lost in our childhood.

*David Dineen, Victim*

This report has been written by:

AnneMarie Crean, Founder of  
Reclaiming Self CLG  
Fionna Fox, Solicitor (pro bono)  
on behalf of **Reclaiming Self, CLG**

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<sup>1</sup> Deputy John Gormley remarks at the Ryan Report Dail Debate, June 2009.

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## Section 1

### 1.1 Executive Summary

The Commission to Inquire into Child Abuse (CICA) (2009)<sup>2</sup> was established with regard to the principles of the ‘Truth and Reconciliation Commission’ paradigm which was utilised in South Africa.<sup>3</sup> However both the State and Church failed to fully provide both ‘truth’ and ‘reconciliation’ to victims due to the continued denial of abuse by Religious Orders, the use of pseudonyms to protect the identity of named abusers, and the failure to prosecute on foot of allegations of abuse. The failure to investigate and prosecute abusers has had the effect of denying victims justice and healing.

The continued culture of secrecy, lack of transparency and accountability has been facilitated by legislation and operations that claim to be ‘victim’ orientated. The lack of accountability, identified in the report by Holohan (2011),<sup>4</sup> enables abuse to go unchecked and unresolved, as each Government passes the problem on to the next or employs quick fix measures to create the appearance that action is being taken.

‘Power’ is a central facet to victim rehabilitation. Unfortunately, within the remit of institutional child abuse there is a continual imbalance of power dynamics between victims and State, particularly visible through the State’s continued dismissal of victim’s concerns.

The history of treatment of victims by the State and handling of abuse scandals demonstrate the failure of the State to address the care and treatment of those affected by the systemic abuse they encountered as children and the impact this has on their lives.

The State’s apology to the victims in 1999 though meaningful at the time, has been undermined in the face of cover-ups and an indemnity deal that protected the institutions implicated while victims were not permitted to name those who abused them. Legal and

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<sup>2</sup> CICA ‘Commission to Inquire into Child Abuse’, also known as the ‘Ryan Report’, is a 5 volume piece of research documenting the abuses experienced by survivors of institutional child abuse in Ireland. It was established on foot of the Commission to Inquire into Child Abuse Act, 2000. Available at <http://www.irishstatutebook.ie/eli/2000/act/7/enacted/en/pdf>

<sup>3</sup> Powell, F. W & Scanlon, M. (2015) *Dark secrets of childhood: Media power, child abuse and public scandals. Policy Press: University of Bristol.*

<sup>4</sup> Holohan, C. (2011) *In Plain Sight. Amnesty International Ireland.* Available at <https://www.amnesty.ie/in-plain-sight/>

administrative procedures designed to provide justice and reparation had the effect of re-victimising and further traumatising some victims.

Today thousands of victims have received neither compensation nor rehabilitative measures. Victims at the Redress Board<sup>5</sup> hearing voiced concern over their treatment and the failure of the scheme to understand their experiences and life outcomes.

Those who were deemed entitled to redress are often left with no support from the State, to engage with what passes as rehabilitation, in the form of Caranua. This organisation has been accused of re-abusing victims. However, the State has failed to scrutinise this organisation, repeating behaviour of inaction that allowed systemic abuse to foster in the past.

It is submitted that the State has not properly explored and addressed the effect of institutional child abuse that exists in and between many victim families, and also to fully acknowledge the cycle of institutionalism that exists in and between some victim families.

The high rates of premature mortality of victims, as well as an indication of the level of suicide rates as a result of institutional abuse have not been fully explored and addressed by the State. A noted recommendation of the ‘Institutional child sexual abuse and suicidal behaviour: Outcomes of a literature review, consultation meetings and a qualitative study’<sup>6</sup> in 2007 was:

... a lack of studies addressing the relationship between institutional child sexual abuse and suicidal behaviour and related mental health difficulties, as well as protective factors. Future research should focus on the effects of child sexual abuse perpetrated by both adults and by peers.<sup>7</sup>

There have been a number of shortcomings of the Implementation Plan (2009)<sup>8</sup> regarding the welfare and protection of children in care, children from minorities, and homeless children.

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<sup>5</sup> Redress Board, refers to scheme outlined under Residential Institutions Redress Act, (2002). Available at <http://www.irishstatutebook.ie/eli/2002/act/13/enacted/en/pdf>

<sup>6</sup> O’Riordan, M. & Arensman, E (2007) “Institutional Child Sexual Abuse and Suicidal Behaviour: Outcomes of a Literature Review, Consultation Meetings and a Qualitative Study” National Suicide Research Foundation, (2007)

<sup>7</sup> O’Riordan, M. & Arensman, (2007)“Institutional child sexual abuse and suicidal behaviour: Outcomes of a literature review.” *National Suicide Research Foundation*, p. 3

<sup>8</sup> An outline of The Implementation Plan (2009) is provided in detail in Section 2.1.

The Journey to Light Memorial<sup>9</sup> is still an outstanding issue. There has been failure on part of the State to actively engage with victims on the Memorial Committee regarding delays and possible Memorial changes.

This report aims to outline the failures of the Church and State in adequately addressing the recommendations of the CICA report and their failure to provide redress and rehabilitation to all victims. Specifically this report will examine the States' response<sup>10</sup> by answering the three questions posed by UNCAT<sup>11</sup>:

- 1) Indicate how it proposes to implement all the recommendations of the Commission to Inquire into Child Abuse and indicate the time frame for doing so.
- 2) Institute prompt, independent and thorough investigations into all cases of abuse as found by the report and, if appropriate, prosecute and punish perpetrators.
- 3) Ensure that all victims of abuse obtain redress and have an enforceable right to compensation, including the means for as full rehabilitation as possible

## **Section 2**

### **Question 1**

**Indicate how it proposes to implement all the recommendations of the Commission to Inquire into Child Abuse and indicate the time frame for doing so.**

#### **2.1 Background and remit of the Implementation Plan**

After the publication of the findings from the CICA (2009), also known as "*The Ryan Report*", Dáil Éireann acknowledged that:

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<sup>9</sup> An outline of the Journey to Light Memorial is provided in section 2.3.

<sup>10</sup> Consideration of reports submitted by States parties under article 19 of the Convention pursuant to the optional reporting procedure; Second periodic reports of States parties due in 2015, Ireland. This report was submitted to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 23rd November, 2015.

<sup>11</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, or Punishment (2011) Consideration of reports submitted by States parties under article 19 of the Convention Concluding observations of the Committee against Torture: Ireland, paragraph 20.

*everything possible must be done to ensure the grievous mistakes of the past are not repeated in the future and underlines the importance of the Government's commitment to fully implement the recommendations of the Commission's report''<sup>12</sup>*

Based on the findings of the Ryan Report (2009) twenty recommendations were identified and complied with. Some of these recommendations were a comprehensive guide to ensuring the reasons for the systematic failure, coupled with the abuses suffered by children in historical institutions, would never be repeated. Others recommendations were related to the continuation of supports for survivors including the erection of Memorial. An implementation plan<sup>13</sup> was developed by the Government to apply the recommendations of continuing survivor supports, as well as the development and updating of national child protection and welfare- related policy, wellbeing, and practice.

The State's fourth and final 'Annual Monitoring Report on the Ryan Implementation Plan' (2014) noted that there were five recommendations which were in the process of implementation or not implemented at the time. Prior to this, the government published an 'Annual Monitoring Report on the Ryan Implementation Plan' in 2010,<sup>14</sup> 2011,<sup>15</sup> 2012,<sup>16</sup> 2014.<sup>17</sup>

## **2.2 Children in State Care**

A review was conducted on statistics, data and identified issues of children in various forms of State care, children referred to TUSLA<sup>18</sup> services for assessment, and vulnerable children. Examples of statistics from the review findings are outlined below.

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<sup>12</sup> Dáil debate on the Ryan Report on the Commission to Inquire into Child Abuse, 11<sup>th</sup> June 2009. All Dail Debates noted in this report can be accessed at <http://oireachtasdebates.oireachtas.ie/debates%20authoring/debateswebpack.nsf/yearlist?readform&chamber=dail>

<sup>13</sup> Known as the ' Report of the Commission to Inquire into Child Abuse, 2009: Implementation Plan' .

<sup>14</sup> Ryan Report Monitoring Group (2010) Ryan Report Implementation Plan, First Progress Report.

<sup>15</sup> Ryan Report Monitoring Group (2011) Ryan Report Implementation Plan, Second Progress Report. Available at [https://www.dcy.gov.ie/documents/publications/Ryan\\_Final.pdf](https://www.dcy.gov.ie/documents/publications/Ryan_Final.pdf)

<sup>16</sup> Ryan Report Monitoring Group (2012) Ryan Report Implementation, Plan Third Progress Report. Available at <https://www.dcy.gov.ie/documents/publications/RyanThirdProgressReport.pdf>

<sup>17</sup> Ryan Report Monitoring Group (2014) Ryan Report Implementation Plan, Fourth Progress Report available at <https://www.dcy.gov.ie/documents/publications/20150324RyanRepFourthProgressDec2014.pdf>

<sup>18</sup> In 2014 Tusla (Child and Family Agency) took over many of the functions of the HSE pertaining to children entity, the Family Support Agency and the National Educational Welfare Board as well as developing some psychological services and a range of services responding to domestic, sexual and gender based violence (available at <http://www.tusla.ie/about>)



Attention needs to be drawn to the conclusions of the Committee on the Rights of the Child's (CRC)<sup>19</sup> 2016 report,<sup>20</sup> in concerns and recommendations were outlined regarding the rights, protection and welfare of children in Ireland. These findings are in direct contradiction to action point no. 23 of the Implantation Plan which states that:

*“All policies should be consistent with the principles of the UN Convention on the Rights of the Child.”<sup>21</sup>*

The CRC's 2016 report notes that a number of concerns and recommendations by the Committee in 2006 are still outstanding:

*“The Committee recommends that the State party take all necessary measures to address its previous recommendations of 2006 (CRC/C/IRL/CO/2) that have not been sufficiently implemented and, in particular, those related to legislation and implementation, independent monitoring, children with disabilities, health and health services, adolescent health, standard of living, refugee and asylum-seeking children, administration of juvenile justice; and, children belonging to minorities.”<sup>22</sup>*

#### Example of statistics from review:

- 453 children in care awaiting the allocation of a social worker at the end of 2016.<sup>23</sup>
- 6258 children in care in December 2016, with 93% of these in foster care and of which 526 children did not have a written care plan.<sup>24</sup>
- 12,097 referrals for Quarter 4, 2016, with only 32% of preliminary enquiries being completed within 24 hrs of receipt of the referral.<sup>25</sup>

<sup>19</sup> Convention of the Rights of the Child, herein, CRC.

<sup>20</sup> The Committee on the Rights of the Child: Concluding observations on the combined third and fourth periodic reports of Ireland, 29<sup>th</sup> January, 2016.

<sup>21</sup> Department of Health & Children (2009) Report of the Commission to Inquire into Child Abuse: Implementation Plan, pg. 67.

<sup>22</sup> Committee on the Rights of the Child Report (2016) ‘Concluding observations on the combined third and fourth periodic reports of Ireland’, p. 2.

<sup>23</sup> Dail Eireann Parliamentary Debates, Written Answer from Pearse Doherty TD to Katherine Zappone TD, 9th March 2017.

<sup>24</sup> Tusla (2017), Integrated Performance and Activity Report, Quarter 1. Available at [http://www.tusla.ie/uploads/content/Q1\\_2017\\_Integrated\\_Performance\\_and\\_Activity\\_Report\\_Final.pdf](http://www.tusla.ie/uploads/content/Q1_2017_Integrated_Performance_and_Activity_Report_Final.pdf)

- 1,062 of social work cases awaiting allocation were categorised as ‘high priority’ in Quarter 1, 2017.<sup>26</sup>
- 613 children are in private care placements of which 48 are separated children seeking asylum.<sup>27</sup>
- 25,384 cases open to social work at the end of Quarter 1 2017, with just 76% of open cases allocated to a named social worker and 59% of ‘high priority’ cases awaiting allocation.<sup>28</sup>
- The number of children on the waiting list to be allocated a social worker has increased by 33 per cent in a five month period.<sup>29</sup>
- 19% of children leaving care had no allocated aftercare worker and only 29% of children in care aged 16 and 17 years had a preparation for leaving care and aftercare plan in Quarter 4 2016.<sup>30</sup>
- Young people who enter care at 16 and 17 may not meet the eligibility criteria for aftercare. There may not be suitable placements identified and therefore their only option is to access homeless services.<sup>31</sup>
- Young women leaving care are more susceptible to mental health and addictions as well as being vulnerable to homelessness.<sup>32</sup>
- Young women leaving care require an increase in support around parenting, an increase in supportive accommodation for young mothers, as well as women with disabilities, speedy access to mental health, addiction and counselling services and assistance with educational disadvantages.<sup>33</sup>
- There is a continued lack of adequate preparation for young people upon leaving care.<sup>34</sup>

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<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.*

<sup>27</sup> *Ibid.*

<sup>28</sup> *Ibid.*

<sup>29</sup> “Over 400 children in State care are without a social worker”, The Irish Times, 18<sup>th</sup> June, 2017

(<http://www.irishtimes.com/news/social-affairs/over-400-children-in-state-care-are-without-a-social-worker-1.3107226>)

<sup>30</sup> Tusla (2017) Integrated Performance and Activity Report, Quarter 1. Available at

[http://www.tusla.ie/uploads/content/Q1\\_2017\\_Integrated\\_Performance\\_and\\_Activity\\_Report\\_Final.pdf](http://www.tusla.ie/uploads/content/Q1_2017_Integrated_Performance_and_Activity_Report_Final.pdf)

<sup>31</sup> EPIC (2016) Submission to the Department of Children and Youth Affairs on Prioritising Young People with Care Experience in Action Plan for Social Housing. Available at <http://www.epiconline.ie/submission-on-prioritising-young-people-with-care-experience-in-action-plan-for-social-housing/>

<sup>32</sup> EPIC (2016) Submission-to-ihrec-on-issues-for-young-women-leaving-state-carecare-experience. Available <http://www.epiconline.ie/submission-to-ihrec-on-issues-for-young-women-leaving-state-carecare-experience/>

<sup>33</sup> EPIC (2016) Submission-to-ihrec-on-issues-for-young-women-leaving-state-carecare-experience.

<sup>34</sup> EPIC (2016) Final Submission to Tusla on Review of National Aftercare Policy to the Review of National Aftercare Policy..

- There were 25 children who died in State care in 2016; 5 from suicide, 4 from ‘other accident’, 2 from a drug overdose, 1 from homicide, 3 by road traffic accidents and 10 from natural causes. There were 5 serious incidents. In total from 2010 to 2016 there were a total of 149 children who died while in state care.<sup>35</sup>
- Inaccuracies by Gardaí in the collection, recording and management of data in dealing with children under Section 12<sup>36</sup>, Child Care Act 1991<sup>37</sup>. New recruits are not trained in child protection.<sup>38</sup>
- Reliance by the State on private care to take children under Section 12. Child Care Act 1991. However there is a refusal on the part of private care stakeholders to take children who are deemed to have challenging behaviour.<sup>39</sup>
- Inter-agency lack of communication regarding children under Section 12, Child Care Act 1991, between Gardaí and Tusla social workers<sup>40</sup> and “chronic systemic failures in the functions carried out by Tusla, the Child and Family Agency.”<sup>41</sup>
- 1,302 families accessing emergency accommodation, including 2,708 children (April, 2017).<sup>42</sup>
- 65% of families in emergency accommodation are lone-parent families (60% of families headed by lone parents experience deprivation).<sup>43</sup>
- Families who cannot secure emergency accommodation are in rare cases referred to the Gardaí. This “raises questions about the potential risk to children.”<sup>44</sup>
- There are issues regarding the implementation and effectiveness of the right for children to be heard in judicial processes regarding them.<sup>45</sup>

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<sup>35</sup> Tusla (2016) National Review Panel Annual Report. Available at [http://www.tusla.ie/uploads/content/NRP\\_Annual\\_Report\\_2016.pdf](http://www.tusla.ie/uploads/content/NRP_Annual_Report_2016.pdf)

<sup>36</sup> Section 12 of the Child Care Act 1991 provides the Garda Síochána with the power to remove a child whom they deem in immediate risk of harm from their environment. It falls under the ‘Protection of Children in Emergencies’

<sup>37</sup> The Child Care Act 1991 replaced the 1908 Children’s Act and became the primary legislation for child care policy at the time. Available at <http://www.irishstatutebook.ie/eli/1991/act/17/enacted/en/print.html>

<sup>38</sup> Shannon, G. (2017) “Audit of the exercise by An Garda Síochána of the provisions of Section 12 of the Child Care Act 1991”. Available at <http://www.garda.ie/Documents/User/Audit%20of%20Section%2012%20Child%20Care%20Act%201991.pdf>

<sup>39</sup> *Ibid.*

<sup>40</sup> *Ibid.*

<sup>41</sup> RTE News, “Greater co-operation’ needed between Tusla, gardaí over child protection”, *RTE*, 30<sup>th</sup> May 2017, <https://www.rte.ie/news/2017/0529/878599-child-protection-report/>

<sup>42</sup> [www.focusireland.ie/resource-hub/about-homelessness/](http://www.focusireland.ie/resource-hub/about-homelessness/)

<sup>43</sup> Focus Ireland (2016) Lone Parents and Homelessness: Presentation to Oireachtas Joint Committee on Social Protection. Available at <https://www.focusireland.ie/wp-content/uploads/2016/03/Submission-to-the-Oireachtas-Committee-on-Social-Protection-final.pdf>.

<sup>44</sup> Focus Ireland (2016) The Family Homelessness Crisis Briefing Note for Houses of the Oireachtas. Available at <https://www.focusireland.ie/wp-content/uploads/2016/03/Briefing-on-Family-Homelessness-November-2016-final.pdf>

- The Children’s Rights Alliance Report Card, 2017, published under ‘A Programme for a Partnership Government’ series, gave the State an overall Grade D+ for its actions undertaken on child related issues.
- Action undertaken by the State on Traveller and Roma children received a Grade E and a Grade D was given to the State’s action in relation to Refugee and Asylum - Seeking Children.<sup>46</sup>

The Implementation Plan’s (2009) operations in relation to child protection and welfare have been relatively successful. However on a whole the Implementation Plan ultimately falls short of protecting some of the more vulnerable children in society and addressing “*the lessons of the past*”<sup>47</sup>.

### **Recommended Question:**

Given the examples of issues taken from the Review Findings which indicate that vulnerable children in Ireland are currently in need of more supportive structures, policies and services to operate and adhere fully to the Convention for the Rights of the Child, can the State outline the steps that will be taken to address the issues highlighted in section 1.2?

## **2.3 The Memorial**

The Implementation Plan (2009) action point no. 1, which stated that “*A memorial should be erected*”<sup>48</sup>, is an ongoing issue, despite the fact that ‘The Memorial Committee’ was appointed in October 2009. A Memorial was deemed by the CICA to be an appropriate reminder of the abuses suffered within historical institutions.

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<sup>45</sup> Shannon, G. (2016) “Ninth Report of the Special Rapporteur on Child Protection: A Report Submitted to the Oireachtas” Available at <https://www.dcy.gov.ie/documents/publications/201611189thReportoftheSpecialRapporteuronChildProtection.pdf>

<sup>46</sup> Children’s Rights Alliance, (2017) Report Card. Available at [http://childrensrights.ie/sites/default/files/submissions\\_reports/files/Report%20Card%202017%20FULL.pdf](http://childrensrights.ie/sites/default/files/submissions_reports/files/Report%20Card%202017%20FULL.pdf)

<sup>47</sup> Report of the Commission to Inquire into Child Abuse, 2009: Implementation Plan, p.2.

<sup>48</sup> Report of the Commission to Inquire into Child Abuse, 2009: Implementation Plan, p.65.

The appointment of two victims to the Memorial Committee, Ms. Bernadette Fahy and Mr. Paddy Doyle, was a welcomed decision.

Journey of Light Memorial was chosen. In addressing the delay in erecting this memorial the State's response (2015)<sup>49</sup> to the UN Committee Against Torture discussed the refusal of planning permission by An Bord Pleanála. However, the State's response did not note that:

- The Memorial Committee members have not been convened since late 2013.
- The date of the planning refusal was almost two years prior to the State's response and almost four years prior to this submission.
- Victims on the Memorial Committee were not provided information regarding other proposed sites.<sup>50</sup>
- Victims on the Memorial Committee were not provided reasons why other proposed sites for the Journey of Light Memorial were rejected.<sup>51</sup>
- As of late 2013 and prior to An Bord Pleanála's refusal, almost €91,000 of the €500,000 fund allocated for The Memorial has been spent.<sup>52</sup>

There were proposed changes to the Journey of Light Memorial which would result in the agreed monument design being replaced with an exhibition.

The Minister for Education publically stated that the Department was "*engaging with potential interested parties*" to establish the suitability of an exhibition, instead of the Journey of Light Memorial.<sup>53</sup>

Victims on the Memorial Committee reported that were not consulted on the proposed changes:

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<sup>49</sup> Consideration of reports submitted by States parties under Article 19 of the Convention pursuant to the optional reporting procedure; Second periodic reports of States parties due in 2015, Ireland. This report was submitted to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 23<sup>rd</sup> November, 2015, herein referred to as the State's Response.

<sup>50</sup> "Child abuse survivors angry at lack of consultation on memorial", *Irish Examiner*, 23<sup>rd</sup> March 2017. Available <http://www.irishexaminer.com/ireland/exhibition-may-replace-memorial-to-abuse-victims-444899.html>

<sup>51</sup> "Child abuse survivors angry at lack of consultation on memorial", *Irish Examiner*, 23<sup>rd</sup> March 2017. Available at <http://www.irishexaminer.com/ireland/child-abuse-survivors-angry-at-lack-of-consultation-on-memorial-445874.html>

<sup>52</sup> Comptroller and Auditor General (2016 ) Cost of Child Abuse Inquiry and Redress, *Report no. 96*, pg .36. Available at [http://www.audgen.gov.ie/reports/Cost\\_of\\_Child\\_Abuse\\_Inquiry\\_and\\_Redress.pdf](http://www.audgen.gov.ie/reports/Cost_of_Child_Abuse_Inquiry_and_Redress.pdf)

<sup>53</sup> "Exhibition may replace memorial to abuse victims", *Irish Examiner*, 10<sup>th</sup> March 2017. Available at <http://www.irishexaminer.com/ireland/exhibition-may-replace-memorial-to-abuse-victims-444899.html>

*“They should absolutely have consulted us even before doing that, I would feel very strongly, even the courtesy of a phone call to seek our view on this.”<sup>54</sup>*

Paddy Doyle, Victim Memorial Committee Member

Delay in the erection of the Journey to Light Memorial has meant that since 2009, a number of survivors have passed away without having the experience of witnessing and visiting a monument dedicated to their lost childhood and suffering. The State must ensure that this memorial is delivered.

**Recommended question:**

Given the on-going delays and the lack of consultation with the victims on the Memorial Committee, will the Government make a commitment to properly provide all Committee members with: up to date information as and when it is made available to the Department responsible; regular updates to the wider survivor population regarding the current stage of the Journey to Light Memorial; details of the other identified sites and information pertaining to their rejection to the Memorial Committee; and a reliable timeframe for the completion of the Memorial project?

In relation to continuing survivor supports noted in the Implementation Plan, the operational failures of Caranua (formerly the Statutory Residential Redress Fund) have been highlighted publicly by victim advocates<sup>55</sup> and within the political forum.<sup>56</sup> These are addressed in significant detail in Section 3 of this report.

### **Section 3**

**Question 2:**

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<sup>54</sup> “Child abuse survivors angry at lack of consultation on memorial”, *Irish Examiner*, 23rd March 2017. Available at <http://www.irishexaminer.com/ireland/exhibition-may-replace-memorial-to-abuse-victims-444899.html>

<sup>55</sup> See Appendix ii, iii

<sup>56</sup> Caranua were questioned by the Public Accounts Committee (13<sup>th</sup> April, 2017) and the Educational Committee (30<sup>th</sup> May, 2017) of the Oireachtas. Both transcripts and videos available at [www.oireachtas.ie](http://www.oireachtas.ie)

**Institute prompt, independent and thorough investigations into all cases of abuse as found by the report and, if appropriate, prosecute and punish perpetrators.**

### **3.1 Abuse and Disclosure: Response of the Catholic Church**

Prior to the Commission to Inquire into Child Abuse Act (2000) and the Residential Institutions Redress Act (2002) there was extensive media coverage of the abuse of children by members of the Catholic Church which included, Andrew Madden's<sup>57</sup> public disclosure regarding his experiences of sexual abuse by a Catholic priest as a child<sup>58</sup> and the documentaries 'Dear Daughter'<sup>59</sup> and 'States of Fear'<sup>60</sup>.

The Catholic Church's response to the abuses was disconcerting. In 1996 the Catholic Church released the 'Framework Document'.<sup>61</sup> It was a welcomed guide regarding the referral of abusers to authorities. However, page 56 of the document states as follows:

*“Most cases of child sexual abuse fall within the category of arrestable offences...However certain sexual offences against children, including gross indecency, are not arrestable offences and there is no obligation imposed by law to report these.”*

The Framework Document discusses the possibility of reinstating an offending religious person within the community, but with no access to children, or in exceptional circumstances with supervised contact with children.<sup>62</sup>

Child sexual abuse within the Church was viewed as a moral shortcoming and not a criminal activity.<sup>63</sup> Ryan (2009) concluded that religious sexual abusers working within the

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<sup>57</sup> In April 1995, Andrew Madden publically disclosed via the Sunday Times he received compensation for the sexual abuse he experienced as a child by Fr. Ivan Payne. Payne was later convicted in 1998 for the sexual abuse of children

<sup>58</sup> The Irish Times, 'How the Story of Abuse emerged', November 26<sup>th</sup>, 2009. Available at <http://www.irishtimes.com/news/how-the-story-of-abuse-emerged-1.849771>

<sup>59</sup> 'Dear Daughter' was a documentary on Christine Buckley, survivor and founder of the Aislinn Centre. It aired on RTE in 1996.

<sup>60</sup> 'States of Fear' was a three part documentary by Mary Raftery aired on RTE in April 1999 which highlighted abuses of children in the historical religious run institutions.

<sup>61</sup> The Irish Catholic Bishops' Advisory Committee and Child Sexual Abuse by Priests and Religious (1996) 'Child Sexual Abuse: Framework for a Church Response'. *Irish Catholic Bishops' Conference*.

<sup>62</sup> The Irish Catholic Bishops' Advisory Committee and Child Sexual Abuse by Priests and Religious (1996) 'Child Sexual Abuse: Framework for a Church Response'. *Irish Catholic Bishops' Conference*. p.44.

<sup>63</sup> Goode H, McGee H, O'Boyle C. Time to Listen: Confronting Child Sexual Abuse by Catholic Clergy in Ireland. Dublin: The Liffey Press

institutions were often moved between institutions<sup>64</sup>. When an abuser was reprieved from their vows they could continue as a lay teacher.<sup>65</sup>

Prior to the publication of the Ryan Report, victims experienced the continued denial and disbelief of Religious Orders with regards to the perpetration of abuse.<sup>66</sup> During Redress hearings, letters were sent by Religious Orders denying the accusations of abuse. Solicitor Eileen McMahon sent letters questioning the solicitors for the Redress Board and the Redress Board Chair as to why these letters were being allowed, when the scheme was not established to find proof of fault<sup>67</sup>. She reported that such denials had devastating consequences on victims:

*“These documents caused my clients distress, anger, hurt, grief, pain and on occasions they contemplated suicide.”*<sup>68</sup>

### 3.2 The State’s Response

In 1998 the Protection for Persons Disclosing Abuse Act (1998) was enacted which provided an element of protection to an individual bringing forward concerns regarding possible child abuse.

In 1999 the Department of Health released ‘The Children’s First Guidelines’ with the aim of *“assisting people in identifying and reporting child abuse.”* Moreover, it placed responsibility on all individuals to report suspected or concerns of child abuse to the Health Board.

The Commission to Inquire into Child Abuse Act (2000) and The Residential Institutions Redress Act (2002) established a platform on which victims could disclose their experiences of institutional childhood abuse to a number of individuals. In doing so, they would outline in detail information regarding their alleged abuser.

Both the 2000 and 2002 Acts effectively protected the religious orders that ran historical child institutions and the abusers. Legislatively, there was no statutory mandate in place for

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<sup>64</sup> Commission to Inquire into Child Abuse (2009), Executive Summary, Point 22

<sup>65</sup> Commission to Inquire into Child Abuse (2009), Executive Summary, Point. 22.

<sup>66</sup> Wall, T. (2014) The Boy from Glin Industrial School. *Self – published*. p. 240.

<sup>67</sup> See Appendix iv (c) for a statement from Eileen McMahon

<sup>68</sup> “Redress board queried about repeated denials”, Irish Times, June 30<sup>th</sup>, 2009. Available at <http://www.irishtimes.com/news/redress-board-queried-about-repeated-denials-1.794519>



members of the Redress Board or the Commission to actively report allegations of abuse brought forward.

The 2016 Annual Report of ‘The National Board for Safeguarding Children in the Catholic Church in Ireland’ states that it conducted audits of 142 religious orders and 26 dioceses regarding their application of the 2009 Safeguarding Children’s Standards. 12 female religious orders were not reviewed for following reason: *“their numbers are dwindling, the age of their members is increasing, they have no ministry with children and are not managing allegations.”*<sup>69</sup> It is unclear if these orders were involved in historical institutions. The audit’s remit excluded allegations made under the Residential Institutions Redress Board and to the Commission to Inquire into Child abuse:

*“It is noted that a further number of allegations emerged through the processes adopted by the Redress Board and by the Ryan Commission; these allegations were previously unknown to the Congregation. Allegations dealt with in those forums, are excluded from examination in this review on legal advice.”*<sup>70</sup>

The National Board’s powerlessness to examine these files resulted in an inability to provide evidence that Religious Orders followed the Safety Guidelines regarding alleged perpetrators of abuse disclosed to the Redress Board or Ryan Commission. As such there is a lack of transparency surrounding the procedures followed by Religious Orders and whether alleged perpetrators disclosed under these circumstances were adequately and sufficiently investigated.

Upon publication of the Ryan Report (2009) the State acknowledged that:

*“An Assistant Garda Commissioner has been tasked with examining the totality of the Commission’s report and that criminal investigations are continuing in respect of a significant number of people.”*<sup>71</sup>

In the Dail, debates that occurred on foot of the publication of the Ryan Report; issues regarding the failure to name abusers and the need to investigate abuse allegations, were raised:

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<sup>69</sup> The National Board for Safeguarding Child in the Catholic Church in Ireland (2016), Annual Report. *Vertias Publications: Dublin*, p. 22. Available at

[https://www.safeguarding.ie/images/Pdfs/Annual\\_Reports/NBSCCC\\_Annual\\_Report\\_2016\\_web.pdf](https://www.safeguarding.ie/images/Pdfs/Annual_Reports/NBSCCC_Annual_Report_2016_web.pdf)

<sup>70</sup> The National Board for Safeguarding Children in the Catholic Church in Ireland (2015) Review of Child Safeguarding Practice in the religious congregation of The Brothers of Charity undertaken. p.6. Available at <https://www.safeguarding.ie/images/Pdfs/Congregations/Brothers%20of%20Charity%20.pdf>

<sup>71</sup> Dail debate on Ryan Report, 11<sup>th</sup> June 2009. Available at

*“Those identified in the Ryan report are not deserving of the cloak of anonymity.”<sup>72</sup>*

*“The principle of the International Convention on Crimes Against Humanity, which is what these crimes constitute, is that the international community never will recognise the notion of impunity, that is, that one can be safe to carry out certain crimes because the State or states will protect him or her. Equally, there can be no immunity from prosecution.”<sup>73</sup>*

### **3.3 Prosecutions**

On foot of the above legislation (Acts of 2000 and 2002) and having taken into consideration that 15,573 were awarded reparations from the Redress Board and 2097 victim testimonies were heard by the Commission, the amount of cases brought forward for investigation are noted as 15, including one prosecution<sup>74</sup>. The rate of prosecution of such cases is less than 0.05% of the total amount of abuse and neglect disclosures.

The State’s response (2015) regarding prosecution and punishment of the cases uncovered as a result of the Ryan Report was:

*“the Ryan Commission’s work precluded the disclosure of the names of persons identified as perpetrators, hence this information was not available to An Garda Síochána for the purposes of initiating criminal investigations.”<sup>75</sup>*

The State had an obligation to ensure that all allegations brought forward in respect of historical institutions should have been investigated. A support measure during Redress and

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<sup>72</sup> Deputy Shatter remark on Dail debate on Ryan Report, 11<sup>th</sup> June 2009.

<sup>73</sup> Deputy Burton remark on Dail debate on Ryan Report, 11<sup>th</sup> June 2009.

<sup>74</sup> Consideration of reports submitted by States parties under article 19 of the Convention pursuant to the optional reporting procedure; Second periodic reports of States parties due in 2015, Ireland. This report was submitted to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 23<sup>rd</sup> November, 2015.

<sup>75</sup> Consideration of reports submitted by States parties under article 19 of the Convention pursuant to the optional reporting procedure; Second periodic reports of States parties due in 2015, Ireland. This report was submitted to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 23<sup>rd</sup> November, 2015, point 223.

Commission hearings should have been put in place, thus ensuring that all allegations were actively pursued.

In light of the information noted above:

- It is not clear what, if any, proactive child protection measures were undertaken by Religious Orders regarding allegations brought forward in both the Redress Board and the Ryan Report, particularly in cases where there was no follow up investigation.
- It is unclear if, in cases where allegations were heard in the Redress Board or the Commission, what measures were made for members to bring victim's allegations forward to the State and for the State to investigate fully such allegations. It is also unclear what measures the State took to ensure that alleged perpetrators were, at the time of disclosure, not working within the community in any capacity.

Given the extent to which the government cites "*preclusion to disclosure*"<sup>76</sup> and the frequent denial of abuse by respective Religious Orders at both the Redress and Commission, it is unclear if the alleged perpetrators of abuse were still working in any capacity within the community, be it ministerial, educational or otherwise, upon or after such allegations were made.

It appears that the responsibility of reporting abuse was left to the victims themselves. This is unacceptable considering that some had historically brought their abuse forward to authorities and Religious Orders but were silenced and disbelieved.

Some victims have reported that their allegations of abuse were denied by the perpetrator or their affiliated Order at either the Commission, or the Redress Board, or both, and that this has resulted in them not bringing allegations to An Garda Síochána and respective child protection agencies. Many victims have reported that they believe they are 'gagged' from discussing their abuse with anyone. This includes reporting abuse to An Garda Síochána and respective child protection agencies.

Victims who brought allegations to An Garda Síochána in the past number of years said that they were informed that their allegations may not be investigated due to a "*lack of*

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<sup>76</sup> Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (2016) Consideration of reports submitted by States parties under article 19 of the Convention pursuant to the optional reporting procedure; Second periodic reports of States parties due in 2015, Ireland. This report was submitted to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 23rd November, 2015. Herein referred to as the State's Response, 2015.

evidence”.<sup>77</sup> Many victims report that they never heard anything further regarding the matter and believe that the allegations were not investigated.

The Garda Confidential Hotline, established in 2009, has, according to the State’s response (2015), received 181 phone calls “*relating to criminal behaviour connected with what the Ryan Report revealed.*”<sup>78</sup> However, this hotline was open to victims of all religious sexual crimes, including diocesan abuse. It appears that the Hotline was established after the publication of both the Ryan and Murphy Reports (2009).<sup>79</sup> There is no indication from the State’s response (2015) exactly how many of the calls received by the Hotline are directly related to allegations made regarding abuse within the institutions as outlined in the Ryan Report (2009).

The States response also failed to indicate the number of “*sizeable investigations*” and the number of prosecutions and convictions that are “*over and above those noted*” in their response.<sup>80</sup>

### **Recommended Questions:**

What measures are in place and will be put in place by the State in order to ensure that allegations heard in the Redress Board or Commission are fully investigated?

What child protection measures were put in place at the time of Redress Board or Commission hearings to ensure that named alleged abusers were no longer in contact with children?

Can the State outline the number of allegations received during Redress Board or Commission hearings, and how many of these allegations have been investigated fully?

How many calls received on the confidential Hotline directly related to allegations made with regards to abuse in institutions outlined in the Ryan Report? How many of these allegations were already disclosed during Redress Board hearings or to the Commission? How many of these allegations were only being investigated at the time of disclosure to the Hotline?

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<sup>77</sup> Victim testimony to author, 2017

<sup>78</sup> State’s Response, 2015, point 224.

<sup>79</sup> Known as Murphy Report, released on 29<sup>th</sup> November, 2009 outlined the historical sexual abuse of children in the Dublin Diocese. Available at <http://www.justice.ie/en/JELR/Pages/PB09000504>

<sup>80</sup> Consideration of reports submitted by States parties under article 19 of the Convention pursuant to the optional reporting procedure; Second periodic reports of States parties due in 2015, Ireland. This report was submitted to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 23rd November, 2015. Point 225.

Can the State confirm what guarantees were provided by various Religious Orders that alleged abusers were no longer active within the community in which they had access to children or vulnerable adults?

What support measures are in place or will be put in place for victims who report such allegations to the Gardaí or who go through the court process if the matter is prosecuted?

What measures will the State take to ensure that all victims who did not receive further information from An Garda Síochána regarding their abuse are provided with an update?

What support measures are in place or will be put in place for victims who report such allegations to the Gardaí and whose cases are not prosecuted?

### **3.4 Examples of testimonies from Victims regarding preclusion of disclosure<sup>81</sup>**

*“I was told by my solicitor that I should report my two abusers. I reported it. I heard nothing back.”*

*“I had gone to the Commission. I got a call out of the blue. So I met the detective who phoned me. I did. I reported it. It took me all the nerve I could muster to do it. I sat in the Garda station for I think about six hours giving my statement. Then he told me to look behind me and pointed to large stack of files behind him. He told me that they were files about my abusers and said “I don’t think your case will be looked into.” I thought ‘what was the point of that’. It was awful. I waited to hear anything but I didn’t. I never heard a word from the about it. The Detective never contacted me again.”*

*“To be honest, I went to Redress so I can’t really say anything. I think they got away with it. But look, they got away with everything. They’re still getting away with it. It’s all a big set up.”*

*“Loads of people think they can’t report their abusers cause of what they signed.”*

*“I reported to the Gardaí abuse I experienced from the age of six years old by an older girl who was resident with me. I was told by the Garda ‘that she was only experimenting’. But the State have my files already. They know it all. It’s all in my Redress files. It’s in my file that’s with the Commission. Why should I have had to go through all that trauma again, re-*

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<sup>81</sup> Victims’ testimony as provided to authors of this report.

*living it all and telling the Guards when the State had the information already. The whole thing is a joke. No one wants to take responsibility. They already knew. They have that information, there right in front of them and they locked it away for 75 years.”*

*“They got away with blue murder, literally, all of them did.”*

*“It was a quango from the start; the whole system. It was set up to protect them and not us. It is a farce. I wish we knew then what we know now.”*

*“They said he was old and sick now. That was their way of saying there would be no prosecution. Was that supposed to make me feel better?”*

*“...someone contacted me, they were from Clifden Guards station in Galway, and said someone would be in touch in relation to Letterfrack, that was the first and last I heard.”*

### **3.5 Impact and Effect of the Ryan Report (2009) from the Victims’ Perspective**

The Ryan Report (2009) was an extensive and welcomed piece of research highlighting the systematic and chronic abuse and neglect suffered by thousands of Irish children placed in historical institutions. It was released ten years after the Taoiseach’s apology in 1999.<sup>82</sup>

In total, the Commission to Inquire into Child Abuse received 2,107 applications to the Investigative Committee, with only 1,007 proceeding to hearing and 1,541 applications to the Confidential Committee, with only 1,090 proceeding to hearing. Overall, 1,551 applications to the Commission were not heard.<sup>83</sup>

Victims found it a very difficult to disclose their experiences and felt personally ‘hurt’, ‘used’ and ‘disrespected’ that despite the difficulty of disclosing, their experiences were not reported in the Ryan Report (2009).<sup>84</sup>

Victims felt that the State’s culpability in the institutions has been downplayed.

Many victims reported that they believe that minority groups, in particular those of mixed race and traveller backgrounds have been misrepresented and their history and experiences

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<sup>82</sup> Taoiseach Bertie Ahern apologised to victims of historical child institutions for the abuses they suffered as children and the States failure to intervene on 11<sup>th</sup> May 2009.

<sup>83</sup> Comptroller and Auditor General’s Report, Cost of Child Abuse Inquiry and Redress, 2016, at p. 21.

<sup>84</sup> Words provided to authors of this report regarding the Ryan Report (2009)

“*airbrushed*”<sup>85</sup>. Victims have also reported that the trajectory effects of their abuse have been unacknowledged:

*“We discovered that 11% of our group had died early, between the ages of 22 and 45 years, by suicide or killing. Seven of our members committed suicide.”*<sup>86</sup>

Rosaleen McDonagh<sup>87</sup>, Victim and Traveller representative, questions why there was not a dedicated section provided to travellers and other minority groups within the Ryan Report and requests that this is addressed.

A major issue regarding the Ryan Report (2009) was the failure of Religious Orders to admit responsibility for the abuses experienced by children within their care until just prior to its publication, so victims had to endure denials at Redress hearings.<sup>88</sup>

Many victims report that the Ryan Report failed to fully explore the level of family defragmentation and denigration. Some have reported feeling particularly aggrieved that the continuation of family issues and effect on ‘sibling ties’ have been ignored within the Report.

*“I have a sister that I do know. I have a sister out there somewhere. In America I think. But I can’t be certain. I’d love to find her. I’d love to know what happened to her”*<sup>89</sup>.

However the biggest criticism of the Ryan Report was the failure to name alleged abusers; abusers who for decades had been protected by Religious Orders, and who were now being protected by the State. Victims report feeling let down by the State’s decision to apply pseudonyms to abusers and felt they were denied “*justice*”, “*truth*” and most importantly “*closure*”.<sup>90</sup>

### **Recommended Questions:**

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<sup>85</sup> Yvonne Brennan, from Mixed Race Irish, during a meeting with members of the Justice and Equality Committee of the Oireachtas, 22nd October, 2014. Available at <http://www.mixedracestudies.org/wordpress/?tag=rosemary-adaser>

<sup>86</sup> Rosemary Adaser, from Mixed Race Irish, during a meeting with members of the Justice and Equality Committee of the Oireachtas, 22<sup>nd</sup> October, 2014. Available at <http://www.mixedracestudies.org/wordpress/?tag=rosemary-adaser>

<sup>87</sup> Rosaleen McDonagh, is a former resident of the institutions and a Board member of Pavee Point, Traveller and Roma Centre. She is currently pursuing her PhD.

<sup>88</sup> Comment made by Deputy Flynn, Dail Debate on Ryan Report, 11<sup>th</sup> June 2009.

<sup>89</sup> Quote provide by Victim to author of this report

<sup>90</sup> Words of Victims describing the effect of the use of pseudonyms to author of this report

What steps are being taken to ensure that victims from minority groups are adequately supported and acknowledged?

What measures are being taken to explore the family defragmentation which occurred from being placed in these institutions and what support and assistance is being offered to victims whose family members were removed?

What measures are being taken to ensure that the alleged abusers will be named?

### **3.6 Testimonies from Victims expressing their opinions about the Ryan Report (2009)<sup>91</sup>**

*“I personally do not believe in the Ryan Report for the simple reason that I spent four and a half hours being interviewed by two people about my ten years in the Industrial School and the abuses that were dished out to me and my fellow inmates to find that when the report was published my story was not printed. There was just a few lines about the institution and one would think it was a nice place to have spent one’s youth.”*

*“The orphanage I spent 17 years in is the orphanage my siblings were in is barely mentioned. Nothing of my statement to the Commission is in the Report. Pouring my story out. Telling them about my abuses. And nothing in there. It’s nothing short of a disgrace. 17 years and not even a mention.”*

*“I think the Ryan Report was shocking. It failed in awful lot of ways. They didn’t say anything about the missing children, or much on the adopted children, and nothing on the fact that files are missing, or that files are still not handed over. I still can’t find my family member. Nothing about that. They didn’t give the travellers or the mixed children the proper acknowledgment that they deserved. They suffered very bad in the schools. I opened it, read a few sections and thought ‘this is not what I thought it would be’, and then closed it. It was a big disappointment.”*

*“We didn’t get justice. They didn’t name the abusers. They got away with it and they denied it even happened right up to the very end when they couldn’t do that any longer.”*

*“It failed to highlight properly that we were boarded out as slaves to work for other people and some were sexually abused as a result.”*

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<sup>91</sup> Victims testimony as given to the authors of this report



### 3.7 Deaths within the institutions outlined in the Ryan Report (2009)

The Ryan Report reported a number of instances in which children died while in the care of the institutions. Of the 222 deaths noted on the religious orders Main Fatalities File, only 80% had a death certificate.<sup>92</sup>

Victim's report that in some instances children who had gotten particularly ill or who had received a beating would disappear or never be seen again. These children were "*never referred to again.*"<sup>93</sup>

Joseph Pike died in Tralee Industrial School in 1958. It is reported that Joseph Pike had received a serious beating prior to his death. Brother Gibson, The Provincial of the Christian Brothers, Southern Province, stated that Joseph Pike's original death certificate had noted 'Senility' as the cause of death. However he stated that this conclusion was later changed to 'Bilateral Pleural Effusion. Septicaemia.'<sup>94</sup> Mr. John Prior, who witnessed Joseph Pike's beating, requested the Death Certificate.<sup>95</sup>

From findings in Tuam,<sup>96</sup> the figure reported in the Ryan Report (2009) regarding the number of children who died while in the institutions may be underestimated.

### 3.8 Recommended Questions:

Is the State satisfied with the information provided by Religious Orders relating to the death of children in institutions, despite the inaccuracies in files outlined in the Ryan Report and coupled with the recent findings at Tuam?

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<sup>92</sup> Staines, A., Boilson, A., Craven, F., & Wyse, E. (2008) Assessment of Health Status of Children Detained at Irish Industrial Schools 1940-1983, p.3 as cited in Commission to Inquire into Child Abuse (2009), Vol 5, Staines Submissions

<sup>93</sup> Comment made by victim in a discussion about deaths and illness within the institutions with author of this report.

<sup>94</sup> As cited in Irish Times article "Brother quoted selectively from death certificate", 7th November, 2002.

<sup>95</sup> "Brother quoted selectively from death certificate", The Irish Times, 7<sup>th</sup> November, 2002.

<sup>96</sup> The excavation of religious- run Tuam Mother and Baby home found the bodies of 796 babies and young children.

Is the State willing to investigate all child deaths pertaining to religiously affiliated institutions and initiate proper recourse in examining all relevant burial sites associated with such institutions?

### **3.9 Impact and effect of the Redress scheme from the victims' prospective**

*“The 2002 Act represents society's belated response to the appalling treatment of generations of children in residential care. Few who endured such treatment have emerged unscathed. The cases which came before the Board and the courts arising from this period are tragically replete with searing accounts of physical cruelty, sexual abuse, emotional neglect and institutional indifference to the fate of those who were condemned by society to be raised in such an environment. The 2002 Act was accordingly enacted by the Oireachtas with a view to making some recompense to those whose lives were broken, ruined or damaged in this fashion.”<sup>97</sup>*

Judge Hogan, The Court of Appeal, 2002

The Redress scheme was to provide compensation which struck equilibrium between “the need for consistency while being sensitive to individual circumstances, the need for a degree of predictability while maintaining flexibility.”<sup>98</sup> Unfortunately in practice this was not the case. Despite the Towards Redress and Recovery<sup>99</sup> document, which clearly outlines the negative consequences of child abuse, victims report a lack of understanding of their individual circumstances coupled with a failure by the Board to understand and empathise with their past experiences of abuse and ongoing issues as a result.

The Redress Board's primary function was to provide reparations to survivors for past abuses. However its legislation only added layers to the decade's long lack of accountability experienced by survivors, that was typified by Church and State policies of cover-ups, denial and suppression.<sup>100</sup> The Redress Board in effect became another forum where once again the balance of power was unfairly tilted against the victim.

<sup>97</sup> (Hogan J.) in *J. McE v Residential Institutions Redress Board* [2016] IECA 17, describing the history of the Residential Institutions Redress Act (2002).

<sup>98</sup> Redress Advisory Committee (2002) Towards Redress and Recovery: Report to the Minister for Education and Science by The Compensation Advisory Committee

<sup>99</sup> Towards Redress and Recovery: Report to the Minister for Education and Science by The Compensation Advisory Committee, Chapter 4,

<sup>100</sup> Arnold, B (2009) *The Irish Gulag: How the State Betrayed it's Innocent Children*. Dublin: Gill & Macmillan

*“It created a watertight, secretive method of distribution through the Redress Board. It has made lawyers rich and abuse victims angry.”<sup>101</sup>*

Victims report being ‘afraid’ to question the actions the Redress Board as they were informed by their solicitors that the awards could reduce. Victims report that the Redress scheme was not fully outlined to them. Victims report feeling pressured into taking awards and signing documentation that they did not fully understand. Victims report that they felt the Redress scheme was like a *“free for all for the professionals who got plenty of money and we got nothing but abuse, trauma and pittance.”*<sup>102</sup>

Victims report that the Redress Board was adversarial, confrontational and often times antagonistic, particularly when their claims of abuse were denied by the respective Religious Order. Victims also report that various Religious Orders denied that a particular child was resident in their institution.<sup>103</sup>

*“..the hostile nature of the hearings, cross-examinations left some survivors angry that they hadn’t pursued their cases through the courts. Claimants felt that they were not given adequate opportunity to tell their stories of abuse and finally set the record straight and some were despondent at the Board’s sceptical consideration of their cases: they felt they hadn’t been believed and that was a shattering experience.”<sup>104</sup>*

The confidentiality agreement signed upon receipt of the Redress award was in itself an extension of the silence and secrecy experienced by victims for decades. Some victims report that they feel the ‘Acceptance and Waiver Following Award Form’<sup>105</sup> is a breach of their human rights that prohibits them from discussing their negative experience of an adversarial system, a system that in essence was not ‘victim centred’.<sup>106</sup> Victims report that being ‘gagged’ in disclosing their experiences of the scheme is ‘unjust’ and a further example of the State’s protection of both itself and the Church.<sup>107</sup> Moreover, a precursor to receiving the award was the signing of the waiver. Under the 2002 Act, victims were not only prohibited

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<sup>101</sup> “Now politicians are taking advantage of abuse victims”, 30<sup>th</sup> May 2009, [www.brucearnold.ie](http://www.brucearnold.ie)

<sup>102</sup> Comment made by Victim in discussion with author of this report

<sup>103</sup> Wall, T. (2014) *The Boy from Glin Industrial School*,. *Self-published*. p. 240.

<sup>104</sup> Coleman, K. (2010) *Haunting Cries, Stories of Child Abuse from Industrial Schools*. *Dublin: Gill & Macmillan*, p. 235.

<sup>105</sup> The ‘Acceptance and Waiver Following Award Form’ is a form signed upon receipt of a Redress Award. It is also referred to as the ‘gagging clause’ or the ‘confidentiality clause’ by victims.

<sup>106</sup> Comments made by victims in discussion with authors of this report

<sup>107</sup> Comments made by victims in discussion with authors of this report.

from discussing their experiences of the Redress scheme<sup>108</sup>, but also threatened with prosecution and fines if they discussed the Redress Board<sup>109</sup>.

The weighting scheme,<sup>110</sup> upon which the Redress awards were established, was used in a manner that victims report as being “*unequal*” and “*unsatisfactory*”. Some victims report that they believe the ‘gagging order’<sup>111</sup> put in place by the Redress Board was to prevent victims discussing their awarded redress with other victims. Victims report that the weighting system was imbalanced for a couple of reasons, namely that some victims were not capable of disclosing their abuse, or even understanding the effects their childhood abuse has had on their life trajectory, and this greatly affected their redress offer. For many victims it was the first time that they discussed or disclosed their childhood abuse with a professional.<sup>112</sup>

Many victims report that the Redress Board was “*re traumatising*”. So much so, that some victims report that they wish they had never engaged with the scheme. Victims report that they were not ‘believed’ by the Board. Victims report being examined intensely on their testimony despite the fact that the remit of the Board did not include the establishment of a ‘burden of proof’.<sup>113</sup> Solicitor Eileen McMahon questioned the Redress Board as to the reasons why the documentation of denial by the Religious Orders was included in the Redress scheme, which, she stated:

*“caused my clients distress, anger, hurt, grief, pain and on occasions they contemplated suicide.”*<sup>114</sup>

It is alleged that two cases of suicide may be linked to experiences of the Redress Board and victims claim that the number of suicides post Redress needs to be examined. The late Christine Buckley believes one man who hanged himself within two weeks of his hearing did it because he felt his abuse wasn’t believed.<sup>115</sup> He was awarded €144,000 but ended up committing suicide. Christine Buckley discussed how he had been in an agitated state the last

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<sup>108</sup> Residential Institutions Redress Act (2002) section 28, para. 6

<sup>109</sup> Residential Institutions Redress Act (2002) section 34.

<sup>110</sup> Towards Redress and Recovery: Report to the Minister for Education and Science by The Compensation Advisory Committee, 2002.

<sup>111</sup> Refers to confidentiality agreement signed by victims upon acceptance of award

<sup>112</sup> Moore, J., & Thornton, C (2015) On the Road to Resilience: the Help-Seeking Experiences of Irish Emigrant Survivors of Institutional Abuse, *Child Abuse Review*,

<sup>113</sup> Statement from Solicitor Eileen McMahon, attached in Appendix iii (c).

<sup>114</sup> “Redress Board queried about repeated denials”, *The Irish Times*, June 30<sup>th</sup> 2009

<sup>115</sup> Coleman, K. (2010) Haunting Cries, Stories of Child Abuse from Industrial Schools. *Dublin: Gill & McMillan*. p.240

time she saw him. On the same day of Redress hearing, a woman from the Travelling community threw herself in front of a train.<sup>116</sup>

Rosaleen McDonnagh believes that the Redress Board had already preconceived impressions of Traveller victims. She informs the authors of this report that the Redress Board was prejudicial in a number of ways. As she was doing her degree in Trinity at the time of her Redress hearing she believes this was as such held against her claims of abuse:

*‘that they told me I was too together to have suffered anything. They said I wasn’t really a traveller, that it was “all in my head” and that the abuse happened to everyone and I was no different’*. She informs us that she ‘*ripped up the form, didn’t sign the form but they gave her the money*’.

Victims report that many didn’t access the scheme due to their inability to relive the past; they were psychologically not ready to revisit the trauma.<sup>117</sup> The impact of sexual abuse trauma on memory and narrative, coupled with the subjectivity of perceptions around social acceptance in the wake of abuse revelations, are compounding factors of disclosure.<sup>118</sup> Some victims reported that they needed time to adjust to the knowledge that they would be (many for the first time) disclosing abuse to both strangers and family members. Some victims report that they were not willing to discuss their past with their family, that they were too ashamed to discuss their abuse and that they just didn’t want them to know.<sup>119</sup>

Moore & Thornton (2015) reported that participants had “*described several negative outcomes, such as an aversion towards future help-seeking*” as a result of their experiences with the Redress scheme.<sup>120</sup>

### **Recommended Question:**

Does the State acknowledge that the Redress scheme was not a victim orientated reparation scheme and that many of the individuals who applied were re-traumatised?

Does the State acknowledge that it failed to protect and support victims for the duration of the time they were engaged with the Redress scheme, particularly during Redress hearings?

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<sup>116</sup> Coleman, K. (2010) *Haunting Cries, Stories of Child Abuse from Industrial Schools*. Dublin: Gill & McMillan. p.240.

<sup>117</sup> Wall, T (2014) *The Boy from Glin Industrial School*. Self-published. p. 238

<sup>118</sup> Sorsoli, L. (2010) “I remember”, “I thought”, “I know I didn’t say”: Silence and memory in trauma narratives. *MEMORY*, (18) 2, pp.. 129-141.

<sup>119</sup> Wall, T. (2014) *The Boy from Glin Industrial School*. Self-published. p. 238.

<sup>120</sup> Moore, J. & Thornton, C (2015) *On the Road to Resilience: the Help-Seeking Experiences of Irish Emigrant Survivors of Institutional Abuse*, *Child Abuse Review*

Does the State acknowledge that the Redress scheme was viewed as confrontational and antagonistic by many victims?

Does the State acknowledge that for many victims the Redress scheme was the first time they disclosed their abuse and as such it could have impacted their ability to adequately discuss the abuse itself as well as the impact it has had on their life outcomes?

Does the State acknowledge that the Redress scheme is viewed by many victims as another form of abuse, particularly surrounding victim's inability to discuss their experiences of the Redress Board?

### **3.4 Testimonies from Victims expressing their opinions about the Redress Scheme**

*"I was so disgusted when I received the cheque from the redress board. They did not say they were sorry, they denied they were responsible and I had to accept the money on that basis. I wanted to rip the cheque in half. I never spent a penny of the money, I gave it to my children. It was never about the money."*

*"It made me feel like I had done something wrong, the way I was on trial in front of a Judge, and when she questioned my statement by saying that I would have to be believed because the bastard that abused me was not there to defend himself, I wanted out of there as quick as I could. That was my experience of redress, all it done for me was made me bitter and angry, I was sorry I did not go to court and expose everything that went on in Letterfrack."*

*"I honest to God wish I never heard of the Redress Board. It ruined me. It ruined my life. It ruined my family. I would never have went if I knew what it would do".*

*"They denied sexual abuse despite the files, made feel less than human , degraded about her family. I was told I was better off in care than at home because I was a traveller. I refused to be a victim and cry. They were trying to break me and make me vulnerable but I wouldn't let them."<sup>121</sup>*

*"It was a disgrace. I was never prepared for anything by my solicitor. I was blindsided by the whole thing. My barrister who I was supposed to meet twice, I only met them outside the door*

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<sup>121</sup> Rosealeen Mc Donagh, Victim

*of the Redress. I mean they didn't even take the time to speak to me. This was my life. The questions I was asked I just couldn't believe they were asking. I mean, the religious orders denied everything of course. I was left hurt and angry and it upset me very, very much. It still upsets me to think about it. It was a shambles, a shocking shambles."*

*"I disclosed everything. It was all together, like, to my solicitor, to my psychiatrist, to the Redress Board. I went into the hearing. I wanted to have my say. I thought I was prepared but I wasn't. They just kept questioning me. My solicitor did nothing. It was my psychiatrist that defended me and supported me when she had the chance to talk. I kept thinking 'They don't believe me. Why did I come here?'. It was all a blur, an absolute mess. I was shocked. I was humiliated and I was very, very angry. I wanted to run out of there. I wouldn't have went there if I thought it would be like that. I was left devastated."*

*"The Redress Board, don't you mean the Re-Abuse board"*

*"They didn't even have the courage to deny the abuse to my face."*

*"We didn't know what we were signing. Our levels of education should have been taken into account when this was going on. Most of us didn't have a clue. I know I didn't anyway."*

## **Section 4**

### **Question 3:**

***"Ensure that all victims of abuse obtain redress and have an enforceable right to compensation, including the means for as full rehabilitation as possible."***

#### **4.1 Profile of Victims**

The effects of childhood adversity, neglect and abuse have been well researched and found that psychological and emotional pathological responses have been found in adult victims. The trajectory effects of child abuse on the quality of life have been widely published over the years. Childhood adversity and abuse has shown to influence adult victim attachment types (e.g. Bowlby, 1982),<sup>122</sup> romantic relationships (eg. Colman & Widom, 2004),<sup>123</sup>

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<sup>122</sup> Bowlby, J., (1982). Attachment and Loss: Retrospect and Prospect. *American Journal of Orthopsychiatry*, 52 (4), pp.664-678.

psychological wellbeing and life outcomes (e.g. Corby, 2000).<sup>124</sup> The effects of religious child abuse have been well documented (eg. Goode, McGee & O'Boyle, 2003;<sup>125</sup> Wolfe, Francis & Straatman, 2006).<sup>126</sup> However what is unique to Irish historical institutional child abuse (ICA) is the role of culture and religion<sup>127</sup> which facilitated the State and society in general to condemn, marginalise, stigmatise<sup>128</sup> and shame children of the institutions, both during incarceration and post release.

The largest study on victims (247) of ICA was conducted by Professor Carr and colleagues and was included in the Ryan Report (2009).<sup>129</sup> Its findings were extensive. Provided below is a snap-shot of the study's findings of victim's experiences and long term effects of ICA which were:

- 90% of participants had experienced physical and emotional abuse within the institutions and half experienced some form of sexual abuse.
- 88% of victims reported "being terrified of their carers".
- Men reported higher rates of sexual abuse and more life problems than women.
- The psychological process of traumatisation and the enactment of abuse on self were associated with ICA and life difficulties.
- The life difficulties most reported were mental health issues (74.1%), unemployment (51.8%) and substance use (38.1%).
- Over 81% had met the Diagnostic Manual for a mental health disorder at some point in their lives.
- Reported life problems were:
  - Experiences of regular illness (29.6%)
  - Regular hospitalisation for physical illness (28.3%)
  - Hospitalisation for mental health issues (13%)
  - Difficulty with controlling anger in intimate relationships(25.9%)

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<sup>123</sup> Colman, R. A., & Widom, C. S. (2004) Childhood abuse and neglect and adult intimate relationships: a prospective study, *Child Abuse & Neglect*, Vol 28, p. 1131-1151.

<sup>124</sup> Corby, B. (2000) Child abuse: Towards a knowledge base. *Open University Press; Buckingham*.

<sup>125</sup> Goode, McGee & O'Boyle (2003) Time to Listen: Confronting child sexual abuse by the Catholic Clergy in Ireland.

<sup>126</sup> Wolfe, D. A., Francis, K. J., & Straatman, A. (2006) Child abuse in religiously-affiliated institutions: Long-term impact on men's mental health. *Child Abuse & Neglect*, 30, p. 205-212

<sup>127</sup> McLoone-Richards, C. (2012) Say Nothing! How Pathology within Catholicism Created and Sustained the Institutional Abuse of Children in 20th Century Ireland, *Child Abuse Review*, Vol. (6), pp. 394-404.

<sup>128</sup> Powell, F., Geoghegan, Martin., Scanlon, M., Swirak, (2013). The Irish Charity Myth, Child Abuse and Human Rights: Contextualising the Ryan Report into Care Institutions. *British Journal of Social Work*, 43(1), pp7-23.

<sup>129</sup> Carr, A. (2009) The psychological adjustment of adult survivors of institutional abuse in Ireland. Report submitted to the Commission to Inquire into Child Abuse, as cited in Ryan Report, Vol 5, pp. 78-350.



Non-violent crime (22.35)

Homelessness (21.1%)

Self-harm (17.8%)

Difficulty in controlling anger with children (13.4%)

Violent crime (10.1%)

Imprisonment for violent crime (7.3%)

- Psychological disorders were twice as high within this participant group as any other community in Europe and North America.
- Only 16.59% of participants had secure adult attachments. 83.4% had insecure attachments including dismissive, fearful and preoccupied attachment types and 25% of participants reported anger control in intimate relationships. Fewer than 40% were married to their first partner.
- The highest level of socio-economic outcomes was at the lower end of the socio-economic scale with only 0.8% reporting higher professional or managerial positions.
- Just over 6% had passed the Intermediate Certificate Examination.
- 13% of victims children spent time living with the other parent, 2.8% of victim children lived another relative, 4.7% of victim children spent time living in care and 2.4% had a child adopted.

A recent study conducted by Haase (2015)<sup>130</sup> on the socio-economic mapping of place of living of survivors who accessed the Caranua service, concluded that over half of Irish residing survivors live in the 20% most disadvantaged areas of the country. The Towards Healing counselling service for victims Annual Report (2015)<sup>131</sup> reported the return of previous clients for therapy. A breakdown of reasons for returning for therapeutic support is required.

## **4.2 Failure by state to ensure all victims obtained redress**

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<sup>130</sup> Haase, T (2014) Socio-economic Mapping of Place of Living of Survivors of Institutional Residential Care in Ireland, Caranua, available at [http://caranua.ie/attachments/CARANUA\\_SOCIO\\_ECONOMIC\\_MAPPING\\_RPT\\_150902.pdf](http://caranua.ie/attachments/CARANUA_SOCIO_ECONOMIC_MAPPING_RPT_150902.pdf)

<sup>131</sup> Towards Healing (2015) Annual Report . Available at <http://www.towardshealing.ie/annual-reports.html>

The State's obligation to "*Ensure that all victims of abuse obtain redress and have an enforceable right to compensation, including the means for as full rehabilitation as possible*"<sup>132</sup> has not been met. The State has failed in its obligations to provide both procedural and substantive redress. Most victims did not obtain compensation, and those who did faced an adversarial system which re-traumatised many. The support and rehabilitation measures provided are inadequate, and only accessible to a small number of victims.

The State's first response<sup>133</sup> details the redress and rehabilitation measures for former residents. The Residential Institutions Redress Board to provide fair and reasonable awards to victims operated between 2003 and 2005. A limited number of applications could apply after this date but since 2011 no further applications can be made. The measures listed to provide "Support and rehabilitation of former residents"<sup>134</sup> include a National Counselling Service, the *Origins* family tracing service, the establishment of the Education Finance Board and the proposed Residential Institutions Statutory Fund ("Statutory Fund"). The functions of the Education Finance Board were taken over by the Statutory Fund in 2014. The Statutory Fund was established to support the ongoing needs of victims is to fund the provision of counselling, health, education, housing and other services for victims.

The State has failed to provide reparation and compensation to all victims. It is estimated that 173,000 children entered industrial schools and reformatories in the period 1923-1970.<sup>135</sup> Only a small proportion of victims, 16,628, applied for compensation.<sup>136</sup> There have been many reasons put forward for the small number of applications to the Board. Victims say there were unaware of the Redress Scheme. In some cases, victims expressed a reluctance to engage with a Government that had treated them so badly as children. As one victim, Anna, who was incarcerated in St Joseph's in Kilkenny in the 1940s, explained:<sup>137</sup>

*"I left Ireland as soon as I was released from the place. I got help to travel to England. I didn't tell anyone where I had come from, I didn't mix with the Irish*

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<sup>132</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 19 November 2012 General Comment No 3, paragraph 1. Available at [http://www2.ohchr.org/english/bodies/cat/docs/GC/CAT-C-GC-3\\_en.pdf](http://www2.ohchr.org/english/bodies/cat/docs/GC/CAT-C-GC-3_en.pdf)

<sup>133</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Information received from Ireland on the implementation of the Committee's concluding observations 31 July 2012, paragraph 15 – 19.

<sup>134</sup> State's Response 2015, paragraph, 20.

<sup>135</sup> Ryan Report *Vol.1*, 3.01; 3.04.

<sup>136</sup> Residential Institutions Redress Board (2014) Annual Report, p.12. Available at <http://www.rirb.ie/annualReport.asp>

<sup>137</sup> Testimony from a victim reported to the Author of this report

*community in London where I lived. I didn't want anything to do with Ireland anymore after how I had been treated. I am embarrassed about my lack of education but I can read but I never saw any advertisements about the Redress Board Scheme. I only heard about it when my daughter went to live in Ireland in 2003 when she read an advertisement from a firm of solicitors about the scheme.*

*I did not want to apply to the scheme, I didn't want their blood money, nothing could make up for what they had done to me, I just wanted to put it behind me. I refused. My siblings, the ones I managed to connect with after being separated as children, also refused. But my daughter told me it would be good for me. She persuaded me and I persuaded my brothers.”*

The Redress Board Scheme ran for only three years from 2003 to December 2005. Late applications up to 2011 were allowable if the victim could establish exceptional circumstances.<sup>138</sup> The Redress Board advertised for applicants but for limited periods only. In 2003, a two week advertising campaign was undertaken in Ireland, but not in the UK (or any other countries) where it is estimated that 40% of victims live.<sup>139</sup> In December 2003, the advertising in the UK was limited to contact with the Irish Clubs. In 2004 advertisements were placed in selected English Sunday newspapers for one Sunday and the major local newspapers such as the Manchester Evening News and the London Evening Standard for one week. Advertisements were also placed on RTE 1 television, Network 2, Sky 1, Sky News, TV3 and TG 4. In November 2005, the Board placed advertisements highlighting the closing date for receipt of applications in the main Irish newspapers, selected United Kingdom publications and Irish publications in the U.S.A. and Australia.<sup>140</sup>

The leaflets sent to the Irish Centres in the United Kingdom were largely ineffective. Victims living in the United Kingdom often avoided the centres due to the stigma attached to being placed in an institution. Children in the institutions were expected to work and often received no education and therefore illiteracy is higher among victims. As a further consequence of the industrial school system victims were often separated from their family so the existence of the Scheme did not spread by word of mouth. If there was contact between siblings, the adversarial nature of the Scheme sometimes deterred victims from applying.

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<sup>138</sup> Redress Board Annual Report of the Residential Institutions Redress Board (2014), p 12.

<sup>139</sup> Mary-Lou McDonald TD Dail Eireann Parliamentary Debates, 8 May 2012.

<sup>140</sup> The Redress Board (2014) Annual Report p. 9.

Other victims were simply afraid to apply. Another victim, Patricia 64 reported:<sup>141</sup>

*“I left Ireland soon after I was released from the Industrial School. I heard about the scheme but as I did not live in Ireland I did not really know what it was about. I did not want to apply for fear I would be rejected, and I had a general fear of possible consequences. I did not understand what it meant, I felt intimidated as I didn’t understand. I feel very hurt now that I did not apply because I know other applicants who applied and I do not understand why I am being denied help. I am a polio survivor and my mobility is getting worse, and will only deteriorate with age. I worry about how I will manage. I spent the first 10 years of my life in hospital and the next seven years in an Industrial School. I really need dental treatment which is provided for under this scheme. I have been told I am not entitled but I wrote to this scheme anyway asking for help to pay for my dental treatment but they never replied.”*

As the Irish Government have a continuing obligation to victims of industrial schools the scheme should have remained open.

### **Recommended Question:**

Considering the circumstances of many victims who are estranged from their families, living away from Irish Communities, with little or no education, and the limits of the advertising campaign, the restricted time during which the scheme was open, and the overriding obligation to provide victims with redress, will the Government provide compensation to those who did not apply to the Redress Scheme?

### **4.3 Failure by State to provide rehabilitation to all victims**

The Government deliberately and unfairly denied victims access to the available rehabilitation. The Statutory Fund “established to support the needs of survivors”<sup>142</sup> is only open to those former residents who received awards from the Residential Institutions Redress Board or equivalent court awards.<sup>143</sup> The Government’s decision to exclude

<sup>141</sup> Testimony from a victim reported to the author of this report

<sup>142</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2013)

“Concluding observations on the initial report of Ireland, adopted by the Committee at its forty-sixth session (9 May-3 June 2011) , Addendum, Information received from Ireland on the implementation of the Committee’s concluding observations, 31<sup>st</sup> July 2012, paragraph 20, p. 5.

<sup>143</sup> August 2013 in a letter to Ms Felice D Gaer Rapporteur, Office of the United Nations High Commissioner for Human Rights Committee Against Torture (CAT) Secretariat.

victims is contrary to its obligations to provide redress and rehabilitation to all victims. The decision denies support to those victims who may be the most vulnerable, who did not have the benefit from an award from the Redress Board and so have been denied help a second time.

A victim advocacy group made the following representations:<sup>144</sup>

*“There is strong evidence of high levels of institutional abuse among people who are homeless, in places of detention and in mental health services, and who were therefore not in a position to make claims. Therefore, people who have not come to terms with their abuse, have not heard of the redress initiative and/or are so damaged that they did not have the financial or psychological resources to attend, will be unable to receive assistance from the fund. In other words, some of those who have suffered most and are most in need of help will be unable to benefit from a scheme designed to help survivors, because of Government legislation. The State will have failed them not once, but twice.”*

The Government introduced a hierarchy of victims effectively setting one group against another. The Government stated that rehabilitation could not be given to one class of victim (those who had not applied for compensation), because it would reduce the money available to those who had.<sup>145</sup> It should be born in mind that members of the same family were often in both classes of victim. Siblings witnessed their siblings being offered further support when they were being denied help a second time. Many such relationships were already fractured and this led to distrust and resentment among families. The Government committed to review the eligibility to the scheme in 2015. That review has still not taken place.

### **Recommended Question:**

Considering the obligation to provide “as full rehabilitation as possible”, and General Comment No 3 of the Committee against Torture Implementation of Article 14 by States

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<sup>144</sup> Brendan Smith TD Dail Eireann Parliamentary Debates, 8 May 2012

<sup>145</sup> Ruairi Quinn TD Minister of Education & Skills in Dáil Éireann Parliamentary Debates, 8 May 2012 “I am aware of demands to widen eligibility to include all former residents of scheduled institutions and to include relatives of former residents. If eligibility were significantly widened to include, for example, all former residents of scheduled institutions, the amounts available to fund services for individuals could be greatly reduced and the effectiveness of the statutory fund would be put at risk. Having regard to the maximum funds available, €110 million, and the potential pool of 15,000 applicants, our approach is correct. The question of reviewing the eligibility under the statutory fund could, however, be considered following the establishment of the fund in the event of applications not resulting in a significant expenditure of the fund.”

Parties paragraph 11, that the obligation does not refer to the available resources of States parties and may not be postponed, can the Government confirm what steps it proposes to ensure prompt redress for all victims?

#### **4.4 Rehabilitation measures to those victims who qualify are inadequate**

The list of measures to satisfy the State's obligation to rehabilitate victims are inadequate. The State has failed in its obligations to provide victims with long-term and integrated approach and ensure that specialised services for the victim of torture or ill-treatment are available, appropriate and promptly accessible.<sup>146</sup>

The Statutory Fund has failed to meet the needs of victims and is only a temporary measure and will close in 2019.<sup>147</sup> The size of the fund was set at an arbitrary level. No assessment of the needs of the victims was undertaken or the resources necessary to support those needs. The Government refused to contribute to the fund.<sup>148</sup> So instead it would be funded solely by the cash contribution of €110 million offered by the Religious Congregations in 2009 in the aftermath of the Ryan Report. From that amount all costs associated with running the fund must be deducted,<sup>149</sup> which have quadrupled during the period 2014 to end 2015 when they reached €3.7 million.<sup>150</sup> The costs continue to escalate.<sup>151</sup>

The fund of €110 million after allowing for those administrative costs is not likely to exceed €100 million. If divided equally this amount will provide each victim with €6000, an insufficient allotment to fund a comprehensive assessment of needs; pay for services including housing, education and health and to provide for all their ongoing needs.

#### **Recommended Question:**

Considering the need to provide full rehabilitation to all victims, including the need to provide a long-term and integrated approach with specialised services to address ongoing needs, the Government is called upon to contribute sufficient funds to the Statutory Fund to meet the needs of all victims.

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<sup>146</sup> 19 November 2012 General Comment No 3 of the Committee Against Torture paragraph 13

<sup>147</sup> David O'Callaghan Chairman of Caranua (formally known as the Statutory Fund), to the Education Parliamentary Committee, 30 May 2017.

<sup>148</sup> Ruari Quinn TD Minister of Education Dail Eireann Parliamentary Debates 14 June 2012, "Having regard to the financial situation facing the country and the burden already borne by taxpayers, the Exchequer is not in a position to top up the fund, as proposed by some Deputies."

<sup>149</sup> Ruari Quinn TD Minister of Education Dail Eireann Parliamentary Debates, 8 May 2012.

<sup>150</sup> Caranua website: [www.Caranua.ie](http://www.Caranua.ie)

<sup>151</sup> Ellen Coyne, The Times Irish Edition Caranua Redress Press Coverage, Appendix I page 2.

#### **4.5 Concerns that purported rehabilitation methods are in fact a form of secondary victimisation**

The fund began accepting applications from eligible victims in January 2014. The fund was expressed to be a need- based, unlimited fund. Financial limits were introduced in 2016 amid concerns that the fund was going to run out.<sup>152</sup> Many victims’ claims have been ignored. Applicants were wrongly told their files were complete and denied their statutory right to appeal.<sup>153</sup> As a result, eligible victims have been denied access to the Fund. Mounting concerns about the operation of the scheme have been raised in Parliament<sup>154</sup> and the media.<sup>155</sup> Two reports document allegations of mismanagement<sup>156</sup> and re-abuse of victims.<sup>157</sup>

The re-abuse of victims has been confirmed by a Psychologist with over 18 years clinical experience.<sup>158</sup>

*“Their therapeutic support has been used to help them at a practical and emotional level in their dealing with Caranua. Old feelings are being triggered, such as not having a voice, not being worthy, not deserving of help and respect, feeling fearful and feeling intimidated. Their counselling supported (funded by Caranua through Towards Healing) now has to deal with the issues being raised as a result of their experiences with the agency that has been established to support them in their lives.*

*While I am speaking from my own experience the issues are common amongst my peer group in their own practices.*

*In March 2016, I was very concerned as to the experiences that were being related to me from both clients and colleagues. I felt that as a therapist, and a concerned citizen, I needed to write to the CEO of Caranua and inform her of my concerns.*

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<sup>152</sup> Presentation to the Board of Caranua given on 22 April 2016 and given as evidence to the Parliamentary Public Accounts Committee, on 11 May 2017.

<sup>153</sup> Annual Report of the Appeals Officer Appointed under the Residential Institutions Statutory Fund 2012.

<sup>154</sup> Dail Eireann Parliamentary Debates, 2 March 2017 and 24 May 2017.

<sup>155</sup> Various reports contained in Caranua Redress Press Coverage Appendix i

<sup>156</sup> Review of the Effectiveness of Caranua, a Report by Fionna Fox Solicitor March 2017. (see Appendix iii)

<sup>157</sup> Submission to Oireachtas Educational Committee on Caranua Services, by AnneMarie Crean ,May 2017. (see Appendix ii)

<sup>158</sup> Statement given by Hilary Somerville, Dip Counselling TCD MIACP and Towards Healing Panel Member to the Author in 2017.

*Unfortunately, I never received a response from her and my communication was passed to an individual in her office who in spite of several emails felt unable to respond in any helpful manner. The air of secrecy which surrounds the organisation is neither appropriate or helpful.*

*It is shocking to think that the fund, established to support individuals, has in many cases resulted in further trauma to an already vulnerable group of individuals.*

*It is my observation that regardless of the feedback being given no visible change in how clients are dealt with has occurred."*

Victims were asked to describe the impact of Caranua on their health.<sup>159</sup>

*"Found the process worse than the redress board. Very stressful, ended up in hospital."*

*"Because of the wait to getting paid for services my health is controlled by my GP. I suffer from insomnia from the anxiety of Caranua and their guidelines. My joints are troubling me and hence the reason why the OT report was done in 2015 and the recommendations to help ease my discomforts have not been met yet."*

*"Caranua are stressing me out big time. I had to go to my doctor due to the stress of dealing with the application and appeals process. They are not very helpful. Sometimes I feel like packing it all in because it is not worth it."*

*"I am incredibly traumatised by the way Caranua have used their privileged position to 'beat' me into submission. Very subtly done but no less impactful. My stomach has been aching daily, with a dull, powerful thumping in its pit. My sleep is disturbed as I replay telephone conversations, that were not recorded properly by Caranua. It feels like I wish I had never heard of Caranua, as the cost to my physical and mental health is too dear, in exchange for the very little gained."*

*"I am now on anxiety tablets and additional blood pressure tablets."*

Victim NK explained that Caranua has made him:

*"Very depressed in dealing with them. All I want to do is try and better myself and each time I am hit with a stumbling block. You are at their mercy. I am begging for*

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<sup>159</sup> Review of the Effectiveness of Caranua, Appendix iii, p. 34, paragraph 6.2.7.



*services. I am literally shaking when I ring them because I know I'm going to be refused and they constantly fob me off. They keep telling me they are going to organise an advisor but that was almost two years ago and still nothing.”*<sup>160</sup>

A victim described his experiences of engaging with the scheme to a reporter.<sup>161</sup> In his opinion, the Statutory Fund is ‘disabling people’. This is an extract from that report “Survivors tell of re-abuse by State redress group Caranua:

*“As a child, David Dineen (46) experienced “savage sexual abuse,” and beatings in a Brothers of Charity institution in Cork. He left, aged 15, and spent spells homeless and involved in drugs and crime. He found it difficult to form lasting relationships.*

*He has spent his adult life recovering from and coming to terms with his childhood.*

*“And then along came Caranua,” he says. “They caused me so much distress, in the end, last September, I had to pull away from them for my mental health.”*

*In December 2014, when he lost power in his body, doctors suspected multiple sclerosis. He needed an “urgent brain scan”. Though deteriorating he was told he could be up to 18 months on the public waiting list.*

*“I applied to Caranua to pay for a scan, but they refused.*

*“I’d had physiotherapy, counselling and dental work so they said I had reached my limit. I had to borrow €2,000 to pay for it.”*

*He was diagnosed with syringomyelia, a condition where a cyst had developed inside his spine, causing extreme pain and loss of power in his legs. As the cyst elongated it began to destroy David’s spinal cord and nervous system, causing incontinence and extreme fatigue.*

*“I went downhill during 2015. I was hunched over on crutches. . . I needed a wheelchair. The HSE had given me a standard chair but with muscle weakness I couldn’t push it. I was a prisoner at home.*

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<sup>160</sup> Submission to the Educational Committee of the Oireachtas on Caranua Services, Appendix ii p. 19.

<sup>161</sup> “Survivors tell of re-abuse by State redress group Caranua”, *The Irish Times*, 20 March 2017 Appendix I page 17.

*“I got measured for an electric chair, and got a quote of €2,200. I sent it to Caranua and they refused it. Eventually I raised €400 with a GoFundMe campaign and bought this chair. It’s totally unsuitable but it’s better than the crutches.”*

*In 2015, as he spent several months in hospital, he fell behind with his rent. His landlord evicted him.*

*“I was telling Caranua all along. I was imploring them to use their ‘exceptional needs’ powers to help. But I was refused.”*

*According to its rules, Caranua does not fund “ongoing expenses” such as rent or mortgage payments, but it can advocate on applicants’ behalf with local authorities or housing bodies.*

*Out of hospital, he spent several weeks in a friend’s caravan without water or electricity, and then six months in B&Bs, funded by Cork County Council. He now has a council house in west Cork. His 19-year old daughter cares for him.*

*He was “always respectful in interactions with Caranua”, he says. “But they caused me so much distress.”*

*Many of his calls were not returned, he says, and he was hung up on when he got upset. He was treated with a “complete lack of empathy or compassion”.*

*“I was told I’d had enough already and other people needed help too. But the guidelines said people could apply as often as they needed. [I felt] I was back in the institution again. I wasn’t a human with needs.*

*“The scheme is meant to enable people live a fuller life, but the way it’s run, it’s disabling people. It’s abuse, again. We should be treated as citizens, with the dignity and respect we lost in our childhood.”*

*David, who remains on a public waiting lists for more scans and for an electric wheelchair, says his life is a “holiday” compared to his childhood. He is speaking out, “not so much for myself but for other victims of Caranua who do not have a voice”.*

Following changes to the Statutory Fund in 2016 victims are threatened with “Audits”<sup>162</sup> and

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<sup>162</sup> Caranua, Applying for Services Booklet, page 3, June 2016. Available at [http://caranua.ie/attachments/2016\\_Applying\\_for\\_Services\\_-\\_final.pdf](http://caranua.ie/attachments/2016_Applying_for_Services_-_final.pdf)

criminal proceedings.<sup>163</sup> This was considered by Caranua to be a proportion response to 19 suspected cases of fraud in the context of over 5000 applicants. These measures cause distress to victims many of whom were forcibly incarcerated in institutions and fear authority.

Caranua have increased the workload of victim support groups because of their behaviours and practices, regressed people's recovery and have negatively impacted other services. The religious institutions sponsored counselling and support services Towards Healing provide an advocacy service. They found that the biggest call on the service was to help clients with Caranua, over three times that of the next most difficult service to access, Health Services.<sup>164</sup>

#### **4. 6 Victims not allowed to choose the service provider**

Caranua, acting under the State's authority, did not allow participation in the selection<sup>165</sup> of the service provider, or victims were pressured to take the State's choice of supplier. The case of PP<sup>166</sup> who reported often feeling "pressured" to take Caranua's contractor despite highlighting that she felt "unhappy" doing so. Case of TM<sup>167</sup> who had works completed by a Caranua contractor, was told that he had "no choice" but to take the designated contractor if he wanted his works completed. NK<sup>168</sup> was informed that he would have to take a Caranua recommended contractor.

The refusal to allow victims to choose their supplier has psychological and practical consequences. Victims were denied the autonomy of making choices. These choices, regarding housing for example, were significant. Victims were going to have to live with such choices, albeit the choices of Caranua, for a long time.

The case of JM<sup>169</sup> concerns an applicant who was approved for works to her home. JM was persuaded to go with Caranua's preferred supplier despite expressing a strong preference for a local builder whose work she had seen. The supplier ignored JM's wishes regarding colour of finishes and instead insisted on using tiles that were the same colour as the tiles in the Industrial School where she was incarcerated. The works are faulty, incomplete and the contractor made defamatory and insulting comments about her to her neighbour.

There is no accountability on the part of Caranua or the supplier to the victim. Caranua state

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<sup>163</sup> *Ibid*

<sup>164</sup> Towards Healing Annual Report for 2015, p. 45.

<sup>165</sup> Caranua, Applying for Services Booklet, p. 3, June 2016.

<sup>166</sup> Submission to the Educational Committee of the Oireachtas on Caranua Services, Appendix ii, p. 11.

<sup>167</sup> Submission to the Educational Committee of the Oireachtas on Caranua Services, Appendix ii, p.18.

<sup>168</sup> Submission to the Educational Committee of the Oireachtas on Caranua Services, Appendix ii, p. 19.

<sup>169</sup> Review of the Effectiveness of Caranua, Appendix iii, page 11.

that they are not liable for any issues that may arise, for example regarding the quality of the service provided.<sup>170</sup> The victim has no control and is powerless. In contrast, Caranua will carry out regular follow up checks that money has been spent on the services and suppliers that were approved as part of its anti-fraud measures.<sup>171</sup>

The State is obliged to provide comprehensive assessments by qualified independent medical professionals. This has only been provided to a small number of victims. For example, in some cases, victims housing needs were assessed by a health professional but the recommendations ignored.<sup>172</sup>

The case of GW:

GW had part of his bowel removed and had suffered from cancer. He was unable to move particularly fast and found the steps of his stairs too difficult to climb. It was originally assessed that a bathroom (wet room) should be placed downstairs. He was sleeping on a recliner in his living room. Instead Caranua gave him a stair lift in order to go upstairs. Instead of a wet room they placed a new bathroom and failed to hang a door. The shower with a high lip was put in despite his mobility issues. He again stressed that he would make the stair lift on time to get to the bathroom on some occasions. This was ignored which meant that he was still at times soiling himself. The ramp outside his home had to be taken down and redone. The works were signed off by a Caranua contractor despite being incomplete. The OT was very hands on in supporting GW through this. It was at her insistence that works were to be redone. However, due works not complying to his overall needs. GW applied to the local Council for downstairs bathroom. He received a part- grant for his and informs me that he took a loan out to cover the rest of the works. He was very concerned that he would have further issues in the future and had no supporting documentation as evidence of works. He informs me he has become so “disillusioned” with Caranua. He noted further concern that if and when Caranua are no longer in operation who does he turn to in order get this information from. GW, due to health still needed the downstairs bathroom as outlined in his OT report. As such he had to apply to Cork

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<sup>170</sup> Caranua (2016), Applying for Services Booklet, Providers and suppliers, page 3. Available at [http://caranua.ie/attachments/2016\\_Applying\\_for\\_Services\\_-\\_final.pdf](http://caranua.ie/attachments/2016_Applying_for_Services_-_final.pdf)

<sup>171</sup> Caranua (2016) Applying for Services Booklet, Payment can be used only for purpose and supplier approved,, p. 5.

<sup>172</sup>Submission to the Educational Committee of the Oireachtas on Caranua Services,, Appendix, ii, p. 20.

County Council for a grant towards the cost of this. He also had to take a loan out of the Credit Union of €2000 to cover the extra works. GW is 72 years old this year.

In another case, CMB:

The Applicant is 61 years old. She has cervical stenosis, abdominal pain, osteopenia of the left hip, urinary urgency condition, chronic serious effusion in both middle ears resulting in conductive hearing loss. She recently lost 5 members of her family. She has a fear of falling, when she has chronic pain her attention and concentration are affected and she is nervous of tripping or falling over lipped doorways etc. She experiences severe inflammation in her neck.

In December 2014, an Occupational Therapist recommended a wet room and the redesign and layout of the kitchen. CMB proceeded to get the necessary building work quotes and Caranua stipulated that one of these must be from Cluid Housing, their preferred supplier. Her application was refused in July 2016 due to having already received sufficient support and on that basis her needs had been met.

Also, the case of PM:

PM is 54 years old. She suffers with chronic back pain and underwent back surgery in 2014. She requires targeted injections in her back. PM was in a car accident 30 years ago and suffered a head injury which affects her memory. She experiences severe headaches and recently had an accident when she fell down the stairs at home and her head hit the wall and is undergoing scans to assess any further injuries. Caranua arranged for Occupational Therapist to assess housings needs. The OT recommended an extension and an application was made to Caranua for this in July 2015. This application was refused in 15 September 2016 again due to having already received sufficient support and on that basis her needs had been met.

Victims regret applying to Caranua. Survivors report hostile, rude, aggressive and abusive treatment.<sup>173/174</sup> The experiences of victims and their representatives are mostly negative.<sup>175/176</sup> Victims categorized the process as demeaning as they were made to feel like they were begging for services.<sup>177/178</sup> Staff behaved in an ignorant and condescending

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<sup>173</sup> Submission to the Educational Committee of the Oireachtas on Caranua Services Appendix ii

<sup>174</sup> Review of the Effectiveness of Caranua Appendix iii p. 31 paragraph 6.2.6

<sup>175</sup> Submission to the Educational Committee of the Oireachtas on Caranua Services Appendix ii, p. 11 & 12

<sup>176</sup> Review of the Effectiveness of Caranua Appendix iii p. 31 paragraph 6.2.6

<sup>177</sup> Submission to the Educational Committee of the Oireachtas on Caranua Services , Appendix ii, p. 25

manner.<sup>179</sup> There are bureaucratic, ill-conceived procedures<sup>180</sup> and practices profoundly affect this group of victims' due to their poor education standards. Even experienced professionals report difficulties in meeting Caranua's requests for information. An experienced Senior Housing Local Government Manager, attempting to assist a friend apply for housing services, described the level of detail expected by Caranua in a quote to them as excessive and unattainable.<sup>181</sup> Caranua will only agree to fund education courses that offer formal recognised qualifications under the National Framework of Qualifications and thus the more formal or advanced education courses. Victims often wish to attend less formal educational institutions to learn practical or creative things. The delays and bureaucracy has further limited the educational opportunities. Often victims also wish to attend less formal educational institutions because of their literacy issues and consequently low educational attainment.<sup>182</sup>

The lack of transparency is also an issue. Caranua did not consult with victim support groups before making changes to the scheme in 2016. The Board Minutes are vague and are not an accurate reflection of what took place. This was demonstrated when the Minutes disclosed to a Parliamentary Committee of a meeting that took place in February 2016 were different to the minutes of the same meeting available on their website. Caranua refuse to release a copy of the guidelines referred to by Advisors when making decisions on an application.

Their interaction with victims is primarily through a website. Victims are not welcome at their offices. There are a few occasions when Caranua have agreed to meet victims, but this is done at hotels or victim support centres and is subject to strict protocol. Caranua refuse to provide victims with any private interview facilities, victims are interviewed with other interviews going on in the same room. Therefore, their right to preserve the confidentiality of their personal information is being infringed in a substantial way.

Inconsistent application of the guidelines has created intergroup conflict.<sup>183/184</sup> High turnover of staff, concerns about the suitability of staff, delays in being allocated an Advisor, missing or lost post, mistakes, and overly bureaucratic, all contribute to the impression that this is a dysfunctional organisation in practice and ethos.

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<sup>178</sup> Review of the Effectiveness of Caranua , Appendix iii p. 31 paragraph 6.2.6

<sup>179</sup> Submission to the Educational Committee of the Oireachtas on Caranua Services , Appendix ii, p.10

<sup>180</sup> Review of the Effectiveness of Caranua Appendix iii p. 10 para 3.1.3 and p. 15 para 3.2.1

<sup>181</sup> Review of the Effectiveness of Caranua Appendix iii p. 17 para 3.2.5

<sup>182</sup> Tobin, M. (2015) Literacy in the Irish Reformatory Schools. *Irish Probation Journal*, 12 (Oct), p. 179-204

<sup>183</sup> Submission to the Educational Committee of the Oireachtas on Caranua Services , Appendix ii, pg. 12

<sup>184</sup> Review of the Effectiveness of Caranua Appendix iii, p. 17 para 3.2.7

The same criticisms that were made of the State's compensation scheme:<sup>185</sup>

*“Many of those who have accessed the Residential Institutions Redress Board have indicated to me that the individuals administering the fund displayed a lack of empathy. The process is generally regarded as being stressful and excessively bureaucratic and characterised by ill-conceived procedures which hamper rather than facilitate people accessing compensation.”*

Concerns about the management of the scheme have been raised in two parliamentary committees,<sup>186</sup> in several parliamentary debates<sup>187</sup> and in the media<sup>188</sup>. There has been wide condemnation of the management and its engagement with victims across the political spectrum. Criticism was directed at the CEO of Caranua following comments she made about victims which were reported in a national newspaper<sup>189</sup> and which she repeated in a radio broadcast the same day.<sup>190</sup>

Victims can apply to an Independent Appeals Officer but this particular aspect of service is now in crisis with wait times of 18 months or more. As such, there are concerns about overall effectiveness of the appeals process.

The Government refused demands to carry out an independent review of the operation of the scheme.<sup>191</sup> The Government has a statutory responsibility to oversee the operation of the scheme but is reluctant to intervene. This is reminiscent of the approach of the State in response to the allegations of mistreatment of children in institutions from the 1930s onwards.

### **Recommended Question**

Considering the evidence of mismanagement and allegations of re-abuse by Caranua, will the Government undertake an urgent review the corporate governance, leadership and direction of the scheme, to help repair the breach of trust and hurt caused to victims and to ensure better management that provides rehabilitation and avoids further re-abuse?

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<sup>185</sup> Parliamentary Debate, 28 June 2012.

<sup>186</sup> Parliamentary Public Accounts Committee, 13 April 2017 and Parliamentary Education Committee, 30 May 2017.

<sup>187</sup> Dail Eireann Parliamentary Debates: Motion calling for a review of Caranua denied 30 May 2017 & Motion calling for changes to the eligibility criteria, 2 March 2017.

<sup>188</sup> Various Articles, Caranua Redress Board Coverage, Appendix i.

<sup>189</sup> Kitty Holland, The Irish Times Caranua Redress Board Coverage, Appendix I, p. 17.

<sup>190</sup> RTE radio, [Joe Duffy Liveline](#), 20 March 2017.

<sup>191</sup> Dail Eireann Parliamentary Debates: Motion calling for a review of Caranua denied, 30 May 2017.

#### 4.7 Rehabilitation for victims' families

Dissolution of the Education Finance Board ended all attempts at rehabilitation for and in support of victims' families. Given that the term 'victim' includes affected immediate family or dependents or the victim,<sup>192</sup> it is imperative to provide appropriate supports and have such measures introduced immediately.

The measures listed to provide "Support and rehabilitation of former residents"<sup>193</sup> include a National Counselling Service, the *Origins* family tracing service, the establishment of the Education Finance Board and the proposed Residential Institutions Statutory Fund ("Statutory Fund"). The functions of the Education Finance Board were taken over by the Statutory Fund in 2014. The Statutory Fund was established to support the ongoing needs of victims is to fund the provision of counselling, health, education, housing and other services for victims.

There have been concerns expressed about the resources available to the other rehabilitation services, Barnardo's Family Tracing Service and the National Counselling Service. Access to the National Counselling Service has a waiting list of over a year for counselling.

#### 4.13 Recommended Question:

Considering that a victims' family may also be affected by abuse, and noting that the Education Finance Board ended any or all rehabilitation measures for such victims, the State is called upon to properly assess the supports that are necessary and to ensure that those supports are in place as soon as possible.

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<sup>192</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 19 November 2012 General Comment No 3, paragraph 1. Available at [http://www2.ohchr.org/english/bodies/cat/docs/GC/CAT-C-GC-3\\_en.pdf](http://www2.ohchr.org/english/bodies/cat/docs/GC/CAT-C-GC-3_en.pdf)

<sup>193</sup> States response (2015). Paragraph 20 (d)



## References

- Arnold, B. (2009) "The Irish Gulag: How the State Betrayed it's Innocent Children". *Dublin: Gill & Macmillan*.
- Arnold, B. "Now politicians are taking advantage of abuse victims", 30th May 2009, [www.brucearnold.ie](http://www.brucearnold.ie)
- Bowlby, J. "Attachment and Loss: Retrospect and Prospect". *American Journal of Orthopsychiatry*, 52 (4), (1982) pp.664-678
- Caranua (2016) Applying for Services Booklet , p. 5. Available at [http://caranua.ie/attachments/2016\\_Applying\\_for\\_Services\\_-\\_final.pdf](http://caranua.ie/attachments/2016_Applying_for_Services_-_final.pdf)
- Carr, A. (2009) The psychological adjustment of adult survivors of institutional abuse in Ireland. Report submitted to the Commission to Inquire into Child Abuse, as cited in *Commission to Inquire into Child Abuse*, Vol 5, pp. 78-350.
- Children's Rights Alliance, (2017) "Report Card" Available at [http://childrensrights.ie/sites/default/files/submissions\\_reports/files/Report%20Card%202017%20FULL.pdf](http://childrensrights.ie/sites/default/files/submissions_reports/files/Report%20Card%202017%20FULL.pdf)
- Coleman, K. (2010) "Haunting Cries, Stories of Child Abuse from Industrial Schools". *Dublin: Gill & Macmillan*, p. 235.
- Colman, R. A., & Widom, C. S. (2004) Childhood abuse and neglect and adult intimate relationships: a prospective study, *Child Abuse & Neglect*, Vol 28, p. 1131-1151.
- Committee on the Rights of the Child, (2016) "Concluding observations on the combined third and fourth periodic reports of Ireland".
- Comptroller and Auditor General (2016), "Cost of Child Abuse Inquiry and Redress", *Report no. 96*, p.36. Available at [http://www.audgen.gov.ie/reports/Cost\\_of\\_Child\\_Abuse\\_Inquiry\\_and\\_Redress.pdf](http://www.audgen.gov.ie/reports/Cost_of_Child_Abuse_Inquiry_and_Redress.pdf)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, or Punishment (2011) "Consideration of reports submitted by States parties under article 19 of the Convention Concluding observations of the Committee against Torture: Ireland". Available at [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/IRL/CO/1&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/IRL/CO/1&Lang=En)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2012) "Convention against Torture and other Cruel, Inhuman or Degrading

Treatment or Punishment General Comment No. 3 of the Committee against Torture”. Available at [http://www2.ohchr.org/english/bodies/cat/docs/GC/CAT-C-GC-3\\_en.pdf](http://www2.ohchr.org/english/bodies/cat/docs/GC/CAT-C-GC-3_en.pdf)

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, or Punishment (2013) “Concluding observations on the initial report of Ireland, adopted by the Committee at its forty-sixth session (9 May-3 June 2011) ,Addendum: Information received from Ireland on the implementation of the Committee’s concluding observations”. Available at [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FIRL%2FCO%2F1%2FAdd.1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FIRL%2FCO%2F1%2FAdd.1&Lang=en)

Corby, B. (2000) Child abuse: Towards a knowledge base. *Open University Press; Buckingham*

Dáil Eireann Parliamentary Debate: Ryan Report / Commission to Inquire into Child Abuse, 11th June 2009.

Dáil Eireann Parliamentary Debate: Ryan Report /Commission to Inquire into Child Abuse, 12<sup>th</sup> June 2009.

Dail Eireann Parliamentary Debates: Written Answer from Pearse Doherty TD to Katherine Zappone TD, 9th March 2017.

Dail Eireann Parliamentary Debates: Motion calling for a review of Caranua denied 30 May 2017 & Motion calling for changes to the eligibility criteria, 2 March 2017.

Department of Health & Children, (2009) “Report of the Commission to Inquire into Child Abuse: Implementation Plan, p. 67

Department of Justice & Equality (2009) “Report by Commission of Investigation into Catholic Archdiocese of Dublin”. *Dublin: Government Publications Office*. Available at <http://www.justice.ie/en/JELR/Pages/PB09000504>

EPIC , “Submission to the Department of Children and Youth Affairs on Prioritising Young People with Care Experience in Action Plan for Social Housing”, (2016). Available at <http://www.epiconline.ie/submission-on-prioritising-young-people-with-care-experience-in-action-plan-for-social-housing/>

EPIC , “Submission-to-ihrec-on-issues-for-young-women-leaving-state-carecare-experience”, (2016). Available <http://www.epiconline.ie/submission-to-ihrec-on-issues-for-young-women-leaving-state-carecare-experience/>

EPIC, “ Final Submission to Tusla on Review of National Aftercare Policy to the Review of National

Afte Tusla (2016) National Review Panel Annual Report. Available at

Focus Ireland. Available at [www.focusireland.ie/resource-hub/about-homelessness/](http://www.focusireland.ie/resource-hub/about-homelessness/)

Focus Ireland, (2016) “Lone Parents and Homelessness: Presentation to Oireachtas Joint Committee on Social Protection”. Available at <https://www.focusireland.ie/wp-content/uploads/2016/03/Submission-to-the-Oireachtas-Committee-on-Social-Protection-final.pdf>.

Focus Ireland, (2016) “The Family Homelessness Crisis Briefing Note for Houses of the Oireachtas”. Available at <https://www.focusireland.ie/wp-content/uploads/2016/03/Briefing-on-Family-Homelessness-November-2016-final.pdf>

Goode, H., McGee, H., & O'Boyle, C. (2003) “Time to Listen: Confronting Child Sexual Abuse by Catholic Clergy in Ireland”. *Dublin: The Liffey Press*

Haase, T (2014) Socio-economic Mapping of Place of Living of Survivors of Institutional Residential Care in Ireland, *Caranua*. Available at [http://caranua.ie/attachments/CARANUA\\_SOCIO\\_ECONOMIC\\_MAPPING\\_RPT\\_150902.pdf](http://caranua.ie/attachments/CARANUA_SOCIO_ECONOMIC_MAPPING_RPT_150902.pdf)

Holohan, C. (2011) “In Plain Sight”. *Amnesty International Ireland*. Available at <https://www.amnesty.ie/in-plain-sight/>

O’Riordan, M. & Arensman, E. (2007) “Institutional Child Sexual Abuse and Suicidal Behaviour: Outcomes of a Literature Review, Consultation Meetings and a Qualitative Study”. *National Suicide Research Foundation*.

Moore, J., & Thornton, C. (2015) “On the Road to Resilience: the Help-Seeking Experiences of Irish Emigrant Survivors of Institutional Abuse”, *Child Abuse Review*

Mcloone-Richards, C. (2012) Say Nothing! How Pathology within Catholicism Created and Sustained the Institutional Abuse of Children in 20th Century Ireland, *Child Abuse Review*, Vol. (6), pp. 394-404.

Powell, F., Geoghegan, Martin., Scanlon, M., Swirak, (2013). The Irish Charity Myth, Child Abuse and Human Rights: Contextualising the Ryan Report into Care Institutions. *British Journal of Social Work*, 43(1), pp7-23

Powell, F. W & Scanlon, M. (2015) “Dark secrets of childhood: Media power, child abuse and public scandals”. *Policy Press: University of Bristol*.

Residential Institutions Redress Board (2014) Annual Report, p.12. Available at <http://www.rirb.ie/annualReport.asp>

RTE News, “Greater co-operation' needed between Tusla, gardaí over child protection”, *RTE*, 30th May 2017. Available at <https://www.rte.ie/news/2017/0529/878599-child-protection-report>.

Ryan Report Monitoring Group (2010) “Ryan Report Implementation Plan, First Progress Report”.

Ryan Report Monitoring Group (2011) “Ryan Report Implementation Plan, Second Progress Report”. Available at [https://www.dcy.gov.ie/documents/publications/Ryan\\_Final.pdf](https://www.dcy.gov.ie/documents/publications/Ryan_Final.pdf)

Ryan Report Monitoring Group (2012), “Ryan Report Implementation, Plan Third Progress Report”. Available at <https://www.dcy.gov.ie/documents/publications/RyanThirdProgressReport.pdf>

Ryan Report Monitoring Group (2014) “Ryan Report Implementation Plan, Fourth Progress Report”. Available at <https://www.dcy.gov.ie/documents/publications/20150324RyanRepFourthProgressDec2014.pdf>

Shannon, G. (2016) “Ninth Report of the Special Rapporteur on Child Protection: A Report Submitted to the Oireachtas”. Available at <https://www.dcy.gov.ie/documents/publications/201611189thReportoftheSpecialRapporteuronChildProtection.pdf>

Shannon, G. “Audit of the exercise by An Garda Síochána of the provisions of Section 12 of the Child Care Act 1991”, (2017). Available at <http://www.garda.ie/Documents/User/Audit%20of%20Section%2012%20Child%20Care%20Act%201991.pdf>

Staines, A., Boilson, A., Craven, F., & Wyse, E. (2008) “Assessment of Health Status of Children Detained at Irish Industrial Schools 1940-1983”, p.3., as cited in *Commission to Inquire into Child Abuse* (2009), Vol 5, ‘Staines Submissions’

Sorsoli, L. (2010) “I remember”, “I thought”, “I know I didn’t say”: Silence and memory in trauma narratives. *MEMORY*, 18 (2), pp. 129-141.

The Child Care Act (1991). Available at <http://www.irishstatutebook.ie/eli/1991/act/17/enacted/en/print.html>

The Commission to Inquire into Child Abuse Act (2000). Available at <http://www.irishstatutebook.ie/eli/2000/act/7/enacted/en/pdf>

The Compensation Advisory Committee (2002) “Towards Redress and Recovery: Report to the Minister for Education and Science”. Available at [http://www.rirb.ie/documents/cac\\_report2002.pdf](http://www.rirb.ie/documents/cac_report2002.pdf)

The Irish Catholic Bishops’ Advisory Committee and Child Sexual Abuse by Priests and Religious (1996) “Child Sexual Abuse: Framework for a Church Response”. *Irish Catholic Bishops’ Conference*.

The Irish Times, “Brother quoted selectively from death certificate”, 7th November, 2002. Available at <https://www.irishtimes.com/news/brother-quoted-selectively-from-death-certificate-1.1125504>

The Irish Times, “How the Story of Abuse emerged”, November 26th, 2009. Available at <http://www.irishtimes.com/news/how-the-story-of-abuse-emerged-1.849771>

The Irish Times, “Redress board queried about repeated denials”, Irish Times, June 30th, 2009. Available at <http://www.irishtimes.com/news/redress-board-queried-about-repeated-denials-1.794519>

The Irish Times, “Exhibition may replace memorial to abuse victims”, *Irish Examiner*, 10th March 2017. Available at <http://www.irishexaminer.com/ireland/exhibition-may-replace-memorial-to-abuse-victims-444899.html>

The Irish Times “Child abuse survivors angry at lack of consultation on memorial”, *Irish Examiner*, 23rd March 2017. Available <http://www.irishexaminer.com/ireland/exhibition-may-replace-memorial-to-abuse-victims-444899.html>

The National Board for Safeguarding Children in the Catholic Church in Ireland (2015) “Review of Child Safeguarding Practice in the religious congregation of The Brothers of Charity”, p.6. Available at <https://www.safeguarding.ie/images/Pdfs/Congregations/Brothers%20of%20Charity%20.pdf>

The National Board for Safeguarding Child in the Catholic Church in Ireland, “Annual Report”. Vertias Publications: Dublin. (2016), p. 22. Available at [https://www.safeguarding.ie/images/Pdfs/Annual\\_Reports/NBSCCC\\_Annual\\_Report\\_2016\\_web.pdf](https://www.safeguarding.ie/images/Pdfs/Annual_Reports/NBSCCC_Annual_Report_2016_web.pdf)

The Residential Institutions Redress Act, (2002). Available at <http://www.irishstatutebook.ie/eli/2002/act/13/enacted/en/pdf>

Tobin, M. (2015) Literacy in the Irish Reformatory Schools. *Irish Probation Journal*, 12 (Oct), p. 179-204

Towards Healing (2015), Annual Report. Available at <http://www.towardshealing.ie/annual-reports.html>

Tusla, Child and Family Agency. <http://www.tusla.ie/about>

Tusla, Child and Family Agency (2017) “Integrated Performance and Activity Report, Quarter 1”. Available at [http://www.tusla.ie/uploads/content/Q1\\_2017\\_Integrated\\_Performance\\_and\\_Activity\\_Report\\_Final.pdf](http://www.tusla.ie/uploads/content/Q1_2017_Integrated_Performance_and_Activity_Report_Final.pdf)

Wall, T. “The Boy from Glin Industrial School”. *Self – published*, (2014)

Wolfe, D. A., Francis, K. J., & Straatman, A. (2006) Child abuse in religiously-affiliated institutions: Long-term impact on men’s mental health. *Child Abuse & Neglect*, 30, p. 205-212

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## APPENDIX I

### MEDIA REPORTS ABOUT THE OPERATION AND MANAGEMENT OF THE STATUTORY FUND BETWEEN 20 MARCH 2017 TO 12 JUNE 2017

#### **‘It feels like they’re waiting for us to die’**

Ellen Coyne Senior Ireland News Reporter June 12 2017, 12:01am, The Times

Jerry does not know where he is from. The 57-year-old grandfather of four spent 18 years in three different religious institutions: an industrial school for girls and junior boys in Ballaghaderreen, Co Roscommon; Mount Carmel Industrial School in Moate, Co Westmeath, and St Michael’s in Dublin. He is one of ten survivors The Times spoke to earlier this year who had applied to Caranua.

“The sexual abuse was horrific,” Jerry said. He cannot remember a day before he was 18 when he was not abused in some way. Like his fellow survivors Jerry was nervous about state schemes such as Caranua that were set up to compensate him for what happened.

“Nobody can bring back time. All the government can do is give us money. There’s nothing else they could do, not a thing,” he said. “The thing about me is, and other survivors will tell you this, I will never ever know what it’s like to wake up as a kid. That kills me. That’s why at Christmas I go to my daughter’s and I sit down and watch Mary Poppins. I try to live.”

His house is damp and some of the walls are close to collapsing. His application to Caranua included a new wardrobe, other housing improvements and a keyboard, because he enjoyed music. Last summer Caranua implemented a €15,000 cap. Jerry has been refused his wardrobe. He has tried to contact Caranua to say the cap had not been explained to him, but has been frustrated by a lack of a response.

“I go home and look at that keyboard, €700 worth, and I have no wardrobe to hang up my clothes,” he said. He was also denied a washing machine.

“The stress [Caranua] are causing people is unreal. And none of us are getting any younger. Sometimes it feels like they’re just waiting for us to die,” Jerry said.

Declan, not his real name, said he suppressed the memories of what happened to him at St Joseph’s School in Ferryhouse, Clonmel, Co Tipperary when he was 15. The memories returned decades later when he was married with children.

He had prostate cancer in his forties and afterwards would struggle to make it to the bathroom in his house from his downstairs bedroom. He said Caranua did not help to pay for a toilet downstairs but offered to refurbish his upstairs bathroom. “They were talking about needing a ‘strong medical need’,” he said. “I had cancer.”

Pierce, 68, said he was “lucky” compared with other survivors because he only lived at St Theresa’s mother and baby home in Blackrock, Dublin for less than a year when he was seven. “My first day I was introduced to a priest and he sort of had me for the best part of two weeks. By the time he was finished with me, that was my life over with,” he said.

He was initially refused funding for a house. “I was told, ‘we’re not running a candy shop’.” The funding was granted after he took legal action.

Michael, 74, who was put into an industrial school in Artane for nine years from the age of seven, said he was thankful for the financial aid he received from Caranua but that the process had been unnecessarily stressful.

Vincent, not his real name, was institutionalised at the age of two and never had a visitor until he was seven years old, when a man who said he was his older brother arrived and promised to take him out the following week.

“I never saw him again,” he said.

Vincent said while his experience of Caranua “wasn’t perfect” he was grateful that the agency existed.

source: <https://www.thetimes.co.uk/article/the-stress-caused-is-unreal-sometimes-itfeels-like-theyre-waiting-for-us-to-die-jk06m8r0h?shareToken=25aad2fa2b8d5fa9895aba8208347341>

### **Agency had only one job but it failed**

Ellen Coyne, Senior Ireland News Reporter June 12 2017 The Times

Caranua had one job. After €110 million was collected from religious congregations that had overseen abuse all that remained was the task of handing it out (Ellen Coyne writes).

In its short existence, the state agency has clocked up a jaw-dropping list of failings.

Minutes from board meetings give some insight into its attitude. At one point, it congratulated itself for having told applicants that it would be imposing a €15,000 limit on payments after a small number received very large amounts.

David O’Callaghan, the chairman, has admitted that these payments were made shortly after Caranua was set up, when it was understaffed and running an “appalling” service. The minutes show that it casually referenced payments of more than €25,000, some of which were processed without an application form being filled out.

Caranua is required to have at least four survivors of abuse on its board. Many former members have raised concerns about the arbitrary way in which some applications were rejected. The board said that staff were under stress because of the number of calls the agency was receiving. There was no apparent mention of the stress endured by victims.



There was a threat to stop holding outreach events because of a perception that survivors were being “aggressive” towards Mary Higgins, the chief executive. When the public accounts committee asked for the minutes from this board meeting, the reference to cancelling events was removed.

Caranua has spent tens of thousands on an external review after governance problems were identified. It had previously questioned whether it needed to be audited because it was such a small organisation. It considered if it would be possible for it to have the power to spend up to €50,000 on administration without seeking permission from the Department of Education.

Ms Higgins’s appearances at the public accounts committee infuriated TDs after standard questions were met with eye-rolls and defensiveness. Her now notorious appearance on RTE Radio 1’s Liveline programme, when she dismissed criticism of the agency, was brought up and she was asked if she wanted to apologise. She claimed she had not heard the interview because she was on air at the time. She also said that some victims of abuse would “never be happy” and had a “hole” in them that Caranua could not fill. Staff are understood to have told survivors the fund was not “a sweet shop” and that they had “had enough”.

The money offered to victims is a paltry attempt to compensate them for their ordeals, nothing ever could. Yet some say they wish they had not applied and insist that they would not do so again even if they desperately needed assistance.

### **Caranua spent abuse survivors’ cash without permission Ellen Coyne, Senior Ireland News Reporter June 12 2017 the Times**

A state agency has been spending hundreds of thousands of euros from a fund for survivors of institutional abuse without permission.

An investigation by The Times has found Caranua spent contributions from religious institutions meant for victims without the full knowledge of the agency’s board or the government, which is required under law. The agency administers a €110 million fund set up to pay for the health, housing and educational needs of survivors. Caranua’s only function is to divide the fund between applicants.

Its own administrative costs also come from the fund, which has €43 million remaining. Since 2013, it has spent at least €4 million on administrative costs, including business consultants and PR agencies. A large portion of this amount did not get the required approval until 2015, when the Department of Education retrospectively sanctioned the payments. After reviewing its finances, Caranua imposed a €15,000 limit on payouts to survivors last June to guarantee the fund’s “sustainability.” Caranua has spent almost €1 million on cancellation charges after cheques sent to survivors were not processed. A former member of the board told The Times that in many cases cheques were not processed because they were out of date by the time the health or housing work was carried out. The Department of Education, which oversees the body, is now facing questions about why it retrospectively gave the agency approval to use the survivors’ fund on consultants and PR companies in 2013 and 2014.

Since 2015, Caranua has also spent some of the fund without government permission that it is required to obtain by the law it was set up under. Documents obtained by The Times show that last year the agency spent €125,959 on consultants and outsourced financial staff after budgeting only €50,000 for such costs. It also spent almost €7,000 in bank charges after planning to spend €500. More than €20,000 of the fund was spent decorating an office that it is about to leave.

Survivors have detailed long delays in having their payments processed. Caranua has reported an eight-month delay between survivors applying to it and receiving an assessment call, after which they must wait even longer before they find out if they will be granted any support. Records from the education department show that 95 contracts were approved since Caranua was set up in 2015, with 86 being approved on the same day — August 11, 2015. The department confirmed that many of the contracts were approved two years after the money was spent.

“The department had been engaging with Caranua in regard to contracts and consultancies over an extended period of time,” a spokeswoman for the department said.

Caranua’s board meeting minutes up to 2015 account for only 21 contracts being approved. Former members of the board told The Times they did not recognise some of the spending and believed some contracts did not have the approval of the board.

Board members twice asked Mary Higgins, Caranua’s chief executive, to give a full list of the contracts the state agency had signed but did not receive the information. “They also didn’t like separating the administrative costs out from the grants [to survivors], though we kept asking,” a former board member said.

In 2013 €47,843 from the fund was spent on consultancy fees without the department’s permission. Communications and promotions in the same year, which were also not approved until 2015, were €45,974.

In its accounts for 2014, Caranua stopped recording consultancy fees, changing it to “legal and professional fees”, which amounted to €58,806. Its communications and promotions costs for the same year were €42,261. The contracts for the costs were not approved by the department until 2015.

***Those contracts also included hiring Q4, a PR company, in 2013 to approve the wording of a letter and design of Caranua’s website.*** The same year Liz Chaloner, a consultant, was hired to draft an “acceptable behaviour policy” which threatened to restrict survivors access to the fund if there was “unreasonable levels of contact”

Many survivors say that they have had to contact Caranua several times to chase applications. In some cases people have been waiting more than 18 months for payments that were approved. There is no record of the Department of Education approving any spending for Caranua for the past two years despite some board members saying that lists of administrative contracts about to be entered into were discussed at meetings in the past 24 months.

Catherine Connolly, an independent TD on the public accounts committee, said she has repeatedly asked for a record of all of Caranua's spending on contracts. Ms Connolly said she was shocked and concerned that Caranua was spending money on contracts without the department's knowledge and called on Richard Bruton, the education minister, to review the agency.

A spokeswoman for Caranua did not explain why the agency had entered contracts without permission.

"It is important to recognise that the fund is not designed to meet every need of every survivor and is not a replacement for health, education and social services that are available to them as citizens. Rather it is to respond to applications for particular services that are necessary and that add value to existing public services," she said.

<https://www.thetimes.co.uk/article/caranua-spent-abuse-survivors-cash-without-permission-2z789dffc>

### **'Outspoken' victim angry over Caranua axe**

*Ellen Coyne Senior Ireland Reporter June 1 2017, The Times*

A survivor of institutional abuse has claimed he was dropped from the board of Caranua after speaking out about issues with the state agency. David Lane, who was in a religious institution for almost 18 years, was told that one of the reasons he was rejected after reapplying to the board of Caranua, which runs a redress fund for victims of institutional abuse, was because he did not have the relevant "financial expertise".

Catherine Connolly, an independent TD, said she was horrified that Mr Lane was excluded for that reason when Caranua itself was found to have major issues with financial control and had been accused of mispending survivors' money on administrative costs.

Caranua was set up to distribute a fund of €110 million to survivors who have health, housing or educational needs. The Times has reported that the agency has spent some of the fund on a €2 million agency staff bill and has paid €100,000 of an expected €800,000 to a counselling service run by the Catholic church. It has also incurred redecoration costs despite knowing it was about to relocate to a new office and is expected to spend more than €820,000 on the move over the next three years.

Caranua has been operating without a board of management since March. There must be four survivors of abuse on the board, according to the legislation it was set up under. This week three of the four survivors who had been on the board, including Mr Lane, were dropped after reapplying. Several board members said that Mr Lane was "outstanding" and one of the most outspoken members when he felt Caranua was not acting in the best interests of survivors. Mr Lane said the rejection reminded him of the abuse he experienced in St Joseph's Orthopaedic Hospital for Children in Co Westmeath, where he was sent as a child because he was born with spina bifida.

Caranua did not respond to Mr Lane's criticisms and said that filling the vacancies on the board was carried out by the public appointments service.

Source: [https://www.thetimes.co.uk/article/outspoken-victim-angry-over-caranua-axe-w9q7vdqlq#\\_=\\_](https://www.thetimes.co.uk/article/outspoken-victim-angry-over-caranua-axe-w9q7vdqlq#_=_)

### **Oireachtas committee hears call on Caranua chief executive to resign** *Kitty Holland*

*May 30, 2017, Irish Times*

The chief executive of Caranua, the independent statutory organisation charged with managing a fund to improve the lives of survivors of institutional abuse, should “step aside” an Oireachtas committee has heard. Senator Lynn Ruane called on Mary Higgins to resign from her role, at the Education Committee on Tuesday. All committee members present said they had had significant complaints from survivors about their engagement with Caranua. Ms Higgins said she was not aware of the complaints and it was difficult for Caranua to address them as a result.

Caranua, which means ‘new friend’, was established under the 2012 Residential Institutions Statutory Fund Act, to manage a €110 million fund provided by the religious, to improve survivors’ lives. Survivors can apply to the fund for grants for such services as counselling, medical treatment, education or therapies.

The organisation has come under fire in recent weeks following claims by some survivors that they had been “retraumatised” by their engagement with it, and due to statements by Ms Higgins about survivors in March, in an interview with The Irish Times and subsequently on RTÉ radio, in which she said some survivors “would never be happy”.

Senator Ruane quoted from a letter sent to survivors after the value of the services they had received had reached a cap of €15,000, in which they are told: “We hope you will continue to enjoy the benefits of what you have received”. She said the language was offensive as it implied the fund was a “gift” for which they should be grateful. She could not believe the board could support her in her position as chief executive.

“I feel in my opinion with language like that... I believe you should step aside from your position.”

She asked why the cap of €15,000 had been imposed in June 2016, when Caranua had committed to meeting survivors’ ongoing needs. She said “ongoing needs don’t have caps”.

Catherine Connolly, TD, said it was her belief Caranua had established an “unjust” and “inequitable” system, while committee chair Fiona O’Loughlin, said she had heard mainly “negative” reports from survivors of Caranua. “They have felt they were not respected...It is very concerning.”

Catherine Martin TD described the language Ms Higgins had used about survivors as “disgraceful”, and said she found it difficult to believe Ms Higgins was unaware of unhappiness with the services.

Ms Higgins said Caranua could only address issues that were brought to the organisation’s attention. “If the complaints are not brought to us there is nothing we can do.” She asked Oireachtas members to bring the complaints to her attention. “We make mistakes. We get things wrong...and when that happens we say we’re sorry...We are an open organisation. It is very difficult to hear all this negativity,” she said. She said Caranua would meet survivors face-to-face in the new premises into which Caranua would move once a legal issue was sorted out over the lease. “It is our intention that we will diversify the offering we have for survivors,”

“We do try earnestly to write to people in a way that conveys warmth.... in a way that people will understand and get the message....We are here to provide something additional. And I do think sometimes there are misunderstandings about what we can do.

She said it wasn’t Caranua’s role to seek more money from the religious to add to the fund. “It’s the role of the Minister,” said Ms Higgins.

source: <http://www.irishtimes.com/news/social-affairs/oireachtas-committee-hears-call-on-caranua-chief-executive-to-resign-1.3102230?mode=print&ot=example.AjaxPageLayout.ot>

## **UN will hear critical report on Caranua**

*[Leanna Byrne](#) May 28, 2017 Sunday Business Post*

A report criticising the state agency tasked with giving compensation to survivors of institutional abuse will be brought before the United Nations in July. The report, which is being finalised by solicitor Fionna Fox and survivors advocate AnneMarie Crean, will be put before the Committee Against Torture, the UN body which monitors the implementation of the convention against torture and other cruel, inhuman or degrading treatment or punishment by state parties.

All states are obliged to submit regular reports to the ten-person committee on how the convention’s rights are being implemented.

The report is expected to highlight issues like transparency, exclusionary policies and difficulties for survivors accessing basic services from Caranua. Fox, who represents some 40 survivors, had submitted a version of the report to the Oireachtas education committee, which will discuss Caranua this week. The committee refused to publish the report, however. Trinity College Dublin senator Lynn Ruane, who commissioned the report, said that the committee sought changes to the report, but despite making those changes it was not accepted. Ruane has circulated the report to all members of the education committee.

Caranua, which was established in 2012, is responsible for the €110 million fund for survivors of institutional abuse.

The provision of the fund is aimed at improving survivors' lives by paying for services in health, education and housing that are not readily available through public bodies.

In March, The Sunday Business Post interviewed individual survivors and survivor groups who criticised Caranua and their treatment of survivors. In April, the body appeared before the Oireachtas Public Accounts Committee to answer queries on weaknesses identified by the Comptroller and Auditor General over grant payments.

But last week, a motion brought forward by independent TD Catherine Connolly seeking a review of Caranua's operations failed during private members' time. An amended motion put forward by Fine Gael was passed. Based in Dublin, Caranua employs 24 staff.

Source: [https://www.businesspost.ie/news/un-will-hear-critical-report-caranua-389024?utm\\_source=facebook&utm\\_campaign=article&utm\\_medium=web#\\_=\\_](https://www.businesspost.ie/news/un-will-hear-critical-report-caranua-389024?utm_source=facebook&utm_campaign=article&utm_medium=web#_=_)

### **Caranua has been operating without board since March** *Ellen Coyne Senior Ireland Reporter*

*May 25 2017, The Times*

Caranua was set up to distribute cash to abuse survivors at industrial schools. Caranua, the stage agency tasked with managing a €110 million redress fund, has been operating without a board of management since March.

Richard Bruton, the education minister, said there were "genuine concerns" surrounding the agency which must be investigated. Mary Higgins, chief executive of Caranua, will today face questions from an Oireachtas committee on the corporate governance of the fund and the way it treats survivors of institutional abuse.

Caranua was set up to distribute money provided by religious orders to survivors of abuse at industrial schools. They can apply for financial aid based on their health, housing or educational needs.

Over the past month, The Times has reported that Caranua used the redress fund on a €2 million agency staff bill, €94,648 of an expected €800,000 to a counselling service run by the Catholic Church and redecoration costs for its office despite knowing it was shortly going to move. It intends to spend at least €820,000 on new offices, including parking for its staff in Dublin city centre.

There is currently an eight-month delay between survivors applying to Caranua and receiving an assessment call, after which they must wait even longer before they find out if they will be granted any support. Survivors and staff have expressed serious concerns about the fact that it is operating without a board of management, particularly given recent public criticism of how the fund is being managed. The current board expired in March this year, but members have not been reappointed yet. The Department of Education told The Times that an announcement on the board would be made "shortly" but didn't clarify what that meant. It is

understood that many of those who applied or reapplied to be on the board have been “left in the dark”, with little details about when they will be appointed.

Catherine Connolly, an independent TD, yesterday tabled a motion calling on the government to hold an urgent review into the management of Caranua and to ensure that it does not spend an estimated €271,396 per year from the abuse fund moving to a new office. Mr Bruton said that the issue of meeting its rent was for Caranua and not the government but added that the issue should be examined. “There are genuine concerns that need to be addressed, and I think we need to move to a situation where there is a stronger charter where the support available to people is clearer and that the procedures are the best that they can be, and that the eligibility is deemed appropriate,” Mr Bruton said. “I think it is merited that we look at this organisation and ensure it holds up to good practice.”

Fianna Fáil tabled a counter motion calling on the government to carry out a review that it had already committed to but hasn't yet started.

The comptroller and auditor-general, the state spending watchdog, has previously identified issues with financial control at Caranua. Two per cent of applicants had been awarded one fifth of the total fund so far, according to evidence given by Caranua executives to the PAC last month. Two people received €100,000 or more; three people were given €90,000 or more; and another three were granted between €80,000 and €85,000. In June Caranua imposed a €15,000 limit on payouts to guarantee the fund's “sustainability”. It said that the new limit would apply to applications from June 1 last year, but that some applicants would be “offered” the option to choose to limit their application if it was submitted before June but they still had not received a response.

The Times has seen evidence that Caranua was attempting to impose the limit retrospectively on unresolved applications received well before the deadline.

Source: <https://www.thetimes.co.uk/article/caranua-has-been-operating-without-board-since-march-h02m0vfl5#> =

## **Caranua paid €100k to Church-funded counselling service for clerical abuse survivors**

*Conall Ó Fátharta*

*May 25, 2017, Irish Examiner*

Caranua paid almost €100,000 to a Catholic Church-funded counselling service to provide support to abuse survivors over the last two years. The revelation is contained in documents sent by Caranua to the Public Accounts Committee (PAC), following its appearance before the committee last month. Caranua was established by the Residential Institutions Statutory Fund Act 2012 to oversee the use of cash contributions of up to €110m, pledged by the religious congregations, to support the needs of survivors of institutional child abuse.

In the documents, Caranua outline details of €94,648 it paid to the Towards Healing counselling service in respect of 59 individuals in 2015 and 2016. The bulk of this, €87,263, was paid in 2015, with the remainder paid the following year. Towards Healing provides a

face-to-face and telephone counselling service to people who experienced abuse in institutions managed by religious congregations on behalf of the State, clerical sexual abuse, and to others impacted by such abuse. According to its website, it is funded by way of a €3m budget every year, which comes exclusively from the Catholic Church. In its submission to the PAC, Caranua said it initially advises anyone seeking support to avail of counselling, free of charge from Immigrant Counselling and Psychotherapy (ICAP), National Counselling Service, and Connect, which are all funded by the State, and Towards Healing. It also said it outlines the services, their origins, and the sources of funding to survivors. However, unlike other counselling services, Towards Healing introduced a cap of 80 on the number of free sessions that an individual could avail of. It then approached Caranua to enter into an arrangement whereby a person who had reached this cap and required further treatment, could apply to Caranua for support.

Caranua said the concern that the cap was introduced in order to avail of funding from the abuse fund was discussed by the board.

“This matter was considered by the board over a number of meetings during 2014 and a number of meetings were also held between the chair and CEO of both Towards Healing and Caranua (19th March, 5th June, and 15th July).

“The concern that the cap had been introduced in order to avail of funding through Caranua and that this payment from Caranua for services to Towards Healing would, in effect, be a subsidy from one fund supported by Catholic bodies to another, was raised and considered by the board. A decision, in principle, to enter into an agreement with Towards Healing was made by the board at its meeting on 19 June,” Caranua wrote to the PAC. Caranua told PAC the board was of the opinion that the agreement would help ensure the continuation of services to those who had been clinically assessed as needing those services, while at the same time removing the necessity for individual applicants to provide Caranua with quotes and receipts. Last week, the Irish Examiner revealed that concerns about an increasing “level of aggression” aimed at Caranua CEO Mary Higgins by abuse survivors at public meetings were raised by board members last year. The revelation is contained in minutes of a board meeting at the River Lee Hotel in Cork in April of last year

*Source: <http://www.irishexaminer.com/ireland/caranua-paid-100k-to-church-funded-counselling-service-for-clerical-abuse-survivors-450812.html>*

**Bruton says review to start soon as agency paying survivors of abuse condemned** *Marie O'Halloran*

*May 24, 2017, Irish Times*

A review of Caranua will start shortly, the Minister for Education said on Wednesday as the agency charged with making award payments to institutional abuse victims was sharply criticised in the Dáil. TDs criticised the agency for paying more than €50,000 to date in rent for its OPW-managed offices from the survivors' fund. Richard Bruton said Caranua's board “is independent and has to arrange its own accommodation and it must meet the costs for that



accommodation from its own resources”, as was stated in the legislation. Independent TD Catherine Connolly described Caranua as a classic example “of an institution becoming more important than the people it is meant to serve”. She said it had failed a large number of applicants, adding to their abuse through negative treatment and poor delivery of service.

She pointed to a number of serious and unacceptable breaches of the legislation relating to the €110 million fund, the high turnover of staff and the contracts signed without the knowledge of the Minister. Many TDs complained that some survivors who applied more than three years ago had still received nothing. Ms Connolly highlighted the €800,000 a counselling service Towards Healing expected to receive from the funding, the €2 million spent on private companies and the more than €100,000 spent on rent taken from the fund. Mr Bruton acknowledged that there were genuine concerns that needed to be addressed including a stronger charter and “good practices”. But he said the portrayal of the agency by TDs “as if they were trying to protect their monies for some selfish reason to prevent money from being disbursed and to put obstacles in their way” did not represent what Caranua was trying to do.

“I don’t doubt there were individual experiences where people came back very dissatisfied” and he said some people did not have an ease of dealing with bureaucracy and they “felt abused”. But he said “we have established requirements on how money is spent and that has to be observed by any board that is dealing with public money”. Mr Bruton also acknowledged concerns about issues for survivors from the UK who might not have been aware of the scheme or had difficulty accessing it. He said Caranua had public guidelines for survivors outside Ireland. “I recognise there are groups that may not have been reached” and that that would be rectified.

“I will draw the attention of Caranua to the debate we have had because there is a genuine attempt to improve and meet the needs” of survivors.

And he said a new board with a broad mix of experience was being established. Ms Connolly was introducing a private member’s motion calling for an immediate review of its operations, including eligibility criteria and a new survivor-led customer charter as well as establishing a system of appropriate oversight.

Ms Connolly said then education Minister Ruairí Quinn had promised a review within two years of the establishment in 2013 of the fund, but since then “we have had two more ministers for education and a review still has not been carried out of an organisation that has lurched from crisis to crisis”. She said the organisation was overwhelmed by the 2,134 applications it initially received even though up to 15,000 were expected.

Source: <http://www.irishtimes.com/news/politics/oireachtas/bruton-says-review-to-start-soon-as-agency-paying-survivors-of-abuse-condemned-1.3095292?mode=print&ot=example.AjaxPageLayout.ot>

**‘Traumatised’ abuse survivor getting loan to pay back redress money** *Kitty Holland*

*May 22, 2017, Irish Times*

William Gorry (51) has been so “traumatised” by recent comments from Caranua’s chief executive Mary Higgins, that he plans to get a loan and pay the funding he received from the organisation, back.

In an interview with The Irish Times in March, Ms Higgins said some survivors applying for grants from the fund would “never be happy” and that their grievances with Caranua “suit a narrative”.

“It suits a narrative of the ‘big, bad State’ and the ‘big, bad religious congregations’,” Ms Higgins said. “If people feel [disrespected], it’s not because we are nasty or horrible . . . You can’t control people’s experience of what we do for them. We have to face the fact, the damage that has been done to these people is so deep that it doesn’t matter what anybody does.”

She subsequently withdrew the comments “unreservedly”.

Mr Gorry, from Moate, Co Westmeath, however, says he was so deeply hurt that he fell into a “deep, dark place” for several days. The seventh of 13 children, Mr Gorry and his siblings were taken into care after their mother left the family. He was placed with the Sisters of Mercy at Aghanargit school in Moate, and in various “foster” homes during holidays. He was beaten and sexually abused through his childhood. “Reading the comments Mary Higgins made, was like being beaten again in Moate, being told I was useless, worthless, damaged, that I’d never be any good. I just had to go to bed. I cried for days,” he said. “The thing of ‘never being happy’, of being ‘damaged’ – yes I am damaged, but people like myself would be a lot happier if we were treated with respect. She is a person in charge of an organisation which is about care, and she is making judgments against unfortunate people who have never had a chance to see a happy life and grab it.” Mr Gorry, who is partially blind, engaged with Caranua in 2014, and received funds for education, counselling, a new bathroom, gym membership and visual aids, to the value of €34,000.

“If I could go into that bathroom and rip the toilet out I would. I’m going to get a loan and pay it all back. It’s the only way I can get my dignity back,” he says.

Caranua cannot comment on individual cases.

Source: <http://www.irishtimes.com/news/social-affairs/traumatised-abuse-survivor-getting-loan-to-pay-back-redress-money-1.3091132?mode=print&ot=example.AjaxPageLayout.ot>

### **Caranua chief withdraws comments which offended abuse victims** *Kitty Holland*

*April 20, 2017, Irish Times*

The chief executive of Caranua has withdrawn “unreservedly” comments in which she described survivors of institutional abuse as “these people” who were “damaged” and some of whom would “never be happy”.

Mary Higgins faced robust questioning at the Dáil Public Accounts Committee on Thursday about survivors' experience of Caranua and her comments about survivors in this newspaper and on radio last month. Caranua is an independent statutory body, established under legislation in 2012, to manage €110 million pledged by religious congregations to enhance abuse survivors' lives. Survivors can apply for grants for services under headings such as health and wellbeing, housing support, and education, learning and development. Survivors however described last month being "retraumatised" by their dealings with Caranua. They complained of long delays in getting a response from the organisation, being told without warning they could no longer apply for services, and being spoken to without respect.

While guidelines published in May 2014 said there was no limit on what survivors could apply for, in July 2016 a cap of €15,000 per applicant was introduced.

In an interview with The Irish Times on March 20th, Ms Higgins made a series of comments, including: "It suits a narrative of the 'big, bad State' and the 'big, bad religious congregations' . . . If people feel [disrespected], it's not because we are nasty or horrible. You can't control people's experience of what we do for them . . . We have to face the fact, the damage that has been done to these people is so deep that it doesn't matter what anybody does. It's never going to be enough to satisfy them and make them feel cared for, loved, honoured or whatever else."

In an answer to Independent TD Catherine Connolly at the PAC, Ms Higgins said she regretted the way in which her comments were presented.

"I understand that it may have caused offence and if it did I am very sorry. What I said was not quoted exactly."

The Irish Times however has a full recording of the interview with Ms Higgins and she was quoted accurately.

Asking Ms Higgins about comments she had made on RTÉ's Liveline programme, also on March 20th, Ms Connolly said: "I really don't want to insult survivors by repeating [IT], because it's terrible. But this language was used. 'These people are damaged. The hole in them cannot be filled by what we do unfortunately'."

"Did you use that language? Did you say that?" asked Ms Connolly.

"I don't know definitely that I said that," said Ms Higgins. "But I do think it's the reality that the damage that was done to people who were placed in institutions when they were children is profound and it is lifelong and part of the damage causes people to not expect other people to want to do something good . . . If you think we are the face of the State, the State that did this to people, it is understandable that people would be angry with us."

"Are you withdrawing those comments?" asked Ms Connolly.

"Yes, I withdraw those comments. Unreservedly I withdraw those comments."

Ms Connolly asked about Caranua writing to applicants to tell them it had their case complete and their file closed. Ms Higgins said cases had to be completed because it was not possible

to keep all applicants' files open indefinitely. She said all applicants should be advised they have a right to appeal the decision and how to do so, and this was not included in such letters.

In a report to the committee, the Comptroller and Auditor General said he had identified weaknesses in the Caranua board's control over grant payments in 2014 and 2015. *Source:* <http://www.irishtimes.com/news/social-affairs/caranua-chief-withdraws-comments-which-offended-abuse-victims-1.3048119?mode=print&ot=example.AjaxPageLayout.ot>

## **Victims' agency strongly criticised by TDs**

Apr 20, 2017 *theirishworld.com*

The Irish agency in charge of a €110 million fund for victims of abuse must be reformed as it is "completely out of its depth", according to a member of Dail Eireann's Public Accounts Committee, Independent TD Catherine Connolly. Caranua, which runs a redress fund for victims of institutional abuse, admitted it was overwhelmed by applications, managed its finances poorly and provided a poor service.

Last week TDs were told the agency is nevertheless about to spend €240,000 of the fund's money in annual rent for a new office in Dublin city centre.

Caranua was set up to distribute funds provided by religious orders to survivors of abuse at industrial schools, who can apply for help based on their health, housing or educational needs. The agency started in 2013 but didn't have a financial manager until last summer. Its administrative costs are paid out of the fund itself and there is now €48 million of the initial €110 million left. Two per cent of applicants have been awarded one fifth of the total fund so far.

Two people received €100,000 or more, three people were given €90,000 or more and another three were granted between €80,000 and €85,000, The Times reported in an investigation published in its Irish edition last week. Last June Caranua put a €15,000 cap on pay outs, the year before it increased its chief executive Mary Higgins' annual pay by €10,000 bringing it to more than €87,000. Ms Higgins has been criticised for saying that whatever the agency did or paid out some of the victims would never be happy.

The agency has also been criticised by TDs for failing to send survivors who had been refused claims a decision letter so that they could appeal against the decision. Independent TD and member of the PAC Catherine Connolly said of Caranua last week: "There seemed to be a complete lack of sensitivity and understanding towards survivors.

"I got the sense that Caranua was making up policy off the hoof, on an ad-hoc basis." She told the Irish edition of The Times: "There was an absolutely appalling complete failure of the chief executive and the chairman of the board to even realise the impact that bad management is having on survivors.

"I thought the chief executive and the board were completely out of their depth when it came to the agency's policy and procedures."

In 2015 Caranua doubled its spending on wages from €790,000 in 2014 to €1.3 million in 2015 and expenses claims rose from €12,000 to €23,000 in the same period. It now employs 24 fulltime staff. The committee also heard yesterday that Caranua was paying money to the Catholic Church for counselling services. It was unable to say how much it had given to Towards Healing, which charged survivors after they had received more than 60 counselling sessions.

Source: <http://www.theirishworld.com/victims-agency-strongly-criticised-tds/>

### **Caranua refuses to release survivor application guidelines** *Leanna Byrne*

*Apr 16, 2017 Sunday Business Post*

Caranua, the state agency tasked with providing services for abuse survivors from religious institutions, refused to publish a copy of its internal guidelines. Agency said guidelines "document is an internal document and it is not for publication"

Caranua, the state agency tasked with providing services for abuse survivors from religious institutions, refused to publish a copy of its internal guidelines for staff dealing with survivor applications. Solicitor Fiona Fox, who works with some 40 survivors, last year requested a copy of Caranua's internal guidelines which helps its employees to make decisions on survivor applications.

This request was refused, however, by Caranua's quality, compliance and information officer.

"This document is an internal document and it is not for publication.

"Therefore, we will not be in a position to provide a copy of our internal guidelines to you," said the Caranua officer in an email response.

Caranua publishes a version of its guidelines on its website, which provides application information such as criteria, terms and conditions, making an application, how it makes decisions, how survivors can appeal against a decision, how payments are made and conditions of payment. Writing to Caranua, Fox requested to see unpublished guidelines that are applied internally by staff and used by advisors when making decisions. She said that she understood these guidelines may differ from the published guidelines.

At a meeting of the Oireachtas public accounts committee last week, Fianna Fáil TD Marc MacSharry asked Caranua's chief executive Mary Higgins whether the state body's procedure manual for decision making is kept secret.

In response, Higgins said: "Caranua has a number of internal procedures, we have standard procedures for every single thing and every action that is done in the course of our work."

Caranua did not respond to a request for comment.

Established under the 2012 Residential Institutions Statutory Fund Act, Caranua manages a €110 million survivors' fund, with the aim of improving their lives by paying for services in health, education and housing that are not readily available through public bodies.

The body appeared before the PAC to query weaknesses identified by the Comptroller and Auditor General over grant payments.

At least two complaints a week were made to Caranua between January and June last year. Five complaints have progressed to an internal review.

Source: <https://www.businesspost.ie/business/caranua-refuses-release-survivor-application-guidelines-385152?auth=login>

### **Caranua boss withdraws comments in which she said abuse survivors were 'damaged'**

*Apr 14th 2017, The Journal*

CEO Mary Higgins faced questions at the PAC over how survivors have been treated.

CEO of Caranua has withdrawn “unreservedly” the comments she made on RTÉ’s Joe Duffy Radio Show in which she described survivors of institutional abuse as “these people” who are “damaged”.

During robust questioning at the Dáil Public Accounts Committee yesterday, CEO Mary Higgins faced tough questions about how survivors of abuse have been treated by Caranua. The Caranua scheme was set up to assist those who were abused in residential institutions, aiming to provide help to the survivors as they face into old age, with their health, education and housing.

Since its establishment in March 2013, Caranua has spent some €56 million supporting former residents, while €5 million has been spent on administration costs.

Describing the statements as “terrible”, Independent TD Catherine Connolly said she did not want to repeat the words used by Higgins for fear that it would be further insult to the survivors.

“But this language was used. ‘These people are damaged. The hole in them cannot be filled by what we do unfortunately’,” said Connolly.

“Did you use that language? Did you say that?” she asked.

“I don’t know definitely that I said that,” said Higgins. “But I do think it’s the reality that the damage that was done to people who were placed in institutions when they were children is profound and it is life-long and part of the damage causes people to not expect other people to want to do something good.

“If you think we are the face of the State, the State that did this to people, it is understandable that people would be angry with us,” replied Higgins.

“Are you withdrawing those comments?” asked Connolly.

“Yes, I withdraw those comments. Unreservedly I withdraw those comments,” said the Caranua CEO.

Previously, Education Minister Richard Bruton said the comments “were unfortunate and could certainly be open to misinterpretation”.

However he said the organisation had a difficult job to do, particularly in its early phase, which was very frustrating to the many survivors who were making applications to the group.

“It is vital that in all of our dealings with victims of abuse they are dealt with in a sensitive, fair and compassionate manner,” said Bruton. Though it was set up in 2013, it did not start accepting applications until early 2014. It received more than 2,800 applications in its first quarter. Due to staffing issues, the organisation was not equipped to handle such volumes. “When the applications came in it was overwhelming,” said Higgins.

However, Connolly pointed out the organisation had over nine months to get its house in order before applications began flooding in. Since its establishment, there have been numerous complaints made from survivors about the service.

*As far back as 2014, TheJournal.ie reported that survivors were unhappy with the redress scheme.*

The committee heard yesterday that many survivors had felt “re-traumatised” following their experience dealing with Caranua. Connolly said applicants, most of whom are elderly, complained about the long delays in the decision-making process, as well as being treated with disrespect when told that their case had been refused. Earlier this month, Clare Daly raised the issue of survivors appealing decisions waiting up to 12 months for a decision.

Minister Bruton said 2016 saw a significant increase in the number of appeals rising from 89 in 2015 to 165 in 2016.

Unfortunately, the increased volume has led to a delay in the processing of appeals. I am conscious of the need to deal with appeals promptly and officials from my Department are exploring a number of options including the appointment of more than one appeals officer. Issues relating the cap placed on payments were also raised with Higgins. When the legislation came into effect governing Caranua and when guidelines were published in May 2014 there was no limit on what survivors could apply for. However, in July 2016 a cap of €15,000 per applicant was introduced.

Higgins said that average pay-out to survivors is €13,000. When asked how Caranua reached the figure of the €15,000 cap, she explained that the €110 million fund the organisation “is limited”.

“We don’t know how many are likely to apply,” she said, adding that if spending continued as it was going, all the money would be spent and it would not have benefited every survivor.

Source: <http://www.thejournal.ie/caranua-ceo-abuse-survivors-3341203-Apr2017/>

## **Caranua boss: Many victims not treated properly** *Fiachra Ó Cionnait*

*April 14, 2017 Irish Examiner*

The head of the State body overseeing compensation payments to religious abuse victims has admitted its initial approach to victims was “appalling”, despite his own CEO defending claims some people are “so damaged” they will never be happy with the help that is given.

Caranua chair David O’Callaghan made the admission as the group faced fresh criticism over a new €15,000 cap on repayments and has admitted counselling services it obtained from a Catholic organisation have already cost more than €90,000.

Speaking during an at times heated Dáil public accounts committee on how the 2002 redress scheme is working, Mr O’Callaghan said the reality is a large number of victims have “not been treated properly” by Caranua.

He said lengthy delays in having their compensation claims assessed were commonplace when the group was set up in 2014, but insisted increased staffing levels mean the “appalling” situation has now been resolved.

However, during the same meeting his CEO Mary Higgins appeared to contradict the claims, saying while she “regrets” recent media interviews in which she described victims as “damaged” any criticism was because some people want to “suit a certain narrative”.

Responding to questions from Fine Gael TD Josepha Madigan and unaligned Independent TD Catherine Connolly, Ms Higgins initially said she had been “misquoted” in an Irish Times article and that the context had not been given.

However, when asked to explain near identical RTÉ Liveline comments, Ms Higgins apologised “if any pain was caused” by the “coverage”.

While Caranua controls a €110m fund to compensate abuse victims, it has been accused by a number of people applying for the supports of not always providing what they believe is needed.

The claim, rejected by Caranua, was raised again yesterday, with Ms Madigan, Ms Connolly and Fianna Fáil TD Marc MacSharry pointing to changes in the amount of money the group has released since 2015.

Asked about the “abrupt” change in policy by Ms Madigan, Ms Higgins insisted compensation levels only reduced after a three month review of payments.

However, asked by Ms Connolly and Mr MacSharry about a €15,000 cap on compensation payments put in place during the same year, Mr O’Callaghan said this was because almost half of the €110m fund has already been paid out and that Caranua needs to limit funding to ensure all victims receive compensation.



Caranua came under further criticism during the PAC meeting due to the fact a counselling service which was meant to be free has already cost more than €90,000.

However, Ms Higgins said this is because the service is offered by a religious group which has already contributed its €10m requirement to the Caranua fund, meaning it can now charge for the support.

Source: <http://www.irishexaminer.com/ireland/caranua-boss-many-victims-not-treated-properly-447847.html>

### **Abuse victims criticise €110m state agency *Ellen Coyne Senior Ireland Reporter***

*March 27 2017, The Times*

Some survivors of institutional abuse said that they had had negative experiences dealing with Caranua:

An agency set up to help survivors of institutional child abuse has been accused of wasting redress funds on expensive administrative costs amid criticism of delays in paying out to victims.

Mary Higgins, chief executive of Caranua, received a €10,000 raise in 2015, taking her salary to more than €87,000. Her wages are paid out of a fund from religious congregations established to compensate victims of institutional abuse.

Caranua was set up in 2012 to manage the €110 million fund and make payments to survivors who have health, housing or educational needs. There is €48 million left in the fund.

The Times has spoken to ten survivors who have had negative experiences dealing with the agency. Some said they had waited up to 18 months for cheques to be paid. Others complained of calls not being answered and emails not being replied to in a timely manner.

They also accused staff of making hurtful remarks and said they were afraid to report incidents they were unhappy with in case it led to their payments being denied. Some said they were confused about their entitlements and that the application process was not explained to them fully. Many of the victims, some of whom were raped while in institutional schools, said they believed that they were losing out and accused Caranua of being too generous with the fund when it was first set up in 2014.

Caranua did not respond to a question from The Times asking if it had paid out large amounts when it was first set up. Some individuals received more than €70,000.

In June, Caranua imposed a €15,000 limit on payouts to guarantee the fund's "sustainability". The Times has seen correspondence from the agency to survivors which shows that it is trying to retrospectively impose the limit on applications that were made before the new guidelines were introduced but were not processed because of a backlog.

“Some people did very well out of Caranua when it was first set up, but we shouldn’t all be tarred with the same brush,” Declan, a survivor of institutional abuse, said. Declan, whose name has been changed, was physically and sexually abused and is now in his fifties. “The longer Caranua takes to process our claims, the higher the administrative costs are. Why is the cost of Caranua coming out of our fund, from the money owed to us, that’s now being wasted?” he said.

One survivor said he was told he “didn’t have a hope” of getting an orthopaedic bed, which a medical examination had concluded that he needed. Another said he was told not to treat Caranua like “a sweet shop”.

A spokeswoman for Caranua said Ms Higgins was satisfied that staff “provide a professional, responsive and compassionate response to people who apply to us, in keeping with our core principles and values”. The agency’s administrative costs come out of the statutory fund which is owed to survivors. It admitted to The Times that it used “expensive” agency staff in 2015, hiring 17 extra people on top of the ten core staff already approved.

Caranua now has 24 full-time staff. It said that using agency staff had been necessary to work through a backlog of applications.

It doubled its spending on wages from €790,000 in 2014 to €1.3 million in 2015 and expenses claims rose from €12,000 to €23,000 in the same period. Ms Higgins claimed €12,732 in travel and subsistence in 2015.

The comptroller and auditor general, the state spending watchdog, has identified issues with “financial control” at Caranua.

In 2015, its second year of operation, Caranua paid out more than €28 million in grants to survivors for specific health, housing or educational services. A report by the comptroller in January found no evidence that receipts and invoices had been filed to Caranua in 85 per cent of cases. It also found that quotes for housing and health needs had not been presented in about a third of cases.

The report said that Caranua’s board had a “weakness” in controlling payments and did not ensure that claims made were always legitimate.

“This created a risk that in some cases grant expenditure might not be used for the purposes intended,” it said.

It also said that Ms Higgins’s basic salary had increased to €87,667 in 2015 from €76,751 in 2014. A spokeswoman said that Caranua had taken “a number of steps” to address the weaknesses identified in the report, including a review of controls over payments. She added that Ms Higgins was not given a performance-related pay increase in 2015.

“The figure for 2015 includes payments of increments and associated arrears, awarded in line with government pay policy and performance,” she said. Caranua said that it “actively” sought feedback from survivors, including through its internal complaints procedure. Survivors have told The Times that they were reluctant to use the procedure because

complaints must be filed with their case worker and they fear that it would affect their chances of receiving a payment.

Thomas Byrne, the Fianna Fáil education spokesman, said he was concerned that Caranua's increasing administrative costs would reduce the redress funds available to survivors.

"We cannot just pass the buck here — we all have to take responsibility and ensure that Caranua is accountable to the Dáil. [Administrative costs] are a concern," he said.

Source: <http://www.thetimes.co.uk/edition/ireland/victims-agency-accused-of-wasting-money-s76n2qj2t?t=ie>

### **Caranua: 'The abuse has never stopped'** *Leanna Byrne*

*Mar 26, 2017 Sunday Business Post*

Some victims of institutional abuse allege they are being overlooked by the state body and cut off from funds, further perpetuating the abuse they suffered.

Michael White is sitting on a patterned couch in the Metropole Hotel on MacCurtain Street in Cork. The 61-year-old is wearing a fleece vest, and grey wisps of hair sit atop his head.

White passed in and out of institutions for most of his early life. Born in the St Patrick's Mother and Baby home in Dublin in 1955, he was then entrusted to the care of Philomena's Orphanage in Stillorgan before being sent to the Brothers of Charity Lota industrial school in Glanmire, Cork. White remembers the beatings. He remembers the time one of the brothers asked him up to the kitchen, where he found the priest loosening his clothes, and so he ran away. His mother used to visit him every Saturday until, one day, she didn't. In 1971, he was referred to psychiatric care. He was hooked up to an electroencephalogram (EEG), a test that detects electrical activity in your brain using electrodes attached to your scalp. All was normal. When White was 15, his social worker filed a report for the two years he had worked in Thompson's Bakery. "Could work, and worked well in the beginning. Then started to disappear . . . found reading comics when he should have been working on a job," the report said.

"Fits of screaming at workers 'beside himself' plus depression. 'Not handicapped' – seemed mentally disturbed. Seen by Dr Dunn re fits of depression, aggressiveness, followed by loss of control, looking for confrontation."

In 1973, White was admitted to St Stephen's Hospital, a mental health facility in Glanmire. In 1978, he was discharged from industrial school care and, aged 18, left Lota. His case was taken by the National Rehabilitation Board, now dissolved. Correspondence has stopped. White now lives with Richard Morrisroe, 64, who never met his parents. The pair met in Lota and had worked in Thompson's Bakery together. Morrisroe and White keep each other company, living in a bedsit opposite Kent Train Station. They entertain themselves helping out at a local football club, putting up the nets and cutting the grass. But these days, White is very ill.

“When he gets sick, he can’t go out, you see. I came back last night, he went out of his own accord. This morning, he was shouting with [the pain of] his stomach,” said Morrisroe.

Morrisroe has phoned Caranua on several occasions. There is either no answer, or he is told to fill out an application form.

White and Morrisroe are among the many survivors claiming they have been overlooked by Caranua, the state body with responsibility for the €110 million fund for survivors of institutional abuse. Both have trouble reading and writing, so filling out forms for Caranua is a fruitless task.

In 2002, the state established the Residential Institutions Redress Board to financially compensate people who were abused in religious institutions like Lota. On average, survivors received €62,000 compensation. The single largest payment was just over €300,000. In total, €1.5 billion was awarded in compensation to survivors, when it was originally forecast that the scheme would cost €250 million. Morrisroe and White were among the 15,500 who applied to the redress board. The pair received compensation, but, in Morrisroe’s case, he claims the payment mostly went towards legal costs. He is not alone.

In 2006, the Law Society, the solicitors’ regulatory body, referred 22 complaints involving 12 solicitors’ firms to the Solicitors Disciplinary Tribunal over alleged double-charging in redress cases.

Survivors, believing the redress scheme was flawed or “dehumanising”, demanded that the state put in place something more long term. So, in 2012, Caranua was born.

Established under the 2012 Residential Institutions Statutory Fund Act, Caranua manages the survivors’ fund, with the aim of improving their lives by paying for services in health, education and housing that are not readily available through public bodies. However, the body has made some survivors furious.

“The problem is that it’s not their money to decide how it’s to be divided up. It’s our money. You feel like you have to prostitute yourself to get something out of it,” said Victor Hackett of Justice and Healing for Institutional Abuse.

Mary Higgins, the chief executive of Caranua, faced opposition when she first started visiting survivors in Ireland and Britain.

“When we were setting up, we were aware of the opposition among survivors to a statutory fund. We were aware, as well, of the limitations of what a fund like this would be able to do for people,” said Higgins.

“But most of them were pragmatic. They thought that if it’s going to be here, let us get what we want out of it.”

Caranua started taking applications in January 2014. In the first month, 12,000 flooded in, followed by 800 in its second and 600 in its last month. In total, it has processed 13,000 applications. At the time, it only had eight staff to deal with these applications. Today, it employs 24.

“We were in this awful situation where, in 2014, I don’t know how anybody stayed with us at all. There was tremendous pressure from survivors,” said Higgins.

When Caranua was established, there was no cap or ceiling on the number of times that survivors could apply for services.

Stephen Hogan, 69, secured €8,614 from Caranua for heating and insulation work on his home in Cork. When he applied for more services, he was refused and told that he had exceeded his €15,000 limit. When he received the letter, he became quite distressed.

“They’re not looking after what we need. They don’t know my needs. How could they?” said Hogan, clenching his fist.

Hogan was sent to St Patrick’s industrial School in Upton, Cork, age 14, for taking 17 shillings and sixpence from a milkman’s bag, and stayed there until he was 16. At the age of 14, he was carrying heavy slates and concrete barrels up ladders like a grown man.

“I got three or four belts a day,” said Hogan. “At night you would hear the screams. There was one lad said to me, ‘I’m going to stay awake tonight, he’s not going to grab me.’ This is what we went through.”

Hogan describes his experience with Caranua and the redress board: “What I have here are letters of abuse. It didn’t stop when I was 16. It has never stopped. When the redress board came along, we were abused. When Caranua came along, it was worse.”

Tom Cronin, 66, the former chairman of Irish Survivors of Institutional Abuse International, was sent with his two older brothers first to St Joseph’s Industrial School in Greenmount, Cork, then to Upton.

“If I had a hole in my stocking, they lashed me for that. I’d bend over and they’d lash you,” he said.

Cronin and a group of Cork-based survivors, represented by barrister Eugenie Houston, are campaigning to disband Caranua. Cronin thinks that since it was the state that let survivors down and allowed the abuse to happen, they should look after these people not just with a once-off payment, but for life in the form of a pension.

“I got an assessment from a psychologist once. She told me that, with the proper education, I could certainly have been a lawyer if I had been given a chance,” said Cronin. “Instead, I worked as a builder/labourer and a lorry driver. To think what I could have been. I should have been compensated for my lost life.”

His brother Paul Cronin, 68, applied to Caranua for pathology services after he was diagnosed with melanoma. From April 2015 to September 2016, Caranua paid €1,664 for these services. But Paul claims that Caranua then stopped the payments without any notice.

“They refused to pay for bills to get the next treatment done. I’m on a waiting list to get on a waiting list. I’m a pensioner who can’t afford the treatment,” said Paul.

Mary Butler, 63, spent six years in St Bernard's Industrial School for Girls in Dundrum in Co Tipperary. She and ten of her siblings were sent to institutions by an inspector locally known as "the cruelty man".

"We were only kids, and we were working all day. Some of us were in the laundries, others were on farms," said Butler. "Of course, the nuns being the nuns that they were back then, you made one wrong move and good luck. We were treated just appallingly. Little parts of us were destroyed."

Sometimes she relives the nights when she would watch some of the children, only aged three or four, being brought down wrapped in white sheets to be buried. "We never found out where they went. These were orphan kids," said Butler.

She hated the Redress Board process. "The interrogation up there was like we were the criminals and we were made to feel that way," she said.

The process applying to Caranua, she felt, was hit and miss. "I wanted the roof fixed because it was leaking, but was denied it. I wanted a new bathroom, and I got that. Then I wanted a new fireplace and I got that, but whatever they put in was rotten because it crumbled within a few weeks," she said. "It's like begging. It's our money. It should just be paid to us."

Asked to respond to these case studies, Caranua said that it cannot discuss any details about an applicant or potential applicant with a third party. To date, it has spent €15.5 million on health and wellbeing, €41.5 million on housing, €1 million on education and €115,000 on exceptional needs. The average number of payments an applicant will receive is 8.5. The €15,000 cap was necessary, said Higgins. After all, the €110 million fund is finite.

"Some people who had applied early on were coming back and back and back, and some people had received a great deal of assistance," she said.

"We decided that we had to protect the fund to ensure it was sustainable for other people, so we introduced the limit."

At least two complaints a week were made between January and June last year. Higgins said that these figures were inflated, however, because any phone call where an applicant said they are unhappy is lodged as a complaint. She said that there had only been five serious complaints to date, two of which "had some basis".

"Some people are very cross with us because we can't do certain things, but we're restricted in what we can do by our own criteria. But people don't accept that and they think that if they go somewhere else, that they'll get a different kind of response," said Higgins.

But as survivor groups become restless, there is a belief among those interviewed by this newspaper that there needs to be a change in the legislation. A spokeswoman from the Aislinn Education and Support Centre for Survivors of Institutional Abuse said that survivors often look at Caranua as an authoritative figure.

“To try and interact with Caranua is challenging. For survivors, this idea of dealing with authority can be overwhelming. It brings them right back to how they felt having to deal with religious orders,” she said.

“I know that sitting down and meeting with people on a regular basis would be hugely time-consuming for Caranua, but there needs to be some sort of human solution. It is their remit to make the management of this fund as survivor-friendly as possible. I just don’t feel that it’s there.”

But Higgins argues that it is. She points to thank you letters on her desk and says most of Caranua’s dealings with survivors are positive.

“There are a small number of people with loud voices who are disproportionately influential in terms of politicians and the media. I’m not saying they don’t have a justifiable grievance, but I can say that if a complaint of any description is presented to us, it is taken seriously,” said Higgins.

Source: [https://www.businesspost.ie/news/abuse-never-stopped-383142?utm\\_source=facebook&utm\\_campaign=article&utm\\_medium=web#\\_=\\_44](https://www.businesspost.ie/news/abuse-never-stopped-383142?utm_source=facebook&utm_campaign=article&utm_medium=web#_=_44)

## **Caranua redress body and institutional abuse survivors**

*March 23, 2017, Irish Times Letters to The Editor*

*1<sup>st</sup> letter*

Sir, – Further to “Institutional abuse survivors accuse State redress body of lacking compassion” (March 20th), the comments by Mary Higgins, chief executive of Caranua, that the “narrative” of many survivors of institutional abuse is that they will “never be happy” is a distortion of the truth and an attempt to blame survivors for Caranua’s failings.

Indeed, Ms Higgins will be aware of the documented instances of concerns regarding the scheme operated by Caranua, and some of these were reported in the appeals officer’s annual report for 2015, with hundreds, and possibly thousands, of applicants affected.

Earlier this month, the Government announced a review of Caranua, but limited this to eligibility to the scheme and not the operation of the scheme itself.

The scheme, set up for survivors with money donated from the religious congregations, has met with widespread criticism this week. This follows comments made in the Dáil on March 8th in the debate on Clare Daly’s private member’s Bill to make changes to the scheme.

Will the Government now act and fulfil its statutory obligation to supervise the operation of the scheme, given the allegations of its mismanagement? Will it, as previously promised, review Caranua’s operation of the scheme?

This latest effort of redress will fail if survivors’ concerns are ignored. A survivor-centred and survivor-led approach to redress is being applied in Northern Ireland. Survivors here

were not consulted at all in terms of the Caranua scheme, nor the redress scheme which came before it in 2002.

Proper redress can only begin to take place when Caranua and the Government begins to demonstrate a genuine commitment to an open and fair engagement with survivors

It is not too late, given the funds available, and the number of survivors still alive and awaiting the dignity of making choices in regard to the money which is theirs. – Yours, etc,

FIONNA FOX, Dublin 7.

### **Caranua redress body and institutional abuse survivors**

*March 23, 2017, Irish Times Letters to The Editor*

*2<sup>nd</sup> letter*

Sir, – The controversy that has arisen from Kitty Holland's interview with the chief executive of Caranua, which administers the Residential Institutions Statutory Fund, indicates multiple levels of dysfunction in catering for the needs of survivors of residential abuse.

Instead of funding on the basis of need, the Government has limited the amount available to the €110 million promised the state by Roman Catholic religious congregations.

The sum was in exchange for indemnity from prosecution for abuse in institutions they ran on the State's behalf.

The controversy suits the Government. It sends critics off to the Vatican demanding more funding instead of to the Government, in pursuit of a recognised official liability.

Even on its own flawed terms, the basis of the statutory fund makes no sense. The fund makes awards to persons who were abused in institutions other than those run by the Roman Catholic bodies. Abused former residents of Smyly's institutions, who received redress compensation from the Residential Institutions Redress Board, may now apply for access to services from the Caranua fund.

But Smyly's and other Protestant ethos institutions contributed nothing to the cost of redress.

Why are Roman Catholic institutions funding that? They should pay for their own sins, but why those of other institutions?

The official goal that the Roman Catholic bodies should pay 50 per cent of the €1.5 billion cost of redress compensation is based on a flawed assumption, that 100 per cent of abuse occurred in those institutions.

The Government will not tell us how much abuse, percentage wise, the other institutions were responsible for, however small that may be. That is because focusing only on Roman Catholic responsibility for abuse keeps the focus off State responsibility for failure to detect abuse in franchised religious institutions, Roman Catholic and Protestant.



The recent C&AG report into the cost of redress reinforced this trend. It turned public attention away from HSE/Tusla responsibility for failure to protect fostered children from abuse and from demands that the remit of the Mother and Baby Home Commission of Inquiry be extended.

Victims of abuse are being victimised and humiliated again, and the public is being misdirected away from those responsible for this mess. – Yours, etc,

Dr NIALL MEEHAN,

Head, Journalism & Media Faculty,

Griffith College, Dublin 8.

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**Abuse survivor says scheme to enable victims is ‘disabling people’** *Kitty Holland*

*March 20, 2017 Irish Times*

As a child, David Dineen (46) experienced “savage sexual abuse,” and beatings in a Brothers of Charity institution in Cork. He left, aged 15, and spent spells homeless and involved in drugs and crime. He found it difficult to form lasting relationships.

He has spent his adult life recovering from and coming to terms with his childhood.

“And then along came Caranua,” he says. “They caused me so much distress, in the end, last September, I had to pull away from them for my mental health.”

Caranua is the independent body established under the 2012 Residential Institutions Statutory Fund Act to manage €110 million pledged by religious congregations to enhance survivors’ lives.

In 2002, David’s childhood abuse was recognised at the Residential Institutions Redress Board, and he was made an award of €50,000.

In December 2014, when he lost power in his body, doctors suspected multiple sclerosis. He needed an “urgent brain scan”. Though deteriorating he was told he could be up to 18 months on the public waiting list.

“I applied to Caranua to pay for a scan, but they refused.

“I’d had physiotherapy, counselling and dental work so they said I had reached my limit. I had to borrow €2,000 to pay for it.”

He was diagnosed with syringomyelia, a condition where a cyst had developed inside his spine, causing extreme pain and loss of power in his legs. As the cyst elongated it began to destroy David's spinal cord and nervous system, causing incontinence and extreme fatigue.

"I went downhill during 2015. I was hunched over on crutches. . . I needed a wheelchair. The HSE had given me a standard chair but with muscle weakness I couldn't push it. I was a prisoner at home.

"I got measured for an electric chair, and got a quote of €2,200. I sent it to Caranua and they refused it. Eventually I raised €400 with a GoFundMe campaign and bought this chair. It's totally unsuitable but it's better than the crutches."

### *Evicted*

In 2015, as he spent several months in hospital, he fell behind with his rent. His landlord evicted him.

"I was telling Caranua all along. I was imploring them to use their 'exceptional needs' powers to help. But I was refused."

According to its rules, Caranua does not fund "ongoing expenses" such as rent or mortgage payments, but it can advocate on applicants' behalf with local authorities or housing bodies.

Out of hospital, he spent several weeks in a friend's caravan without water or electricity, and then six months in B&Bs, funded by Cork County Council. He now has a council house in west Cork. His 19-year old daughter cares for him.

He was "always respectful in interactions with Caranua", he says. "But they caused me so much distress."

Many of his calls were not returned, he says, and he was hung up on when he got upset. He was treated with a "complete lack of empathy or compassion".

"I was told I'd had enough already and other people needed help too. But the guidelines said people could apply as often as they needed. [I felt] I was back in the institution again. I wasn't a human with needs.

### *'Abuse, again'*

"The scheme is meant to enable people live a fuller life, but the way it's run, it's disabling people. It's abuse, again. We should be treated as citizens, with the dignity and respect we lost in our childhood."

David, who remains on a public waiting lists for more scans and for an electric wheelchair, says his life is a "holiday" compared to his childhood. He is speaking out, "not so much for myself but for other victims of Caranua who do not have a voice".

Caranua cannot comment on individual cases.

Source: <http://www.irishtimes.com/news/social-affairs/abuse-survivor-says-scheme-to-enable-victims-is-disabling-people-1.3016522?mode=print&ot=example.AjaxPageLayout.ot>

## **Survivors tell of ‘re-abuse’ by State redress group Caranua *Kitty Holland***

*March 20, 2017 Irish Times*

Survivors of childhood institutional abuse say they are being “re-abused” by a statutory body meant to improve their lives.

They say that Caranua, which was established in 2012 to manage €110 million pledged by religious congregations to enhance survivors’ lives, treats them with neither compassion nor dignity.

Some have described to The Irish Times being shouted at, left for months without a response to letters or calls, told without warning they would get no more support, and being reduced to tears by Caranua personnel.

Others say they were so traumatised by Caranua that their recovery from childhood abuse has been set back.

Caranua, which means “new friend” in Irish, is an independent body established under the 2012 Residential Institutions Statutory Fund Act.

It is run by a nine-person board, including four survivors, under the auspices of the Department of Education. Applications were accepted from January 2014 under three headings: health and wellbeing, housing support, and education, learning and development.

Guidelines published in May 2014, tell applicants that “there is no limit on the number of services you can apply for”. The guidelines say Caranua can fund such things as hearing tests, dental treatment, housing insulation and adult education fees, but cannot fund services already purchased, services not recommended by a professional, such as a doctor or occupational therapist, or ongoing costs such as rent, mortgages or utility bills.

Each applicant is assigned an adviser and eligibility is confined to those who have been before the Residential Institutions Redress Board. To date, Caranua has received about 5,600 applications and spent €58 million. It expects about 500 more applications over the next three years, when it will cease.

Caranua staff will “listen to you”, say the guidelines, “treat you courteously, fairly and in a consistent manner”, and “apologise if we get something wrong and do our best to put it right”.

From mid-2015, many applicants were told, apparently without warning, that they had reached “cut-off” and Caranua had “closed” their file, causing upset.

In June 2016, Caranua also changed some of its criteria, including one that each applicant is limited to €15,000 worth of services. Again, this upset applicants who had originally been told they would not be cut off if they had ongoing needs.

“Bernadette”, a Dublin woman in her 50s, spent her childhood, being “beaten and starved” in St Vincent’s Industrial School, run by the Sisters of Mercy, in Goldenbridge, Dublin. She left with little education, which affected her life badly.

After many years in counselling, Bernadette accepts her past. But she says she was reduced to tears by Caranua, as calls were ignored and she was challenged on things she applied for, including help clearing a garden she could no longer manage. “You’d swear it was their money,” Bernadette said. “It’s our money, the survivors’.”

Dublin solicitor Fionna Fox is dealing with about 40 survivors unhappy with Caranua. Cork-based barrister Eugenie Houston represents about 20, but is in touch with more than 100.

“My clients have no confidence at all in Caranua and want it dissolved,” said Ms Houston, while Ms Fox said Caranua is acting beyond its powers in changing criteria and cutting people off.

Caranua chief executive Mary Higgins accepts that Caranua was “overwhelmed” and under-resourced in its first two years, which led to long delays. But she rejects claims of widespread dissatisfaction. “The vast majority of applicants are very happy,” she said.

The board is not acting beyond its powers in prioritising new applicants and applicants over the age of 70, or in setting a €15,000 limit per applicant, Ms Higgins said, arguing that it is necessary to sustain the fund for as many survivors as possible.

All advisers are trained to understand the impact of childhood abuse and are never rude to survivors, she said. Some applicants, however, will “never be happy” and grievances “suit a narrative”, she said.

“It suits a narrative of the ‘big, bad State’ and the ‘big, bad religious congregations’,” Ms Higgins said. “If people feel [disrespected], it’s not because we are nasty or horrible . . . You can’t control people’s experience of what we do for them.

“We have to face the fact, the damage that has been done to these people is so deep that it doesn’t matter what anybody does. It’s never going to be enough to satisfy them and make them feel cared for, loved, honoured or whatever else.”

Responding to allegations that Caranua has treated survivors without compassion and has denied services they believed they should get, she said Caranua had to have tight criteria to ensure the fund was not abused.

“We are uncovering a lot of fraudulent behaviour . . . Now I don’t want to exaggerate because I don’t want to tar survivors as criminals. But we have identified a lot of collusion between suppliers and applicants and we have passed on a number of cases now to the Gardaí for investigation. It’s not many, like 19, not massive. About €300,000 is involved. But it shows, we have to have controls.”

Last year Caranua expanded services to pay in advance for survivors’ funerals. This had been “abused” in a small number of cases.

“What happens is they get a quote from a funeral director and we pay up to €5,000,” said Ms Higgins.

“We make a cheque out to the funeral director and the idea is they keep that until such time as the person dies and it pays for the funeral. But what has happened is we have issued the cheque and they are turning up to the funeral directors and saying, ‘Can I have the cash instead?’ So we are having to rethink the controls around that.”

The Department of Education is currently drawing up terms of reference for a review of the eligibility criteria for those applying to Caranua. Caranua is due before the Public Accounts Committee and the Oireachtas Committee on Education in the coming months.

Source: <http://www.irishtimes.com/news/social-affairs/survivors-tell-of-re-abuse-by-state-redress-group-caranua-1.3016525?mode=print&ot=example.AjaxPageLayout.ot>

**APPENDIX ii**

**Submission to Oireachtas Educational Committee  
on Caranua Services.**

**AnneMarie Crean**

**May 2017**

## **Caranua and my experiences as a survivor support advocate**

I was previously employed as Regional Outreach Manager for the Cork and Kerry regions of a national survivor support service. I am currently completing my PhD on survivor families in the Department of Applied Psychology in University College Cork. I believe that there are a number of issues regarding Caranua services that have gone unacknowledged, particularly surrounding transparency, the exclusion policy, its operations and the difficulty in accessing basic services. I believe that my experiences as a support worker, coupled most importantly, with survivor's direct experiences of Caranua require documentation and recognition. Above all, a proactive response and a thorough examination of Caranua practices in its entirety are paramount.

### **Background and Context**

The Residential Institutions Statutory Fund Act (The Act, 2012) was established on the back of recommendations based on the findings of the Ryan Report (2009). It was a welcomed support by both survivors and survivor support services. Caranua ('new friend'), the official name given to the governance Board of the fund, was established on 25<sup>th</sup> March 2013. It was a highly anticipated service which began accepting applications less than twelve months after formation. Prior to its official engagement with service users there were a number of issues highlighted surrounding the legislation (The Act, 2012) that were a cause for concern. As a support worker I was concerned, as well as others who worked in this field, that Caranua would not be administered successfully as a support resource and as such would not be utilised successfully to provide wellbeing. I was also concerned that the fund as set out in legislation (The Act, 2012) excluded a large number of survivors, who due to various reasons, did not or could not access the Redress scheme.

Unfortunately, under The Act (2012), Caranua was contradictory in what it set out to do. From the outset it established an inclusion/exclusion policy. This resulted in the exclusion of some of the most vulnerable individuals within the survivor community while attempting to provide services of wellbeing to others. By failing to acknowledge the needs of excluded survivors, Caranua ultimately became complicit in the decades long '**silencing**' of survivor voices; voices whose stories and needs were ignored, dismissed and suppressed for most of

their lives by officials, authorities, institutions and governmental systems (Ryan, 2009). As a result Caranua was set up to fail in the eyes of many survivors and support services alike.

The effects of involuntary silence around child abuse is well documented within an Irish context, most notably within the multidimensional and intertwined complexities of power relations, politics, religion and culture (Ryan Report, 2009; Holohan, 2011). By developing and implementing an exclusion policy, The Act (2012) effectively fostered the same principles as those that were practiced in religiously affiliated institutions. Within such institutions children were largely targeted, marginalised and abused for various reasons including but not limited to illegitimacy, orphaning, class, parentage, truancy and petty crime (Ryan, 2009). Abuse came in many forms. Categorized with experiences of sexual, physical, emotional abuse, neglect and deprivation (Ryan 2009), it has been reported to me that being “*silenced*” around institutional abuse experiences of the past coupled with the continuation of ‘silence’ in various forms has had just as much of a negative impact as the abuse itself. Those who are excluded from accessing Caranua services feel ‘*silenced*’ and those who are accessing services often report feeling ‘*disempowered*’ and ‘*re-abused*’. Caranua and its surrounding legislation, has without an awareness, further marginalised an already marginalised group within Irish society.

Within the Ryan Report, Vol 5 (2009), Professor Carr’s findings on the profiles and psychological adjustment of survivors concluded that this is a community who had experienced some form of life problem (life problems checklist). The life difficulties most cited were mental health issues (74.1%), unemployment (51.8%) and substance use (38.1%). Examples of other noted life problems were experiences of regular illness (29.6%), regular hospitalisation for physical illness (28.3%), homelessness (21.1%) and self-harm (17.8%). This was information available to Caranua prior to opening for applications, yet there is a lack of support for homeless survivors.

In order to quell any fears associated with the exclusion criteria and the overall establishment of Caranua it was agreed that a review of legislation within the Act (2012) would occur within two years. It is now, February 2017, that a review is taking place. Caranua fails to understand that there is often a ‘continuum of resilience’ as well as a ‘continuum of vulnerability’ expressed, experienced and processed throughout the survivor trajectory. In essence, the lack of understanding of this fact is solidified in the closure of applications and the refusal to assist survivors in services. As a result; services that were excluded when



originally applying may have been deemed unnecessary at the time but due to a change in circumstances may be required now.

### **The Fund Objectives**

The aim of the Fund as outlined within The Act (2012) is to provide:

- (a) mental health services relating to care and treatment of a person suffering from a mental illness or a mental disorder, a counselling service or a psychological support service;
- (b) health and personal social services;
  - (i) a general practitioner, medical or surgical service provided by a registered medical practitioner (within the meaning of section 2 of the Medical Practitioners Act 2007) in relation to all medical conditions,
  - (ii) a hospital treatment service,
  - (iii) a pharmacy service including provision of drugs, medicines, medical or surgical appliances,
  - (iv) a nursing service provided otherwise than in a hospital,
  - (v) a service to assist in the maintenance at home of a former resident who is sick or infirm and who, but for the provision of the service, would require to be maintained otherwise than at home
  - (vi) a dental, ophthalmic or aural treatment service, including provision of a dental, ophthalmic or aural appliance,
  - (vii) a service of an ancillary nature such as chiropody, chiropractic, occupational therapy, physiotherapy, podiatry or speech therapy.
- c) an educational service;
- d) a housing support service, including adaptation or improvement of real property but not including financial aid for the purchase, mortgage or charge of real property; and

e) a service prescribed under subsection (3) (of the Act).

### **Caranua literature and Outlined Services**

Outlined in the Information and guidelines for making an application booklet (2014), part one 'General Information' is a comprehensive summary on what Caranua will do and how they will do it. Within this booklet it explicitly states what services can and cannot be paid for. Most importantly it is littered with encouraging, positively orientated, proactive words such as '*empowered*', '*compassion*', '*respect*', '*honest*', '*together*' and '*flexible*'. On page six it directly states the aim of Caranua is to "*improve the wellbeing of survivors*". From my direct experience this has certainly not been the result for many individuals accessing their services or for me as a support worker accessing services on their behalf.

There were many times survivors who accessed my services for information and support did not feel '*empowered*', '*respected*' nor did they feel that Caranua were operating with '*flexibility*' when dealing with some of the applications brought before them. Accessing Caranua, there were many times that I myself felt disrespected, unheard, misinformed, frustrated and generally upset. I both experienced and saw first-hand the level of distress and difficulty experienced by many individuals in accessing its services. There were times that I felt like I was pleading for services for survivors who were more than entitled to them as outlined by legislation (The Act, 2012). There were times when I could completely understand the level of frustration reported by survivors in relation to Caranua's inability to understand their individual and often times basic needs. As time progressed, services and service provider became increasingly difficult to deal with.

Overall, since its establishment Caranua has had a negative impact on survivors, survivors whom they are supposed to '*empower*', '*respect*' and '*show compassion*' to. Instead of enabling wellbeing they are regularly inhibiting it.

In principle Caranua was to be an easily accessible service for survivors of historical institutional child abuse. In principle, it was to be efficient, effective and supportive. In principle, it was established in the best interest of 'some members' of the survivor community. In practice, unfortunately, it has often failed for many individuals to follow through on such principles. Caranua's Customer Service Charter document outlines the policies service users can expect when accessing services. It notes policies such as What you

can expect from us, How you can help us to help you, How you can help us improve, Feedback, Clear and accessible information, Consideration and respect, Timely and courteous responses, Timely processing of applications, Protection of privacy and confidentiality, Choice and support in making applications, Accountability, Feedback and complaints and Unacceptable actions.

There are some notable changes in the literature of Caranua's criteria booklet 2016 (available online), which outlines the criteria changes. It is positive in relation to being more survivor friendly with the addition of pictures to the booklet. However, gone are the words of "togetherness, "respect" and "empower". Instead there is a section dedicated to 'fraud or false information'. This section discusses the reporting of suspected fraud to the Gardai as well as the disqualification from receipt of further supports. This, rightly so, has been taken as a direct threat by a number of survivors. This is a community who received "criminal records" for detention in industrial schools as well as many having a noted 'fear of authority' and particularly the Gardai. In no way am I condoning fraud or the use of it, but the outlined numbers for suspected fraudulent claims as of March 2017 was reported as 19 (Irish Times). Considering that there are 5600 applications made to Caranua, this represents less than 1% of all applications received by them. I question the need to remove such encouraging and proactive survivor literature that was outlined in the original booklet in 2014 and replace it with threats of criminal action in 2016. Also, in this booklet is a noted paragraph on 'preferred contractors' that Caranua like to use. However, Caranua also emphasises that it is not 'liable' for issues regarding contractor work.

### **Initial expectation and My First Contact with Caranua**

My first experience (2014) with Caranua was one of understanding; an understanding of the large volume of applications, the difficulty faced by staff in trying to phone individuals back as a result, and the acknowledgement that there would be issues which would require 'teasing out' as with any newly founded organisation. I was also acutely aware that many of the staff had never worked with survivors in the past.

My first experience was also one of appreciation, as I was very much aware of the services that many survivors required. Upon enquiring of Caranua's expected level of support from workers like myself and the level of support required by some of my service users, I was informed by Caranua that in order to access information or assistance on behalf of an

individual survivor I would have to sign a nominated contact form. This was done for some in order to facilitate the process for any individuals that requested it. If, and when needed it would enable me to link in with various 'application advisors'.

The application was divided into two subsets; Part 1 included survivor details which were checked for eligibility to the fund and Part 2 was the main application for services. The fund opened on 6<sup>th</sup> January 2014 and on this day I completed applications with a number of individuals. From January 2014 on I continued to complete applications until the day I was no longer actively working in a support role. However, I am contacted regularly regarding concerns, issues and the seeking of advice around Caranua issues.

From the day Caranua accepted applications there was notable concern from survivors that information was sent to a P.O Box number and not directly to staff in the Caranua offices. There was concern from a number of survivors that post could get mislaid and personal information could enter the public domain. However, the biggest concern was that survivors viewed the PO Box as a deterrent for them to access the Caranua offices and as such it was believed to assist staff in avoiding having to meet with applicants on a face to face basis. The reason cited by Caranua for the PO Box address was that they would be vacating the building they were located in. I am unsure if the office changeover ever happened.

The first set of applications (part 1) I made to Caranua I completed on the day it opened. These were not processed for a considerable period of time. I had completed other applications after these and they were processed (both part 1 and 2) first. After queries and conversations with Caranua staff it appeared that the applications had as such 'slipped through the cracks' and amendments would be made to process them immediately. Again, I was considerate of the large influx of applications and the pressure that staff members were placed under as a result.

For the first nine months there was a general lack of awareness regarding Caranua particularly by survivors who were not linked in with any direct service. It was often times the case, that these individuals were informed of Caranua services via conversations with other survivors. As a result a considerable amount of survivors who accessed the fund during this time did so as a direct result of information being provided by other survivors and not by services of any kind. There was also an acknowledged deficit in knowledge about Caranua from services outside of survivor support networks. Dr. Weafer's (2014) report 'A baseline

study of the level of awareness amongst public service providers of the effects of institutional abuse on survivors' notes that participating service providers outlined that there was "*an awful dearth of information*" around Caranua (pg.19). Having had over eleven months to become established as an organisation prior to engaging with applicants, I found it difficult to understand why Caranua had not utilised the many resources it had access to and promote the fund in a more survivor friendly manner on social media, radio and among other service providers.

Initially Caranua had processed some applications quickly, in so far as some service users got processed for some of their requested services in good time. However, all applications should have received the same attention. Moreover, all application advisors should have been providing the same information across the board, particularly for basic services.

### **Outreach Meetings**

I have had some positive engagement with the Director of Communications (DOC) and some Director of Services (DOS). I feel that they were open to discussion, suggestions and very eager to promote, as well as produce, the most supportive and efficient service that they could. However, I believe that they are confined within a very strict framework. I have found the Director of Communications very approachable in my dealings with her.

In November 2014 the DOC organised an outreach clinic in Cork where some survivors met application advisors. A group discussion was held regarding concerns and questions some had. The overall feedback on this meeting was very positive. I felt it was a good clinic, informative and very helpful. Unfortunately, many of the promises made in one to one meetings with survivors of this group were later retracted; namely operations and housing needs.

In 2016 there were outreach clinics held in Manchester (April 9<sup>th</sup>), Cork, (23<sup>rd</sup> April) and Galway (14<sup>th</sup> May). These clinics were held despite the fact that the services were being reviewed behind the scenes. On 23rd May 2016, on their website Caranua stated that changes to the services criteria would be made in June. I am aware from the Cork meeting that these changes were not discussed at the meeting. I also would question why the outreach clinics were held so shortly before the changes in criteria. It would have been more beneficial to

survivors, more practical in general and more financially feasible to have held these meetings after the changes in criteria in order to aid application information and processes.

### **Positive Experiences of Caranua**

I would like to take the opportunity here to note the **one** incident of effectiveness I experienced with Caranua on behalf of a nominated contact:

- T\* who was suffering from serious heart complications and was suffering from cancer required immediate renovations to his home. A quote was provided for the required works and this was granted with immediate effect. Works were carried out instantly in order to accommodate supports around his deteriorating health.

There was only one situation in which I experienced what was the expected level of assistance, 'togetherness' and pro-activeness that Caranua should be. It would be remiss of me not to highlight that I had dealt with a considerable amount of supports for many survivors in the way of general information, advice and more directly as a nominated contact or permission to share. One incident of support efficiency is exceptionally low considering the large volume of survivors with whom I have worked with. Despite no longer working directly in this area I am still contacted regarding information and advice around Caranua.

The engagement of Caranua in funding research in the area of survivors is both warranted and needed. I believe this should be encouraged more over the next two years. Caranua are in a prime position to provide a dynamic and current profile on the trajectory effects of childhood institutional abuse.

### **Issues with Caranua**

This submission is quite extensive and many individuals had wanted to put their experiences in. Unfortunately, it was not possible to accommodate every individual and as such I have used just a few examples. However, all have informed me that they would be willing to discuss their experiences of Caranua in detail if required. I think it is important to outline a few points before we continue on further. Nearly every survivor I have had contact with has stated that:

- 1) Despite receiving supports they would not like to engage with Caranua support services again if they had to start their application from the beginning.
- 2) The Caranua experience has been mostly negative and at times ‘detrimental’ to their overall health.
- 3) They feel let down by governing bodies in failing to protect them more during the application process.
- 4) The new criterion has caused difficulty and frustration for many.
- 5) They have had to “fight” hard for services and for identified needs.
- 6) They found the whole process extremely difficult when it should not have been.
- 7) They had/have felt like disengaging from the Caranua service altogether.
- 8) Caranua is not consistent, supportive or conducive to changing needs.
- 9) Caranua is not transparent.
- 10) Staff often behave ignorant and condescending.
- 11) They cannot understand how Caranua can give services to one survivor and refuse another.
- 12) Survivor support services in the South and Western regions have significantly failed to effectively highlight the difficulty surrounding Caranua.

### General

It has been disclosed to me that individuals often feel ‘*grateful*’ for any services they received as they had experienced such difficulty in receiving them in the first place. As such there is a sense of general ‘*relief*’ of not having to deal with the process and Caranua services any further. This is despite not having all of their entitlements as outlined in their application and/or their application being closed without completion. For example:

- PP had a number of works /repairs carried out on her home as well as other services. She had difficulty with invoices but insisted that she wanted work completed by one of the builders by whom she had forwarded quotes to her applications advisor. She reported often feeling ‘*pressured*’ to take Caranua’s contractor despite highlighting that she felt ‘*unhappy*’ doing so, as she did not know of their works etc. This held up the process at times. Eventually works were passed and completed by a builder of her choice due to the fact that this builder provided a cheaper quote than the Caranua recommended contractor via Cluid. During this time she changed application advisors

a number of times, all of which provided her with contradicting information which she says confused and frustrated her. She informed me that it was “*very difficult*” having to keep explaining her situation and circumstances to each application advisor (when she could get in touch with one). The last quote she sent in was for minor works. This was given the okay and the cheque was to be issued. Upon work completion PP was informed that she had “*reached her quota*” and had “*gotten enough*” thus, she would not be in receipt of payment for these works. This refusal was not put in writing and as a result it could never be appealed. She was informed her “*case was closed*”. She was left very distressed as she could not pay the outstanding bill. She was also told that it was not “*open for negotiation*” and that Caranua would contact her when a new application could be opened. In September 2016, PP contacted me very upset. The builder sent her a letter stating that if the bill was not paid by October 2016 he would have no other option but to pursue payment via the courts. PP has told me that while she is happy she has received services she feels the system that is currently set up is inadequate. She states that she felt “*like it was a constant battle to receive services*”. The Caranua recommended contractor is the same one which has done most of the works in the Cork area. She said while she was not informed of the overall quotation price she was told by her applications advisor that they were “*well above the costings outlined by her builder*”. She said she has received little to nothing in writing from Caranua, found them exceptionally difficult to deal with and at times felt like discontinuing her application. She said she found phone staff often “*rude and abrasive*” and she was regularly “*misinformed of criteria*” when her application advisors were changed. She was not informed of the reason why her application advisor changed. She feels it is a very dissatisfying service especially as there was a high turnover of staff.

#### Failure to understand individual needs

There is a consistent failure of application advisors to understand the individual needs of every applicant. By implementing an inflexible framework there is a reduction in the overall effectiveness of services. For example:

- ML has both a physical and intellectual disability. He resides in sheltered accommodation which has catered for his needs. As such he would not be applying



for most of the housing renovation services. However, due to his physical disability he requires regular physiotherapy and massages. He was only allowed to claim for 10 sessions of this. The cost for his massage was €15.00 weekly. I was told that the receipts for his massage would be placed under his “wellbeing” allowance. Despite this he was denied payment for most of these under this as I was informed that the allowance was 10 sessions only. The cost of a total of 10 sessions was €150.00. His wellbeing allowance is €1500 yearly. Regardless, this was not a wellbeing matter but instead one of necessity. When I was no longer involved in ML’s application his sibling assisted him. However, both individuals reported being “abused on the phone”, “not listened to” and they felt that “there was a general failure to understand ML’s immediate needs”.

### Creation of intergroup conflict

There was a ‘divide and conquer’ ethos within historical institutions, most notably the separation of siblings from one another and the defragmentation of families (Ryan, 2009). Control was paramount to social order within the institutions and fear was a continual and ever-present attribute. Unbeknownst to itself, Caranua has enabled this ethos by implementing the ‘divide and conquer’ framework regarding its own policies and practices. Caranua ‘control’ the services to which a survivor may access, often times denying services to some that are accessible to others. It has been brought to my attention that siblings have been treated very differently within the Caranua service and have received varying degrees of resources and support. It was said to me that “*Caranua are doing to families what the institutions did, but in different way*”. For example:

- COD had put in for a number of works for her house. Her sibling had requested the same works and received them. COD was refused them, citing they don’t cover the works she has requested. COD cannot understand how her sibling received them and she cannot. COD was also informed that she had received her maximum allowance and her application was being considered closed. She said she feels the system is very “*unfair*” and there is a level of “*injustice*” surrounding it. She said she spent quite a considerable amount of time trying to understand how her sibling received such a level of support and she was outright denied. COD is also appalled by the fact another sibling has received little to no support, so much so that they do not have an assigned

advisor for almost two years. She said Caranua have regularly misinformed her. COD explained that she didn't go any further with it as she was afraid it would cause difficulty for her siblings and that she was afraid that it might interfere with a future application, if she is allowed apply again.

- MD sibling has received a number of works to her home. MD had been integral to her sibling receiving such supports. However, MD herself has not received the outlined required works. She feels “*slighted*” and “*disrespected*” by Caranua application advisors. She informs me that she has received little to no support or contact from her applications advisor. She insists that Caranua are “lacking compassion and understanding of my circumstances” and the circumstances of many more survivors. She has returned to taking anti-depressant medication and states that “*the Caranua process has affected my mental and physical wellbeing*”. She strongly advocates that Caranua are “*picking and choosing works*” that they feel should be completed, some at a “*cost effective solution*” rather than the outlined needed works. She said while she would never “*begrudge her siblings any support as they are very much in need of it*” she “*just cannot understand how Caranua can justify what they are doing*”. She says “*I cannot make sense of it. It has kept me up at night. I'm angry. I'm hurt. I feel ignored. I've buried 4 family members all from institutional backgrounds. Three generations of survivors in this family and Caranua have done little to nothing for the most of us. There is no understanding of my circumstances of that of my family. They have not engaged with me to make my life any easier. In fact they have made it worse. The difficulty in trying to contact them, the failure of my applications advisor to contact me, let alone offer me support has been nothing short of an insult. It's degrading. The whole system is degrading. I feel like I'm begging. And they are able to provide services to my sister, who I want to say requires more than what they gave her due to medical issues, but they constantly ignore me. I can't understand it. I'm angry. I'm very, very, very angry right now. How can they treat me different to my siblings? It's like being back in the home. I'm a single mother, who works and is raising two children on my own. Despite everything else that is going on in my life. There is no understanding of anything. The system is an insult to survivors. They should all be ashamed.*”

- PB explained to me that Caranua has caused *“fierce hassle among us. I’ve actually fallen out with survivor friends as a result of this, as a result of the whole set up”*. He informed me that he was willing to give Caranua a chance and wanted to go through the right processes. He had attended a local clinic that they held and wanted to see what the outcome of that meeting would be. He said the services he was informed he could have at that meeting were later denied to him. Again, he explained that he finds it very difficult to see other survivors having received a number supports and others struggle to even get an advisor. He said the system is very wrong and has had a *“terrible impact on us all, even on our friendships”*. He said it is like a *“race in which you have to be in their first before everyone else to try and get as much of what you need out of it.”*

When I’ve asked survivors why they don’t question the policies and decisions further they have stated that they are *“afraid in case the rest of their application would be affected”* and discuss that *“it is difficult to get what anything”*. Survivors feel *“in competition”* for access to resources regularly and inform me that they frequently question why they themselves are not deemed *“worthy enough”* to receive such resources. More notably, survivors feel particularly excluded when they cannot access services the same services.

Survivors have discussed the fact that there appears to be an air of ‘favouritism’ surrounding Caranua services. By this they imply that those who are not ‘vocal’ about their dissatisfaction are at times better looked after than those who are. They feel that airing ones unhappiness or frustration has resulted in a prolonged and difficult application process.

The changes in the amount allotment to €15,000 have created a sense of wrongdoing, injustice and disgust. It has had a profound negative impact on many survivors. It is a misrepresentation of the acknowledgment of their needs and survivors are often left choosing between vital services. The system is flawed and ultimately discriminatory.

#### Misplacement of Post and General File Information

There was a frequent loss of post within Caranua. Post that I would send would often times not turn up or I was informed it was ‘not received’ by staff. This became very frustrating and an increasingly regular occurrence. In one incident after liaising on behalf of MD for months I was informed from the Director of Services and their new applications advisor at the time

that they neither could nor would not discuss MD's application with me. The reason cited was that I had not completed a permission to share form or nominated contact form. I explained that I was already a nominated contact and that I had signed the form over 9 months previous. I also highlighted that in conjunction with MD I had been liaising with her previous applications advisor. However, both MD and I were told that there was no signed form on file. It appeared to be misplaced. On another occasion I had sent a quote on behalf of JOD which after believing payment was due for a particular service I was informed that it was again "*never received*". I presented a copy; again this was "*not received*". JOD himself forwarded a copy and this "*was not received*". JOD had to send another copy before confirmation of receipt. There are plenty more examples of post that was claimed to have not been 'received'. A complete file went missing belonging to another survivor. This was later found within the Caranua offices.

### Contractors

Building works are perhaps the most topical subjects surrounding Caranua. The minutes of the Caranua Board meeting on the 11<sup>th</sup> December 2013 note that "*liaison officers have now been appointed for all the local authority regional areas*". My experience has been very contrary to this fact. Initially I was informed directly by Caranua that all Council housing tenants would (understandably) require permission from their local authority to carry out any works to their home. I and others were informed to a) get two quotes from reputable builders for works b) send them in to Caranua for approval c) once approval was given I was told to contact the local authority for permission d) I was to send this permission on before Caranua would give the official green light for works. This was the procedure when works were straight forward and did not require medical and occupational therapy assessment. I spent a massive amount of time seeking out qualified and certified builders (see letter below). I had to change and resend a batch of invoices a number of times. One it was approved in December 2014 I, not the applications advisors whose job it is to assist and process survivor applications, contacted SEAI, applied for grants and removed them from the builders quote. I did this. I was subsequently sick the following month for 3 months. During this time the works were not complete as permission from the council was not sought by Caranua. Upon my return from sick leave I followed up on this matter. I was dealing with needed quotes in the Cork and Kerry regions since applications began in January 2014. It was in May or June 2015 that I was informed of the existence of a liaison contact in Kerry County Council. I tried

contacting the individual in Kerry County Council via phone a number of times until I was finally informed by an employee of the Council that the man had retired twelve months previous. As I was informed that the policy in Caranua now asks for permission first and quote afterwards. I contacted the maintenance department on Cork City Council. I brought with me a list of survivor homes that were seeking permission as well as an outline of the works required for each home. I informed them of the existence of Caranua and gave them the name of the current director of services. I was later informed that Caranua has insisted that I had 'jumped the gun' by contacting the Council, despite the fact that permission for works were sought by survivors 7 months previous. I explained that invoices for works were sitting in files in the Caranua office since the previous November. It was only then that I was informed of a liaison officer and that Caranua were producing a permission for works document for local authorities. I contacted the liaison officer who informed me that I had done the right thing as I would be referred to the maintenance and engineering department regardless. It was only from August, 2015 onwards that the list for works that I had complied was being worked on.

It states in the recorded minutes of Caranua Board meeting on 13<sup>th</sup> of October 2016 that "*It was noted that the SEAI Board has agreed to provide assessment services for housing energy efficiency improvements*". I would like to question why it is exactly 32 months since actively engaging with applications for services that this is only being agreed upon. I had been in discussion with Caranua as far back as November/December 2014 regarding SEAI grants. I was informed that I would have to apply for SEAI grants individually (which I did) and that this would be removed from installation costs (which it was). As a result of applying for the grant the works would be assessed by SEAI. SEAI grants were expected to have been and should have been applied for by applications advisors if individual survivors found it difficult to engage in this part of the application. Has this been the case? The SEAI should have been explored as a possible source for providing assessment services for housing energy efficiency improvements long before it was agreed in this Board meeting?

From the outset building works should have had more regulations in all aspects. There was a level of expectation on the individual applicant to find and get qualified and certified builders for a number of required works. Many of my clients did not know about certificates etc and I had to source respected builders as result. This should have been a responsibility of Caranua from the outset and not on the individual survivor, particularly as many are elderly,

vulnerable and do not know exactly what works are needed. A number of them did not understand the housing entitlements as they were given differing information at various times. Eventually Cluid housing body was enlisted. Some of my clients voiced concern as they did not know the contractors for this organisation and I highlighted these concerns. However I believed that this was a positive move. It is stated in the recorded minutes of the Board meeting on 1<sup>st</sup> October 2014 that *“It was clarified that if we use the services of a housing body for our housing applications, that applicants will retain choice of supplier.”* From my experience and what was reported to me many individuals felt *“pressured”* by their respective application advisors into going with the Caranua contractors. They felt their objections went *“unheard”* and agreed to contractors in order to move their applications along. As a matter of fact survivors have informed me that they were *“not allowed to choose their builder. Caranua told me I had to go with theirs and they would send someone out.”* In this regard some survivors are denied using their own agency as such being denied actively participating in the decision making processes of their own applications. This is contrary to the Board’s statement on the 1st October 2014. Some have been left satisfied with works and some not so much. I have been informed that works were often unchecked by outside contractors. I was informed that a contracting company in Cork, who, due to not being qualified in specific work subcontracted out a number of works. It is the original contracted company who came out and checked the finished result. In an email to a specific applications advisor in 2015 I highlighted that certificates of individual contractors should be made available to all survivors who are using Caranua recommended services. Due to the completion of substandard works on a survivors home (by a Caranua contractor) which had to be knocked down and redone I raised concern regarding who was overseeing the works and requested information on who completed the works. I also requested all documentation regarding building works on behalf of this individual. I was informed that certificates and documentation would not be provided by Caranua. I highlighted that survivors were not protected on this matter. In a follow up phone call the reason outlined to me was that Caranua ‘paid’ for the works and as such reserve the right to withhold the information. In my letter (outlined below) I noted my concern regarding this with Caranua’s Director of Service.

- GW had works completed to his home by a recommended Caranua contractor. The completed works had to be redone. I requested from Caranua certificates of all contractors involved in the works, an outline of the overall cost and a copy of receipts. This was refused.

- TM had works completed by a Caranua contractor who he insists he was told he had “*no choice*” in choosing if he wanted his works completed. At the time of completion and payment he requested a receipt and an outline of works done. He was informed by the relevant contractor that Caranua policy is that this to be sent to Caranua directly only. The works were complete but he recently needed a repair. He remembered the name of the contractor and he contacted him. The lights that were put in to his bathroom were the ‘cheaper version’ at €28 instead of the recommended €38. He said the contractor got this and fitted it. He paid the €38 for the light. He has concerns regarding how often and how much this light fixture will cost him into the future. His application was closed without his knowledge. He informs me he had been told he had “reached his maximum allowance” despite he had outstanding works wanted. His application was closed.
- JR had put quotes in for works to his home a number of times. These had to be changed on a couple of occasion at the insistence of his applications advisor. Despite being given the go ahead for works, Caranua still sent contractors to his home to view the property and put in a quote. JR however, insisted that he did not want works completed by any them given GW’s situation (as noted above) and that he expects one of the quotes he sent in himself to be passed. JR couldn’t understand why Caranua were sending in their contractors. One of the builders he put in is certified in all aspects of building and is a regular contactor for Cork City Council in regards to a number of building specialisms. JR did get some of his works completed but was denied others. He is currently appealing a decision on another service and has been told his file will be closed. JR’s applications advisor also initially refused his quote for his dental work. His applications advisors phoned him and told him that he would be attending a Caranua recommended dentist in Youghal, Co Cork. He informed her that Youghal was 30 miles away which would be 60 miles return journey. He asked if there was someone closer and he was told no. He refused and said that he will be sticking with his dentist.
- NK was informed that he would have to take a Caranua recommended contractor for works to his home. NK informs me he felt “*massively pressured by Caranua to sign*

*the document for €15000” maximum. He informs me that Caranua told him that if he “didn’t sign it he wouldn’t be entitled to the criteria under it”. He is currently without an application advisor for nearly two years. He says Caranua has made him “very depressed in dealing with them. All I want to do is try and better myself and each time I am hit with a stumbling block. You are at their mercy. I am begging for services. I am literally shaking when I ring them because I know I’m going to be refused and they constantly fob me off. They keep telling me they are going to organise an advisor but that was almost two years ago and still nothing.”* He said that he had previously informed Caranua that he had quotes for the works needed to his home, particularly the stove and heating. The maximum quoted cost of these works was €5,500. However Caranua contractors charged €8,876.51. While in NK’s house he states that they did not complete the outlined works as per his information, which he received only due to an FOI application to Caranua. The works for this roof are outlined as “investigate leak on main roof and report back on findings. Provide cross ventilation on roof, pull back ventilation on eaves. Repair gutters, realign and add extra brackets and seal gutter corners” totalling €1,763.79. NK said claims that Caranua had told him the required roof repairs were too expensive so the detailed work indicated above was what was completed. NK had to get a private contractor in to complete the needed works, which he is doing himself, which he is paying back in instalments. He was also informed by said contractor that the previous works completed by Caranua contractors were overpriced.

There are examples of where work was only partly complete for example:

- JF required all new windows to his home. He only received two windows and has been refused the rest. He has since been informed that he was had “enough” and his application has been closed.

I would like to refer to my point earlier regarding Caranua’s preferred contractor usage as well as the failure to be liable for work issues. If Caranua expect recommended contractors to be used for works then they should be responsible for any issue that arises.

### Medical



Many survivors have issues with mental and physical health. A prerequisite of Caranua for services if deemed necessary for physical health was a letter from an individual GP. Upon receipt of this Caranua sent out Occupational Therapists (OT) to complete assessments of needs for individuals. OT's would send their reports to Caranua. Initially they were not provided to some of my service users. However, I insisted that these be made available, which they eventually were. OT's were often sent from various regions to other parts of the country to assessments. For example an OT in Cork was sent to Tipperary and an OT from Limerick was sent to Kerry. It has been raised by survivors as point to note that OT's from each region should have been utilised within that region. They would like answers to questions regarding the payment of OT's who travelled to wider regions particularly those who crossed county bounds in order to perform assessments. The needs for works were to be based on the OT reports. However, Caranua did not utilise the information as set out in the reports and often used alternative means to meet a need. This was done despite the works failing to overall provide assistance to a need. For example:

- GW (as outlined above) had part of his bowel removed and had suffered from cancer. He was unable to move particularly fast and found the steps of his stairs too difficult to climb. It was originally assessed that a bathroom (wetroom) should be placed downstairs. He was sleeping on a recliner in his living room. Instead, Caranua gave him a stair lift in order to go upstairs. Instead of a wetroom they placed a new bathroom and failed to hang a door. The shower with a high lip was put in despite his mobility issues. He again stressed that he would make the stair lift on time to get to the bathroom on some occasions. This was ignored which meant that he was still at times soiling himself. The ramp outside his home had to be taken down and redone. The works were signed off by a Caranua contractor despite being incomplete. The OT was very hands on in supporting GW through this. It was at her insistence that works were to be redone. However, due to the works not complying with his overall needs GW applied to the local Council for a downstairs bathroom. He received a part grant for some of it and informs me that he took a loan out to cover the rest of the works. He was very concerned that he would have further issues in the future and had no supporting documentation as evidence of works. He informs me he has become so "*disillusioned*" with Caranua. He noted further concern that if and when Caranua are no longer in operation who does he turn to in order get this information from. GW, due to health still needed the downstairs bathroom as outlined in his OT report. As

such he had to apply to Cork County Council for a grant towards the cost of this. He also had to take a loan out of the Credit Union of €2000 to cover the extra works. GW is 72 years old this year.

- TM's OT report cited the need for a downstairs bathroom and bedroom. He has a number of health issues. He was told by Caranua that he would temporarily receive a stair lift to assist in getting upstairs. TM raised concern about the safety of this as he had young grandchildren in the house and he felt that he may not be able to get to them fast enough. He was informed by Caranua that "you're just going to have to keep the children away from it". He informs me that the answer to the safety issue he raised was "disrespectful". He said it should go without saying that you keep children away from such devices but there can always be a situation arise. He felt that if it did he could not possibly stop the children in time. He said it was a legitimate concern and did not warrant such a response. He received an upstairs wetroom in place of his bathroom.
- In one situation, despite receiving a letter from the GP regarding the need of a small operation roughly €1500 max, I was informed that I had to forward all his medical records. Due to his health issues I had to request files from a number of hospitals as well as his GP. He received his operation after much debating with his applications advisor. One email he received from Caranua stated that they were not aware of his medical issues even though his whole medical history was in his file.

There is tardiness in the payment of cheques for medical consultations. I am aware of survivors who had to cancel important consultations due to the time it takes to process cheques. Survivors get an appointment, send this to Caranua. However Caranua take 21 days to process a cheque, often resulting in the rescheduling of appointments.

One of the biggest concerns regarding medical issues with Caranua is that they often do not follow the recommended works outlined in the OT report (for example see GW and TM above) despite these being more practically suitable for their needs. Caranua are now not standing over some OT reports which they paid for, stating that they are not "*sufficient enough*" any longer.

### Education

Minutes of Board meeting 24<sup>th</sup> April 2014 state “*Questions were raised about whether the limit on assistance with third level fees and travel to education were adequate.*” According to the Ryan Report the majority of survivors who attended the Commissions had not completed third level education. In fact the Ryan Report clearly indicated a level of failure to adequately educate and train children during their period of institutionalism. As such it is excellent to see survivors engaging in third level education. However, from my direct experience the number of survivors accessing this is quite small in comparison to the survivor population as a whole. A number of survivors requested a continuation of computer classes I had run in conjunction with the local VEC advocate in 2014. They wanted to go through Caranua and access the education services. At the Outreach meeting held in Cork in October 2014 this was discussed as a group. I was informed that individual invoices for the course would need to send forward but that if it is accredited they foresee no issue with the payment of the maintenance grant of €500.00. It was discussed further at a later date with some survivors and a group of individuals said they would like to attend classes around computer skills, receive the grant and use the money towards a laptop. In doing so they would like then to continue on with more computer courses but also have the availability to work on what they are learning at home. In January 2015 I followed up with an email to the Director of Services confirming the eligibility of the grant payment. The response I received

*“ \*\*\*\*\* passed on your email to me about the 10 week course you are going to be running on computers. Yes you are right, each one will need to be individually approved, but we can sort out a way of paying it together. The best thing to do is send them all in in a batch, and I will give them to the one Application Advisor to handle when they come in. And yes, given that the course is approved the education support grant would be applicable, but contingent on whether the applicant had had an education support grant for anything else already.”*

Only one individual had received a support grant perviously. However, on following up on payment of the grant the new Director of Services informed me that the course was not a third level course it was not considered eligible for the grant. I responded as follows:

*Thanks for the quick response. A client of mine, completed a part time course in the Cork College of Commerce regarding ECDL Beginners course. This course is not a 3rd level course but a beginners course and received the 500 euro grant. David, in January, I specifically emailed on the fact that this course was running in our Drop in Center (I had previously explained via phone and in the meeting about the drop in center). This was not*

*noted as an issue, in fact the email I received back stated that once upon approval of the course (which you inform me you are now paying out) was done, that survivors would be entitled to the education grant contingent on whether they had received it already.*

*This should have been explained more clearly from Caranua. The lads completed the course hoping that they would be able to further their education even more through buying a laptop etc and utilize the skills they learned. This course was done to further the educational experience of survivors in an environment that catered for their needs (3rd level institutes fail in this regard).*

*I am now in a position of explaining to a group of survivors that they grant that they had been informed they would receive (in a meeting in Nov) will now not be paid. This, I feel is another set back and I now fear that those who were willing to go forward for the computer course in the future will not do so. Pg. 16 of the book, under 'What can you apply for section', point one states that Caranua can pay towards "Fees for evening, adult education, literacy and other courses available through Education and Training Board".*

*I am very anxious for this matter to be rectified as I feel it is going to cause severe distress on both the part of my client and myself." This is still an outstanding issue. This decision was not appealed as there was a consensus among the group individual appeals should be placed as group as per outlined with the invoices. However, not all received an appeals letter.*

I am aware of situations in which survivors who have attended third level courses have missed out on a year due to the late processing of their payment by Caranua, thus delaying their education. This is unacceptable.

#### Misinformation and concerns regarding some staff suitability and training of staff

I have experienced misinformation on a regular basis. It was very difficult at times to understand the application process as with the change of application advisors came a change of information. I found trying to contact application advisors (upon the removal of their direct mobile phone contact) very difficult. Phone staff were at times rude and at times my messages or calls were not forwarded on. I admit that at times it was difficult to contact me. However all application advisors had my work mobile and personal mobile phone numbers as well as my email address. I was absent at the end of January 2014-mid April 2014 and during

this time there was a systematic breakdown of support for some of my service users. Most of their applications were not processed and there was little to no contact returned by their respective applications advisors. In 2015 I spoke with the new Director of Services regarding my concern on the lack of application activity on various applications up on absence. This, I said was inexcusable, considering that I had personally contacted the Director of Communications and informed her that I would not be available to discuss applications. I had expected that the applications would be processed regardless. I had also been contacted a number of times during my absence by application advisors to discuss individual cases. During this time it was noted on various files that I was “*not returning calls*”, and “*difficult to contact*”. JR was informed that I had “*done nothing on behalf of his application*” even though invoices were sitting in his file waiting to be paid; invoices which I had already discussed with his application advisor and was informed that payment was being issued. SK was told that I had “*lied*” to him. JF was also told that I was regularly “*misinforming him*”. A number of others had also been informed that I had done little to nothing on their behalf.

I would like to take this opportunity to confirm that I highlighted the need for an immediate OT report for an elderly gentleman in January 2015. I was informed that this would be dealt with. However, upon my return from illness in April this had not been done. I am aware that he received very little of the support outlined in his OT report, as well that as works were done to his home that were not conducive to his overall needs. Large batches of invoices were left sitting in files without activity for months. Many of my service users are still today without receipt of adequate services. Files are also mislaid and information is lost. There is incorrect and inaccurate information noted in some application files.

In their 2014 Annual Report Caranua stated that the services are “*Easy to use, quick, not bureaucratic, offering respect, dignity, clear information and “no begging*”. However many survivors feel that they are consistently ‘begging’ for services. One reported having to “*jump through hoops*” to get what he needed and he still is waiting some supports. Some have likened the experience as “*derogatory*”, “*embarrassing*” while being made feel “*worthless*” and “*unworthy of support*”. Some have reported feeling like they are “*asking for too much*”. Some have likened the experience “*as traumatising as the Redress Board*”. Some have insisted that they would never again access the services no matter how much they changed their policies. All, including myself feel that staff are not adequately trained to deal with survivors and there is little to no understanding of their ever changing needs.

### Assignment of an application advisor and call backs

Caranua's Customer Service Charter states that they will a) answer your phone calls as promptly as they can b) call you back by 5pm the following working day c) acknowledge all correspondence within 5 working days and respond within 15 working days. From my direct experience as well as numerous reports from survivors Caranua do not practice the above outlined points regarding many who contact their services. There were a number of times my calls went unanswered and unrecorded. There is a long delay in being provided and assigned an applications advisor. Sometimes up to six months in some cases. Survivors are not informed when their applications advisor has changed nor are they given reasons for the change. However there are many who are without application advisors for an exceptionally long period of time. For example:

- BOD had a change of applications advisor in 2015. Two years and many phone calls later he is still without an assigned advisor. He was never given a reason for the change in advisor. He has been told that Caranua will contact him so he is not to phone any further. He is without a number of services and advice. He said he believes he will be placed under the €15000 threshold despite having a long standing application prior to this introduction.

### Medical Cards

The minutes of Board meeting 4<sup>th</sup> September 2014 state that *“On the issue of an enhanced medical card, the Board agreed that the key objective is to do what we can to get improved access to services for who are eligible to apply to us. While we can continue to make the case on the ground of equity for the extension of the enhanced medical card to them, we should concentrate on securing services at the same time.”* Survivors would like to know what the current situation on this matter is and what Caranua have done on this matter.

A number of survivors have reported to me that they are abused regularly on the phone. They are often informed not to phone to speak to their applications advisor and some report being told *“Don't contact us. We will contact you”*.

### Refusal and Appeals

I have experienced refusal for supports verbally with no written follow up. This results in an inability to appeal. A number of individuals are unaware that there is an appeals process as they were never informed of it for example COD, PP. This is an ongoing activity in Caranua practices. It lacks transparency and denies survivors the possibility of having a decision overturned.

### **Continuation of stigma – comments by Mary Higgins–‘fraudulent’**

#### **Impact & Psychological implications**

##### Changes in criteria

The receipt of the first wave of applications saw a number of survivors receive a large number of supports as indicated in the 2014 Annual Report. However, what is failed to be reported in detail is that many of these supports were for smaller needs such as glasses, shoes, hearing aids and wellbeing while the larger works such as home repairs were still outstanding, often times being delayed far beyond a reasonable time frame. What has been noted is that survivors, who put their applications in prior to the changes in criteria said that if they knew they would be “*cut off while having outstanding invoices for services*” they would have utilised the fund more wisely and as such would have foregone the smaller services in order to be provided services that they required more.

When applying at the start Caranua application advisors were informing people to apply for everything. As such this has resulted now in the provision of services some got but did not deem completely necessary as indicated in the paragraph above. Moreover, as a former support worker I am appalled that Caranua followed the same principles as the Education Finance Board (EFB) which paid out large sums at the beginning and by the end implemented a cap of a total amount payable. Given concern voiced at the time by survivor support services’ regarding the EFB changes, the fact of the matter is, that this should have been taken into consideration by Caranua before accepting applications. As such, this issue around some survivors receiving a larger amount of services than others as a result of the €15000 cut off could have been avoided. Moreover, it would certainly have lessened the impact of the dissatisfaction and intergroup conflict that now exists.

The addition of white goods and funeral costs as added supports to the criteria was indeed very welcomed by all. However, those who are categorised under the ‘old criteria’ (2014) are informed they are not entitled to such supports as they “received enough” due to the fact that their “cases are closed” and were also informed that they may apply but “probably won’t get it” and “they are wasting their time”. One of the first survivors to discuss funeral costs and advocate strongly for it has been informed as such. As a former support practitioner a big concern for survivors is the financial burden they will leave their often already struggling families with the cost of paying funeral bills. This should be provided to all survivors who request it, regardless of the services already received and the newly designated €15,000 allotment.

#### People residing in temporary accommodation

Again, referring to the EFB it was in general a success. However, younger survivors whose children were too young to access the fund were later denied the opportunity for supports in this area. I have concerns regarding individuals living in temporary accommodation such as rent allowance etc. As such, they are not able to access housing works. This I agree with due to the fact that their individual housing situation may change. However, in order of fairness and support provision I believe that a portion of the fund should be set aside for future access for such individuals. This should be available to utilise if there are some needed works to their new permanent home. As is, they are only able to gain access to provisions such as health and wellbeing and are denied access to a full application as a result of housing residency.

#### Fraudulent Claims & Closing of Cases

As noted earlier the inclusion of a paragraph on Caranua literature regarding the referral to the Gardai as well as the removal of future services from suspected/ convicted fraudulent applications. However, I encourage the need of understanding of individual cases, particularly as many applicants have a history of substandard living. As per the Caranua funded research piece conducted on the socio-economic mapping of place of living of survivors, Haas (2015) concluded that over half of Irish residing survivors live in the 20% most disadvantaged areas of the country. Notably survivors are often applying for standard services such as teeth, windows and heating; services which are not deemed as a luxury.



## **My letter to the Director of Services, Caranua, June 2015**

By June 2015 and given my concern with Caranua operations, I felt compelled to put the issues and concerns I had in an email to the Director of Services. I had been absent from the end of January 2015 – mid April 2015. Upon my return there was little to no further processing of services of applications for whom I was a nominated contact. The points below were raised:

### **1) Issue with nominated contact form**

I discussed “ I was speaking to \*\*\*\*\* who informed me during 2/3 conversations that he could not find the nominated contact form and after speaking to you directly about it, you informed him that you would not be speaking to me on the matter until MD forwards some confirmation regarding this.....I find it very difficult to understand even though I am mentioned in an email and in conversation to you by MD highlighting me as a nominated contact, \*\*\*\*\* informs me that her case will not be discussed with me. I don't understand, how after having conversations with her applications advisor prior to my sick leave Caranua are no longer able to discuss MD with me unless they receive further confirmation from MD that she will allow such. I believe MD's email yesterday is indication enough of the fact that I have been acting on her behalf prior to my absence from work and post return. All today's conversation highlighted to me is the difficulty in dealing with Caranua. On a professional level, this is very disappointing. It now appears that the original nominated contact form sent to Caranua last year has been misplaced.”

The response I received was “*The Nominated Person Form is not traceable from our end so to that matter under legislation we cannot discuss with you her circumstances. I would welcome a Nominated Person Form so that we can discuss with you her specific case if needs be although I feel that a permission to Share Form is best required in this instance as she is a very capable woman herself.*” This was the response given despite the fact that I was a nominated contact for nearly a year and had actively engaged with the previous applications advisor. A copy of the original form was resent.

### **2) Post**

I discussed “*Particular paperwork from various clients has been misplaced by Caranua. Both myself and a client forwarded a particular invoice for glasses 4 times; twice by my*

*office and twice by the client himself. It is only upon receipt of the fourth invoice was it paid. A **whole file** belonging to another client of mine has also been mislaid. **All of his invoices cannot be found.** Photocopies of the invoices were forwarded up recently and had it not been for his dental nurse phoning me regarding the invoice she forwarded to Caranua directly herself, then I would be left to believe that I had actually misplaced his file myself. I received an email a few days ago citing that an invoice that I had sent up twice cannot be found. I received an email stating that the reason that Caranua sent out MPM to do works on a particular home is because the client “had difficulty in accessing invoices”. I had to point out that this is not the case as two sets of invoices for works to his home was sent the latter part of last year. The invoices are sitting somewhere in Caranua”.*

The response I received was “*This is a major issue for us to hear this. I have since asked the Admin Team for any further follow up on the matters that I know of. I am also going to send you a batch of addressed labels so that you can use these when addressing post to us here.....Caranua cannot be blamed for post going missing if it never gets to us in the first place.*” I was forwarded a batch of labels in the post. I was never followed up about missing post.

### **3) Misinformation**

*I discussed “Caseworkers in Caranua are regularly giving out wrong information. I myself have been subject to this as discussed with you recently regarding an educational grant. I have been promised items in the past for example an electric bike that a client had applied for as he will not utilise a gym etc, and given his back issues his doctor felt that cycling would be the best option for him moving forward. This was discussed in the past; however a phone call I received last week indicated that he will not be paid for the bike and unfortunately his old applications advisor should not have made such a promise. It appears that it is no longer open for discussion. As already highlighted to you in a previous email, this is not good enough. It is me and my office who are dealing with the fall out of misinformation. I was informed in the past to get invoices for work to be completed to client’s homes. The time and effort put into this was great. Great care was taken to find in particular one company, who has certificates in all works needed to homes and is a contracted company for Cork City Council. 3 times invoices had to be changed due to various application advisors insisting so. This was not an issue at the time however, upon discussion in December regarding the*

*invoices I was promised that works would be approved if the SEAI grants were taken off. There was no movement on this matter and upon my return in April I have since been informed that invoices for heating and insulating (despite being completed by the same accredited company with certs in all aspects of building) would have to be separated. While this is beyond frustrating I have been informed that permission is sought from the Council prior the approval from Caranua, when in fact I was told once the works were approved permission would need to be sought from the Council before these could begin. The reason for this was stated that some works may not be approved so it is best that approval for works is sought first before going to the Council. This could have been done last year and works could have begun since then, however this is not the case. I have been informed in the past that I would have to go through all my nominated contacts, go back to their opticians, hearing specialists and dentists and fill out some paperwork. I spent one whole week in December following this up. Returning after Christmas this applications advisor was replaced and his replaced apologised for the inconvenience and did not understand why I was put to such extremes. In fact he concluded that the paperwork was complete time wasting and unnecessary and could not believe that I was made do such a thing.”*

#### **4) Contractors**

*I discussed “Upon becoming a nominated contact for some of my clients, I have strived to ensure that the services they receive are up to standard and the best that is available to them. As a result I have requested certificates, invoices and a guarantee of works upon completion from both \*\*\*\*\*and Caranua on behalf of two of my clients so far. I have been informed by \*\*\*\*\* to contact the respective advisor and upon contacting the respective advisor have been informed that such information will not be made available. This to me not only puts me in a position but also my clients. I have highlighted that if there is an issue down the road then a paper trail needs to be provided to offer security to survivors. I also noted that this is people’s homes and they should know the certificates etc of those coming in to do works. This has not been provided to either of my clients and I still have a number yet to get work done. When Caranua are gone people need reassurance that they have a comeback if something is wrong. They need proof of payment, certificates and guarantees. Not providing this is going the wrong way about things and may potentially leave vulnerable people in an even more vulnerable position. Not only that, but as a nominated contact and support worker it will be me they will return to looking for help. It will be me they will hold responsible. This is simply*

*not good enough on all fronts. It was made explicitly clear to me last year that builders need certs and work needs to be stood over, hence the time spent finding an accredited and reputable builder who has all the certs, trained employees on all aspects of buildings and who is a contracted builder for Cork City Council and Tuath Housing. Not providing the information to survivors is an appalling policy. It is their homes regardless of who is doing the work. They need protection and right now they are not being provided it by Caranua. It is completely inappropriate that survivors are not being protected on this front. This should be made available to all survivors regardless of who completes works.*

*Both I and some clients have issues regarding the ongoing subcontracting of work. It is generally considered a waste of money in the building trade and I would like to know why a contract was given to a particular maintenance company in Cork when they have to sub contract out some of the work. I cannot understand why a company would be chosen who has to subcontract work out. More certs, more invoices etc that are not being provided. It really is a crazy mind boggling system. While I understand to some extent why Caranua have contractors it is not understandable why some of these contractors are not licenced in all required works needed, when it was clear from the start the level of support and works that survivors will require”*

The response I received “*Regarding the instructing of Contractors via Cluid and their approved contractors. This is a system which Caranua shall continue with. The level of accountability is extremely high and the cost is more than competitive than other providers. It also cuts out the likelihood of any potential fraud being perpetrated on the fund. Not something I like to mention but is something we have to be aware of.*

*Invoices will not be given to you in this matter where we have instructed Cluid to use their contractors. All works are under guarantee under the regular building regulatory frameworks and because of the fact they are working in an integrated manner with Caranua we have far more comeback if there were to be any issue into the future with any works.*

*If any works on an applicant’s house require attention as result of shoddy workmanship. We have very simple ways to deal with this. I would advise the applicant to inform the Application Advisor and we would address the issue. This has not happened to date with any of Cluid’s work. Although with providers not approved by Caranua but chosen by some applicants it has.”* Unfortunately a situation did occur with contractors sent by Caranua. The

work on a ramp outside a house had to be taken down due to unsuitability and redone. Works completed on insulating had left a house in a terrible mess.

### **5) Staff member**

I discussed *“There is one applications advisor who is signed to only a handful of my clients. Both I and my clients have had difficulty with her. She has behaved completely unprofessional on a number of fronts, told one survivor I had lied, my colleague that I had done nothing for his case, another I had not sent on paperwork despite him sending some on himself, refused to acknowledge emails since my return and has spoken very disrespectfully to a number of survivors in general. Upon my return to work I have spent more time attempting to calm various people down in relation to her behaviour. I believe that some are requesting a change of applications advisor, something which I have encouraged.”*

### **5) Liaison Officers**

I discussed *“Prior to becoming a nominated contact I was informed by Caranua that liaison officers were going to be contacted in each area for housing etc. This was also mentioned at a meeting between survivors in Limerick and Mary Higgins CEO, in October 2013. This appears not to be the case. If there are liaison officers for various bodies in counties across Ireland than me or my clients have not been informed of them”*.

The response I received *“Regarding Liaison Officers, the Local Authorities appointed these Officers to liaise with Caranua under legislation in order for Caranua to conduct its affairs with other public bodies in a smooth manner. Some local Authorities have stronger working relationships with us here in Caranua and we are endeavouring to firm up the appointed relationships with the Liaison Officers in situ.”*

### **7) General**

I discussed *“Dealing with Caranua has become an even more frustrating addition to my work. Since my return most of my time has been spent listening to complaints and concerns from not only my nominated contacts but from my general client population. Caranua was something that I had hoped would provide responsive and quick supports to clients. This has*

*not been the case. Invoices have been left sitting above and files have been misplaced. A high turnover of staff has made it difficult to keep up with who is whose application advisor. As a result of a number of complications, some which are briefly outlined above, I am questioning my position as a nominated contact and the responsibility of what a nominated contact brings. From this point forward I will be informing all of my clients (nominated and not) to request conversations with applications in writing, ie. Requesting a letter from application advisors following up on conversations they have had with survivors. This is to ensure that from now on misinformation cannot be provided and if so, one has a comeback on it.*

*David, I believe that you are a reasonable man who is working with a difficult framework. I believe that we are of the same aim; attempting to support survivors as best we can given the circumstances. As a matter of fact I am sure that you are under massive pressure. However, I hope you understand my position. I am not unreasonable nor am I difficult to work alongside. I have put up with abuse, pressure, unprofessionalism and misinformation since dealing with Caranua. I have very upset clients who often bear the brunt of their frustration and anger at me and my office. If it is a situation that I or a colleague caused than this is fine but when it is completely outside of my control then I have to draw the line. These are issues that I had hoped to discuss with you today, in fact they were issues that I was going to discuss with you last Wednesday week when you said you would phone but emailed instead. On a final note, I would like to state that I have encouraged a number of my clients, even those for whom I am a nominated contact for to engage with Caranua themselves. This is to help build confidence and give a sense of purpose. Some of my clients both nominated and not have been helped quickly in the beginning however, many are left unsatisfied and frustrated. Some have considered at this point completely disengaging with the services of Caranua, something which I am discouraging about. This letter has been done as a final straw in dealing with all aspects of Caranua. This afternoon's conversation's with \*\*\*\* (who I understand is trying to do his job) has now resulted in my frustration's being highlighted in this letter: something, which could have been done in a conversation."*

The response I received "I would also like to make available to talk with you either tomorrow or Friday if that suits. Let me know what time might suit you. I am in some meetings on Friday but can work around this." I had discussed my sending of the letter to my direct line manager. I awaited a response from Caranua which upon receipt I forwarded on to management to discuss in detail.

## Conclusion

From my direct experience, Caranua have not and are continuing to fail to listen to survivors. Caranua is failing to take the time to understand the multifarious individual needs of survivors. Caranua is failing to understand the fluidity and the fluctuation of such needs. As such, it fails to understand the complexity of both the survivor community and the individual survivor. It is operating in a rigid and unyielding environment which is inflexible and incapable of providing the right support resources to at any given time. Under its current framework Caranua is consistently working at a polar opposite to what it was exactly established for.

For a considerable period of time Caranua services are not performing at the best interest of survivors, as noted in my letter to the Director of Services in June 2015. The fact of the matter is, is that two years ago I had highlighted and voiced concern regarding Caranua operations to both my direct line manager and Caranua itself. Despite this, there was a consistent misrepresentation of issues and concerns publicly. In itself the misrepresentation was the failure of a prominent survivor support service to advocate upon my voiced and highlighted concern, and, most importantly the failure of Caranua to work proactively on the ongoing and consistent concerns brought forward by service users. From the many conversations I have recently had with survivors, namely Caranua applicants they have voiced a number of issues, but also a number of solutions such as 1) re-examination of criteria and financial allowance 2) disbandment of current head staff 3) disbandment of Board and 4) disbandment of scheme and pay out lump sums. I do not believe I have the right to suggest or make any comments regarding the proposed solutions, nor do I believe I have the right to speak on behalf of any survivor as a result. I believe such a decision is for the Department in consultation with individual survivors (and not survivor groups). As such I would recommend a wide scale independent consultation will all survivors who have applied for services with Caranua. This is in order to inform and evaluate the current level of satisfaction regarding the outlined and changed criteria, survivor engagement and the overall level of service satisfaction. This as well as a re-examination of the exclusion criteria would be the first step in providing survivors with the understanding and supports they need.



# **REVIEW OF THE EFFECTIVENESS OF CARANUA**

*A critical analysis of the organisation from the prospective of the Survivors of  
religious institutions*

## *APPENDIX iii*

**Date:** March 2017

**Written by:** Fiona Fox, Solicitor,  
(representing 40 applicants pro bono)



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## 1. Executive Summary

- 1.1 The author of this report is a solicitor who assists Survivors of industrial schools (“Survivors”) making applications to the Caranua scheme (“the scheme”). Originally recruited by the Aislínn Centre (a support service for survivors) in Dublin as a volunteer solicitor, the author now acts independently for Survivor applicants to Caranua on a pro bono basis. The information in this submission draws from several sources including personal experience; Survivor testimony, reports from Survivor representative groups, surveys and submissions by psychotherapists.
- 1.2 Below I have set out the key issues which, in my opinion, may be considered by a court to amount to ultra vires conduct by Caranua, which I believe the courts will also consider to be breaching applicants constitutional and human rights. Appended at Section 4.3 are the results of a survey I conducted with 38 survivors. It illustrates the high level of dissatisfaction of this client group and the systematic issues with the administration of the scheme for the Minister of Education and the Education Committee to consider.
- 1.3 Caranua’s Prioritisation Policy (“the policy”), introduced in 2015, may be considered by the courts to be inconsistent with the statutory provisions of the Act and this Policy has been applied indiscriminately, without due care for the Survivor applicants. It would appear that the Government has allowed this policy to continue to adversely impact on survivors despite having this matter investigated by the Appeals Officer who subsequently referred to this bad practice in his 2015 Annual Report.
- 1.4 The changes to the scheme introduced in June 2016 seek to regularise a policy of having limits to the scheme, which defeats the principles and objectives of the Scheme. They were made without consultation. They show a complete lack of empathy and the language employed by Caranua, references to “audits” and criminal proceedings may intimidate applicants. The new classes of services did not have Oireachtas approval despite the requirement to obtain such approval.
- 1.5 Caranua appear to be working to their own program without any apparent supervision from the Education Department or anyone else. The Government’s hands off approach and lack of clarity about their role to supervise Caranua has led to poor decision making on the part of Caranua. Evidence shows that the Scheme has been mismanaged by Caranua
- 1.6 The funds placed in the Government’s hands by the religious congregations were intended to improve the lives of Survivors. There is evidence that the operation of the scheme by Caranua has had a negative impact on Survivors. Survivors have reported that their recovery from the abuses they suffered as children has been impacted by Caranua’s treatment of them.
- 1.7 Survivors have been left with little alternative but to seek legal advice culminating in the issuing of High Court proceedings against Caranua and or the Appeals Officer to achieve results. Court proceedings have been used as a last resort to compel Caranua to issue proper determination letters, and in order to ensure that decisions of the Appeal Officer are lawful decisions, in terms of process but not necessarily good decisions in terms of process.
- 1.8 The Scheme is expensive, and administration costs take an increasingly large share of the fund. The administrative costs have more than quadrupled in 2 years but there are relatively few new applicants. Applicants have experienced increased delays, and thousands of other applications are put on hold for an indefinite period without explanation. The costs of administering the scheme should be reimbursed to Survivors by the Government given the

poor management of the scheme and as a measure of redress to those individuals whose applications have been wrongly denied as a result of the prioritisation and/or application of limits.

- 1.9 The Minister, in order to ensure equality, consistency and transparency in the operation of the Scheme, should appropriately direct Caranua, to ensure that;
- i. Each applicant should be offered professional assessments of their housing and medical needs, and to get advice on any educational services that might like to pursue;
  - ii. Applicants may choose their supplier and that Caranua is to provide information about suppliers local to them to assist in their choice but that the final decision is for the applicants;
  - iii. Applications must be processed in chronological order or if there is to be a policy of prioritisation that must be approved by the Minister after consultation with Survivor groups;
  - iv. An exception should be provided for to process applications where the applicant can show an exceptional hardship or an urgent essential need;
  - v. The Prioritisation Policy currently in place to no longer be applied with immediate effect and those applicants affected by this policy should have their applications properly dealt with in accordance with the statutory provisions;
  - vi. The limit of €15,000 per applicant is removed with immediate effect and those whose applications have been affected by this Policy should have their applications dealt with in the order they were received (subject to any other agreed policy) in accordance with the statutory provisions;
  - vii. The Minutes of the Board meetings should detail the discussions that took place in the interests of clarity and transparency; and,
  - viii. Changes to the Scheme should be made only AFTER consultation with Survivor groups; and,
  - ix. The internal guidelines which Caranua rely on to make decisions are published in accordance with the Act.

- 1.10 Survivors should be consulted in a meaningful way, and with adequate time for response, and with adequate media to reach those who are least likely to hear about the scheme – e.g. those abroad or in the most vulnerable care settings such as homeless shelters. (In this regard, it is disappointing that the current consultation was only open for 3 weeks and only draft terms of reference were published.).

Overall, Survivors were not consulted in regards to the terms of the redress scheme in 2002, or this scheme. In Northern Ireland, the scheme involving Professor Lundy and the Ulster University, a different approach was adopted. A consultation process was undertaken which was Survivor led and Survivor centred. It can be seen through that experience that such a process helps restore the dignity of Survivors and allows for redress to begin from that point. It is not too late given the funds available and the number of Survivors still alive awaiting the dignity of making choices in regards to the money that is theirs.

Survivors should be asked;

- i. In the absence of any other review to consider if Caranua is the appropriate body and is the scheme the best mechanism for providing support for Survivor needs. If the answer to one or both of those questions is no, what other system should replace it? There is still a substantial amount of money left in the fund, Survivors should have input to the question of how the rest of the money is distributed.
- ii. Who will decide the future of the scheme and the destination for the remaining monies in the fund? What role have Survivors been given in deciding what form of redress best suits their needs? What if any role should they have in its future?

- iii. Finally, given the Government's commitment to consider eligibility to the scheme, who should the eligibility to the scheme be extended to?

## 2. Background & Historical Context

### 2.1 Introduction

Caranua is the service name of the Residential Institutions Statutory Fund Board which was established under the Residential Institutions Statutory Fund Act 2012 (the “Act”). Caranua was established on 25 March 2013 through SI 95/2013. Caranua was introduced in 2013. At the time, Survivor groups and others expressed fears that the system created through Caranua to utilise the resources made available to it through would not work in the best interests of Survivors. There were also widespread calls for the Government to extend eligibility to the scheme. To allay those fears the Government made commitment that within 2 years’ of the establishment of Caranua, it would review the scheme to possibly extend eligibility and to assess whether Caranua was meeting its objectives.

Some Survivors have been disillusioned by Caranua's treatment of them and the Government's failure to commence the review or to take a stance in relation to the matters of concern.

The Department of Education announced recently that it was undertaking a consultation process to decide the terms of reference for this review and the closing date for submissions is 8 March 2017. The Department decided against reviewing Caranua’s operation of the fund.

Some 5,500 Survivors of the possible 15,000 eligible applicants have applied to this new scheme since it opened its doors in January 2014. Unfortunately for some the scheme is not what they wanted or hoped for. There are concerns about Caranua which have been raised in the Oireachtas in respect of the operation and management of the scheme. In the absence of any statutory review there is the fear that Survivors are being let down by this scheme and that once more the State is turning its back on those people who have already suffered so much.

Given the delays so far, the serious matters raised by Survivors, and the age profile of Survivors many will feel let down by the Government’s failure to review Caranua’s operation of the scheme.

### 2.2 Historical Context

#### 2.2.1 Institutional abuse of children from the 1920s to 1980s

A difficult and shameful part of Ireland's history is the scandal of the treatment of children placed in religious institutions. This practice which began before the 1920s continued until the 1980s.

It was not until 1996 with the ground-breaking documentary *Dear Daughter* that this scandal was brought to the public's attention. The full extent of the despicable treatment of children at the hands of the Church was made known with the publication of the Ryan Report in 2009.

#### 2.2.2 Residential Institutions Redress Scheme 2002

A compensation scheme for persons who were resident as children in certain institutions in the State was established in 2002 under the Residential Institutions Redress Act 2002. This scheme was intended to be non-adversarial. Unfortunately for many who attended at the oral hearings this was not the case. Some Survivors spoke of experiencing further trauma when cross examined by representatives acting for the congregations with the church still denying responsibility for the treatment the applicants’ suffered.

### 2.2.3 The Ryan Report

In the context of the Ryan Report and the bad publicity generated by the compensation scheme the religious congregations pledged further monies, up to €110 million, to meet Survivor's day to day health, housing and education needs. Rather than this money being divided up equally amongst Survivors it was decided by the Government that the extra money would be administered by a new statutory body called Caranua established under the Residential Institutions Statutory Fund Act 2012.

This decision was controversial. The lengthy parliamentary debates reflected the dissent amongst many TDs and Survivors. The dissenters criticised the restrictions on eligibility to the scheme, expressed mistrust on part of Survivors towards Government to decide what their wants or needs might be or to deliver such services or to deliver a service with the minimum bureaucracy. Others spoke of the failure by Government to take on board the wishes of Survivors who were opposed to the scheme and for the failure of Government to ask the Survivors themselves what they wanted from the process of redress. Notwithstanding these concerns, Caranua was established on 25 March 2013. It falls within the remit of the Minister for Education.

### Caranua's role

#### 2.2.4 Statutory Provisions

Caranua has a specific statutory mandate to support the ongoing needs of former residents of religious institutions through providing grants and services to them with the aim of improving their wellbeing. It must act within the confines of the 2012 Act and respect Survivors substantive and procedural human rights in line with its performance obligations under s.3 of the ECHR Act 2003 and positive public sector duty under s.42 IHREC Act 2014. It must also respect fundamental constitutional rights such as the right to fair procedure, the timely determination of fundamental issues relating to survivors rights, and right to reasons.

It meets these needs through utilising the fund at its disposal on foot of applications it receives. For it to determine applications, the Act obliges Caranua to publish the criteria which it relies on. Caranua must perform its functions in a manner that promotes the principles of equity, consistency and transparency.

The scheme's objective was to address Survivor's ongoing needs. The then Minister of Education & Skills, Ruairi Quinn explained in Dáil Éireann on 8 May 2012 that;

*"The difference between the original redress scheme which dealt with financial compensation, the statutory fund would meet **ongoing needs**."* (The debates on the Residential Institutions Statutory Fund Bill 2012).

No limit was placed on the amount an individual claimant could claim, although some limits were placed on the amount claimable under certain sections e.g. maximum of €5,000 for third level courses in any one year.

Caranua has other roles, to improve Survivor well-being, advocate on Survivors' behalf and help policy makers, service providers and aid the public in better understanding the effects of institutional abuse. It is required to evaluate the effectiveness of approved services in meeting the needs of former residents, and take such steps as it considers appropriate to consult with persons whom it considers may be affected by the performance by it of its functions.

When the Act was passed, it was determined that only certain prescribed needs "*the approved services*" could be met. These approved services are in the areas of health, education and housing. Whilst the Act sets out the approved services, it is Caranua who must determine the criteria for making applications. To do this Caranua, must consider the individual circumstances and needs of former residents and the likely effect of the provision of a service on the former resident.

In 2013 Caranua met with Survivors. The findings of these meetings were contained in Caranua's Annual Report 2013. Survivors were asked what they wanted from the scheme. Survivors wanted a

scheme that would be:

- i. Easy to use, quick and not bureaucratic and that would offer respect, dignity, clear information and “no begging”; and,
- ii. Confidential, easy to use, flexible with published time frames and standards.

They also wanted help with;

- i. Housing, including adaptations and extensions if necessary;
- ii. Getting medical assistance, such as wheelchairs, other aids, spectacles and hearing aids that are better than the HSE or NHS issued ones, and dental treatment;
- iii. Getting speedy access to consultants and specialist medical treatment considering their age profile;
- iv. Connecting and finding family members.

They wanted advocacy for Survivors.

Caranua is required to provide information about its services, the procedures for the making of an application and how applications are determined. The criteria must be in accordance with the intentions of the Act.

Caranua published the first guidelines in January 2014 when it first began to accept applications. The first guidelines are no longer available to view on Caranua’s website.

The second set of guidelines published in May 2014, provided information about Caranua; who they are, their role, what can be done for Survivors, details of services which can be applied for and information about the criteria. It stated that the scheme was “needs-based”, was to improve the wellbeing of Survivors, and was to ensure anyone using the services feels empowered, enabled and satisfied. The guide went on to describe the organisations ethos. Caranua expressed the commitment to make a real difference to the lives of Survivors and it would do this by the application of certain values. These values include;

- i. Putting the needs of Survivors at the heart of everything;
- ii. Believing that Survivors are entitled to compassion, respect and dignity;
- iii. Being open, fair and flexible;
- iv. Ensuring high quality in everything;
- v. Working together with public and voluntary bodies to make sure that Survivors get services of real benefit, and that the best use is made of the fund; and,
- vi. Being impartial and offering equal access to anyone using their services.

The guide contains information about what the scheme can do for Survivors, what services can be applied for and the things that the scheme does not cover. The guide states on page 8:

*“We aim to meet your needs so there is no limit on the number of services that you can apply for.”*

A key feature of the process is that each application is required to be considered on its individual merits following a discrete consideration of the application including a consideration of the independent recommendations of expert professionals.

In an interview during the launch of the scheme in 2014, Chief Executive of Caranua Mary Higgins expressed a desire for Caranua to be a place that Survivors may feel they may come, a focal point and a voice for Survivors, ensuring that public services work better by navigating the system on behalf of applicant.

### **2.2.5 Objective of this report**

The objective of this report is to consider if Caranua has been successful in supporting the needs of Survivors.



This submission will look at the impact and effect of the scheme through the experience of Survivors and compare that with the aims and objectives of the scheme.

To measure success this submission will review the operation of the scheme by reviewing;

- i. Administration costs and delivery;
- ii. Published criteria for making decisions and a consideration of whether those criteria are consistent with the objectives of the scheme;
- iii. Key decisions taken by the Board which effect the operation of the scheme and its objectives;
- iv. The application process including appeals, complaint procedure, and the options for challenging the operation of the scheme through the courts and of the Governmental to supervise the operation of the scheme; and,
- v. The experience of Survivors who have applied to the scheme looking at the impact that the scheme has had on their well-being.

The final part of this submission, Survivor experiences, will compare the operation of the scheme with the wishes of Survivors expressed to the CEO of Caranua in 2013 and the Customer Service Charters of 2015 and 2016. The scheme tasks Caranua with other objectives, to raise awareness and advocate on Survivor's behalf to other outside agencies.

Ideally this submission would have considered if there is any evidence that this has happened but there was insufficient time and resources to deal with this adequately. However there does not appear, from the 40 cases studied for this report to have been much, if any, evidence of advocacy on the Survivor's behalf. Survivors are expected to deal with public and other bodies themselves.

The 40 Survivors whose experiences are referred to in this report live in Ireland and the UK. Some were in direct contact with Caranua and some had the help of a Nominated Person. They are aged from 32 to 84 years old. Some have high levels of literacy and computer literacy. Others struggle with basic literacy skills. Many suffer serious health problems both mental and physical, some because of their experience in industrial schools and other such institutions. The Equal Status Acts duty to make reasonable accommodations is particularly relevant here, where disabled survivors are often particularly unable to access justice.

The survey mentioned at point 1 of the Executive Summary above refers to a survey designed to assess the Survivor's attitudes of and opinions about Caranua in order to provide empirical evidence for this review. This survey, an in-depth examination of Survivor's experiences and views, was undertaken by 40 Survivors.

### 3. Findings

#### 3.1 Operations and administration of the scheme

##### 3.1.1 Governance & Management

The governance and management structure of Caranua is determined by the legislation. It provides for the establishment of a Board, sets out the roles and functions of the Board and those of the Chief Executive Officer.

While it is an independent body, Caranua is said to have a strong relationship with the Minister for Education and those of the officials within the Department. (Caranua Annual Report 2013 page 8). The Minister may give directions to the Board in relation to the performance of any of its functions.

##### 3.1.2 Operation of fund

An investment account has been established by the National Treasury Management Agency into which it has deposited funds received from the Minister for Education arising from funds paid into an account from the trustees of relevant trusts for making cash contributions towards the costs incurred by Caranua in the performance of its functions. The total amount paid into the investment account shall not exceed €110,000,00.

At end of 2015 just under €75,000,000 has been received into this fund.

The 2014 and 2015 figures above are reproduced from the financial reports submitted to the Auditor and Comptroller General. No such report is available for 2016.

##### Staffing levels

	<b>Total Staffing levels at end of year including Temporary Staff</b>	<b>No of Seconded &amp; Temporary Staff</b>
<b>2013</b>	4	
<b>2014</b>	8	2 + 7.7
<b>2015</b>	25	2 + 13.8

The scheme began with a small staffing team of 4 in 2013. Operation costs have increased from €388,132 in 2013 to €1,786,159 in 2015 (last available figures from the 2015 Financial Report) an increase of over 400%. By the end of 2015 there were 23 members of staff, two thirds of those agency staff. A report commissioned by Caranua in 2015 recommended that 25 was the optimum staffing level and therefore by end of 2015 Caranua had almost reached that optimum level. Currently there are 23 members of staff (according to Caranua's website).

It is estimated that the operational costs in 2016 will exceed €2,000,000. This is considering staffing costs for that entire year. The table below shows the delivery of services in terms of applications received and monies paid out

	<b>Value of Grants</b>	<b>Individual Payments</b>	<b>Operational Costs</b>	<b>No. of Part I Applications</b>
<b>2013</b>	4,243	-	388,132	-
<b>2014</b>	9,750,685	-	1,188,494	3,825
<b>2015</b>	28,901,854	12,091	1,786,159	1,230
<b>2016</b>	16,463,931	-	-	545

In November 2016 Caranua announced that it had received Part 1 applications from over 5,600 people. The scheme's busiest year in term of receipt of Part I applications was in 2014 (3,825). In 2015 this figure dropped to 1,230 and in 2016 the number dropped still further to 545. In 2016 €16,463,931 was paid out for services, almost a 60% reduction compared to the previous years.

### 3.1.3 Prioritisation policy and the decision to close files

On 29 July 2015, a decision was made by the Board of Caranua. This decision was not made available until several months later. The relevant part of the minute is reproduced below.

<b>Report on Applications</b>	Report presented and considered. It was noted that over €25 million has now been spent. It was agreed to circulate a breakdown of spend by sub category to the members of the Board	Sub-category breakdown to be disseminated to the Board	Prior to next Board meeting
	A discussion was held on the pathways available to completing an application. It was agreed by the Board that priority be given to new applications, over re applications and that a request for applications part 1 and 2 could be made at the same time.	Priority to be given to new applications.	Immediately

This decision appears on the face of it to authorise the Board to refuse to process applications from eligible applicants as certain applications are being put on indefinite hold due to the prioritisation policy. The Board does not have the authority to refuse to process applications from eligible applicants; its primary function is to accept, process and determine applications applying the criteria set out in the Guidelines. In this case the court may conclude that Caranua are fettering its discretion, in an unlawful manner

It is not clear what lead to this decision. There was no consultation process with either the Aislinn Centre or the Irish Women's Survivors Support Network (IWSSN). It does not appear to have been advertised at all except with the publication of the minutes to the Caranua website in September 2015. The policy was then retrospectively applied to applications made and submitted prior to July 2015, thereby changing the criteria by which applications were to be determined after the applications were made in accordance with the original Guidelines.

Applicants became aware of a change from November 2015 when they received a letter to say that their file was now complete. No further information was furnished to applicants to explain to them how or why the file was considered complete when, as far as the applicants were concerned, they made an application to Caranua in accordance with the Guidelines. The letters appear to have been sent in batches of hundreds or possibly thousands. Clients of both the Aislinn Centre and the Irish Women's Survivors Support Network (IWSSN) reported receiving such a distressing letter.

One example of such a letter was received by Case Study Level 1 CMB in November 2015. She was awaiting a determination by Caranua in relation to her claim for housing services when she received this letter which stated

*"As you know, you have received significant support from Caranua since you first applied to us. We are delighted that we have been able to respond to your needs and we hope that you will continue to enjoy the benefits of what you have received into the future.*

*We now consider your application to be completed. For the foreseeable future, we will be processing applications who have yet to benefit from the Fund and will not be in a position to consider applications from anyone who application has been completed. "*

In other cases, applicant Survivors were told on the phone that their applications would not be processed

- In the case of TC he was told on the phone that he had reached his "*cut-off point*"
- MH was advised that there were "*other people in front*". A letter from the Applicants Advocate to Caranua of 21 February 2016 seeking an update remains answered.
- MD was advised that she had reached her quota. A letter to Caranua seeking clarification of 21 February 2016 remains unanswered.

#### Example of the Application of the Prioritisation Policy: LC Case

This case concerned a Survivor who had been resident in St. Joseph's Industrial School for Girls and Junior Boys, Cliffton, Co. Galway as a baby from 14 August 1965 to 18 February 1966 and subsequently in St. Vincent's Industrial School, Goldenbridge, Inchicore, Dublin 8 from 18 February 1966 to 12 August 1966.

LC applied to the scheme in 2014 and amongst other things sought dental treatment and orthopaedic footwear with the support of his GP. LC subsequently spoke by telephone with Caranua on 5 September 2014 and Caranua wrote to him on the same date in order to summarise the services which he was applying to Caranua for.

Around September 2015 LC received a telephone call from Caranua to inform him that his applications were now closed. He was advised that he could reapply in perhaps six months' time, although this timeframe and his future eligibility were left vague. LC was advised that his applications were closed notwithstanding the fact that he had outstanding applications, for his dental treatment and orthopaedic footwear. This telephone call, which came without warning, left him feeling anxious and distressed. He had been engaging with Caranua for over a year to put a dental treatment plan in place, yet now he was being advised that his application for dental services was closed regardless of his eligibility and demonstrable need, supported by expert dental reports, for such treatment. .

On 6 April 2016, LC's advocate wrote to Caranua to enquire as to why Caranua had not processed his applications for orthopaedic footwear and dental treatment. Ms. Mary Higgins, replied by email correspondence of 15 April 2016. She stated, *inter alia*, that LC had been advised that his application is completed, that Caranua are giving priority to those applicants who have yet to receive assistance and that Caranua was not in a position to indicate when it could review his "*repeat applications*". She further stated to the Advocate that "*I believe that I have explained this general approach to you in relation to another situation. Mr. does not have an advisor because his application is completed for the time being.*"

The advocate replied to Ms. Higgins reminding her of Caranua's statutory obligations under the Residential Institutions Statutory Fund Act 2012 and advising her that the failure to assess LC's application was a breach of the Act.

By letter dated 30 May 2016, Ms. Higgins wrote to LC to inform him that Caranua had reviewed his application and the awards made previously to him. She stated, *inter alia*:

*"the needs you identified to us have been met, within the confines of the legislation. In these circumstances, it is not possible for us to consider another application from you."*

The policy gave priority to new applicants, the CEO therefore closed his close.

#### **3.1.4 Referral to the Appeals Officer**

LC's advocate referred this matter to the Appeals Office on 17 April 2016. On 18 April 2016, the Appeals Officer explained that they had no jurisdiction in respect of the matter stating

*"It would appear, from the information provided, that Caranua have not made a decision on Mr. Cs application(s) to date. From my understanding, the application is pending the assignment of an advisor and*

*Caranua have allocated 'repeat applications' a lower priority compared to first time applications. The appeals function is available where applications have been fully assessed by Caranua and the Decision Makers judgement is negative. In order to proceed with an appeal, a copy of the decision letter is required as this states the reasoning behind the outcome and forms the basis of the appeal. If you have a copy of the relevant decision letter, please forward and I can initiate the appeal process."*

LC's Advocate replied to the Appeals Officer (10 May 2016) highlighting her concern that her client was being denied access to the Fund due to a policy of prioritisation which has no legislative basis and which is being applied arbitrarily, and again requested the Appeals Officer to investigate Caranua's decision.

The Appeals Officer replied on 17 May 2016 noting that while there is no provision in the 2012 Act authorising Caranua to prioritise applications, the Act does give Caranua "*certain flexibility in the administration of the fund.*" The Appeals Officer also noted that he had no authority to interfere with the policy functions or administrative duties of Caranua. As a result, he stated that he could not be of any further assistance in relation to LC's application and he suggested that the Advocate contact the Ombudsman's office or the Minister for Education and Skills

It was revealed later that the Appeals Officer had begun an investigation into this matter, and had met with the CEO of Caranua.

### 3.1.5 Investigation by the Appeals Officer

In May 2016 the Appeals Officer began to investigate the prioritisation policy and the "file complete" letters. As a result of this investigation Caranua agreed in September 2016 to send to the applicants who had been in contact with the Appeals Office a proper determination letter including information about the applicants right to appeal.

Only those Survivors who were represented by the Advocate would receive a proper determination letter allowing them to appeal. In all other cases, 2500 applicants, they have been denied a right of appeal. Given the lack of formal education in the institutions many applicants to the fund have poor literacy levels and even those with good literacy skills would probably not know that they were being denied the right of appeal and/or who to talk to about it.

The Advocate requested the Appeals Officer direct Caranua to write to ALL recipients of those type of letters. There was an exchange of correspondence in September 2016. The Appeals Office did not think this necessary, being satisfied that

*"those who had contacted the appeals office regarding this have not been given either the opportunity to appeal or their application has been confirmed to be pending with Caranua. This was the agreed solution to the problem arising in June and I would expect that the confusion and disorder this caused would surely be enough to pre-empt a repeat."*

In October 2016, in response to further pressure from the Advocate the Appeals Officer made this statement:

*In short, Caranua stated that the issue (absence of advising on the right to appeal in their decision) was an oversight on their part and the matter has been rectified. However, nowhere did it state that retrospective letters would issue to ALL applicants who received such completion letters.*

*All applicants that contacted the Appeals Office were reviewed and the appropriate letter issued. Perhaps Caranua intend to issue letters retrospectively but for now, if there is anyone in receipt of the older completion letter that contacts this office, I refer it on to Caranua who in turn issue the revised letter.*

*That's the best we can do from here anyway.*

Only those who contacted the Appeals Officer can anticipate receiving a proper determination letter allowing them to appeal.

This so called "*agreed solution*" was agreed between Caranua and the Appeals Officer.

The Appeals Office's estimation that the confusion and disorder caused before June would be enough to pre-empt a repeat was naïve; Caranua issued a huge batch of file complete letters in July 2016.

The Appeals Officer did refer to this bad practice in his 2015 report which was published in October 2016. The fact remains that those Survivors who received the initial 'file complete' letter but not the subsequent letter, have been denied their statutory right of appeal, and neither Caranua nor the Appeals Officer seem in the slightest bit perturbed by this denial of rights to Survivors.

### 3.1.6 Referral to the Department of Education

The Advocate spoke to the Department of Education in October 2016 and was thereafter invited to make a written submission regarding this issue. This was done in October 2016. It was explained that

- i. Thousands of letters were sent to Survivors telling them that their files were complete when this was not the case as no decision was made on the applications;
- ii. Caranua's policy in sending such letters is to deny claims from eligible applicants and/or to deter applicants from pursuing their claims;
- iii. An investigation was undertaken by the Appeals Office and this matter is dealt with at length in the Appeals Officers Report published 3 October 2016;
- iv. In September 2016 Caranua accepted that the issue (absence of advising on the right to appeal in their decision) was an oversight on their part. However, nowhere have Caranua stated that retrospective letters would issue to ALL applicants who received such completion letters;
- v. Caranua have not put forward any measure to remedy the situation for all those remaining applicants who received a letter to say their file was complete. It is not known how many letters were sent to applicants in November 2015 and July 2016, or to whom conservatively it is estimated that at least half of all applicants to the scheme, over 2500, received either the November 2015 or July 2016 letter or in many cases both letters.
- vi. This is a serious matter affecting huge numbers of applicants;
- vii. The most appropriate way forward is for Caranua to contact in writing all those applicants who received these letters. Caranua should make clear in that communication that the letter they received was in error and that any outstanding application which has not been determined will be determined and give a time frame for that to happen.

There was no response from the Department and no action was taken.

### 3.1.7 Impact on Survivors

The rejection of Survivor's applications and the way this was communicated has caused anger, hurt and distrust towards the organisation that was set up to help and support them.

It is difficult to reconcile the decision and the way it was implemented with the objectives of the scheme or the published guidelines.

A Survivor and claimant to the fund MC wrote this letter to express his feelings after receiving such a letter.

*"To Caranua:*

*I wish to complain about a letter I received from Caranua dated 13<sup>th</sup> November 2015. This letter was unexpected; as my advisor in Caranua had already counselled me prior to receiving the above letter, with matters regarding the deluge of new applications and the parking of applications from those Survivors that had already benefitted under the act, furthermore I did not have any existing outstanding applications and that I was not in the process of making a new application, and for that and other reasons this letter simply should not have been sent.*

*Firstly, I object to the tone and content of the letter, it is couched in terms that are offensive to me. The reference to the significant support I have received is patronising, is to say the least, and absurd given the amount I have actually received in relation to the size of the fund. I also deem the letter to be an obstruction to what Survivors are entitled to receive. I also consider it to be insensitive to people who have suffered enough, and sadly it seems to be a reoccurrence of a theme that Survivors have had to endure throughout their lives. (Showing a lack of respect)*

*All Survivors are entitled to benefit under spirit and letter of the above act, without any hindrance or barriers, this fund is not a gift, but it is some recompense in the form of practical help for the abuse they suffered during their incarceration as children and its effects which have endured throughout their lives.*

*It would be far better to exercise benevolence towards Survivors, rather than make them suffer as a consequence of what appears to be ongoing logistical problems in Caranua.”*

The CEO of Caranua, Mary Higgins, continues to enforce this policy of prioritisation. In the case of EB

EB is 75 years old. EB had been in the institution where she was abused from the age of 11 until she was 16 years old. EB told us that she was "worked to death" in the institution. She explained how she had to cut the grass with a bread knife in the priest's garden every Saturday for six months as the nuns thought she was talking to one of the girls from the Magdalene Laundry next door. EB also explained how she would get slapped if the girl who she sat beside got a question wrong. EB was beaten up so badly one day that she was concussed. She can't remember herself but her sister told her she was in bed for three or four days. One day EB forgot her cap which was necessary to get into the church. Another girl had taken EB's cap so as a punishment EB was left in the hall in the dark that night. A nun fell over EB because she was too afraid to say that she was there. After that EB had to get down on her knees in the refectory (where they ate) for six months and apologise to this nun every mealtime.

EB advised that she owns her own property and told us that her son lives in an apartment at the front of her house. Her son has MS and is registered blind. This is EB's only child she was married for five years and has been widowed for 42 years. EB lives on a busy road and got funding from Caranua for triple glazing for the doors and the windows. Caranua helped her get double glazed windows and a stove in 2013.

EB had a heart operation in 2013. She has osteoarthritis in her spine, degenerative disc disease, stenosis, peripheral artery disease, bilateral carotid artery disease. EB is in a lot of pain. EB has stents in her kidneys and has to go to St James' for an angiogram. EB has eight stents altogether - legs, groin, kidneys and heart.

EB applied to Caranua for a contribution of €900 towards dental work. She sent the bill into Caranua but didn't hear anything back. EB asked Caranua for help after her hip replacement and they didn't reply. She asked for help for someone to come in for an hour a day to Hoover, clean, etc. as she is unable to do these things herself due to her health problems.

Caranua confirmed to the Appeals Office on 18 November 2016 that:

*“Ms B was sent a completion letter in July after her repeat application was assessed and payment made. Ms B has since sent in a second repeat application and this is due to be reviewed in the coming months. However, in line with the Board decisions in 2015, Caranua are prioritising new applicants to the fund.”*

Caranua wrote to EB on 12 January 2017:

*“I write in response to your application to Caranua, which has now been reviewed.*

*The first time you applied to Caranua you identified needs to your Application Advisor and these were met as far as it was possible within the limits of our Guidelines. As you identified no additional needs at that time, your application was completed.*

*You have now applied for additional services and these will be considered when Caranua is in a position to assign a new Application Advisor to your case file. At this time we are prioritising applicants that have not yet received anything from Caranua. It is our expectation that we will be in contact with you mid to late 2017 in relation to this application. You do not need to contact the main office or send in any further documentation until you are contacted.”*

### 3.1.8 Conclusion

- i. Thousands of letters were sent to Survivors in batches from November 2015 onwards telling them that their files were complete when this was not the case;
- ii. Caranua’s policy in sending such letters is to deny claims from eligible applicants and/or to deter applicants from pursuing their claims;
- iii. An investigation was undertaken by the Appeals Office and this matter is dealt with at length in the Appeals Officers Report published 3 October 2016;
- iv. In September 2016 Caranua accepted that the issue (absence of advising on the right to appeal in their decision) was an oversight on their part. However, nowhere have Caranua stated that retrospective letters would issue to ALL applicants who received such completion letters;
- v. Caranua have not put forward any measure to remedy the situation for all those remaining applicants who received a letter to say their file was complete;
- vi. The most appropriate way forward is for Caranua to make written contact with all those applicants who received either the letter of November 2015 or July 2016. Caranua should make clear in that communication that the letter they received was in error and that any outstanding application which has not been determined will be determined and give a time frame for that to happen.

Caranua have implemented a policy that the courts may consider to be ultra vires, inconsistent with the statutory provisions and this policy has been applied indiscriminately without due care for the Survivor applicants, and the Government has allowed this policy to continue being applied despite having this matter investigated by the Appeals Officer who subsequently referred to this bad practice in his 2015 Annual Report.

## 3.2 €15,000 limit and other changes

A third edition of the Guidelines was published in June 2016. This edition introduced some fundamental changes to the nature and operation of the scheme.

### 3.2.1 Limit of €15,000 per applicant

It formalised the Board’s decision of July 2015 which had been operated in secret up to this point. A maximum limit of €15,000 per applicant was introduced.

The rationale for this decision was given on the Caranua website

*“We want to protect the Fund for all of those people who can apply to us but have yet to receive any assistance.”* And later



*“We want to ensure the Fund is sustainable for future applicants, so we are concentrating on applications from people who have yet to receive assistance and have allocated a maximum value of €15,000 for each person. This will allow us to manage the Fund and ensure that it is distributed more fairly. This is not a target and applicants will still be assessed on the needs of each individual.”*

This change was referred to in Caranua’s Financial Statement of 2015 on foot of concerns by the Internal Audit provider over payment controls who recommended the introduction of a maximum grant amount per applicant.

No reasons are given for the setting of the limit at €15,000 or any more information as to the reasons for the Internal Auditor’s concerns. It is not clear if the Internal Auditor had read the legislation governing the operation of the scheme otherwise it might not have made recommendations that arguably defeated the primary objective of the scheme and such may be considered by the court to be ultra vires.

A representative from Caranua said that the policy had been introduced because in her words she strongly believed some people got too much. All applications are based on need and go through a rigorous process and must be supported by evidence so it is unclear how or in what way some people got too much. It seems to be more of a subjective judgment than objective statement. That is unless they are saying mistakes were made in the processing of application? The legislation provides for the approval of extensions, based on need. In those cases, it is likely that the costs were higher than for educational needs but that is the cost of an extension and not applicants abusing the scheme.

It is understood that Caranua commissioned an actuaries report and this placed the likely number of eligible Survivors still alive at closer to 7000 not 15,000. The numbers of applicants to the fund have now reached 5,500 and only 545 applied in 2016.

Any limit is not allowable under the Act even if it were considered necessary. But given the slowdown in awards and the deadline in the number of new applicants it is not understood why a policy is being implemented except for a general concern that the money would run out. This fact was known from the scheme’s inception, in a nutshell this is the scheme. Once the money run out the scheme will close its door.

### **3.2.2 Removal of aims and objectives in the 2014 edition of the guidelines**

The June 2016 edition of the Guidelines omitted any reference to the aims and objectives of the scheme that had been included in May 2014 edition. This edition did not make any reference to the ethos or values that apply to the scheme except for placing a value for services that each applicant may receive at a maximum of €15,000.

### **3.2.3 New classes of services introduced**

New services were added to those previously supported by Caranua; funeral costs, connecting with family and place, telling your story and household goods. These constitute new classes of services and require Oireachtas approval, no such approval was sought.

### **3.2.4 Survivors must use Caranua’s preferred suppliers**

It also introduced the arrangement that Caranua was to have with “preferred suppliers” and these were to be the only suppliers that would be approved. At the same time applicants were told that the contract for services was between the applicant and the service provider. Caranua went on to explain that its role is limited to providing payment and that it is not liable for any issues that may arise, for example regarding the quality of service provided.

This policy has had very poor results in the case of JM.

JM was encouraged to select Caranua's preferred supplier, in this case a building company to carry out works to her home. JM had listed the works needed in her Application Part 2 form. The building company selected by Caranua ignored this list and reported to Caranua what works they wished to undertake.

The building company who were paid to supply materials choose the finishes and select the colours, despite protests from JB. They choose greens and other colours which were the same as the colours in the Industrial School where she was incarcerated. They laughed at her and made derogatory comments about her to a neighbour.

The work that has been carried out in early 2016 is finished to a very poor standard.

Caranua feel it appropriate for this company to return to complete the work. JM disagrees and instead, in August 2016, asked for an independent person prepare a schedule of defects. This request has been ignored. In response to JM's last email to Caranua on 24 January 2017 the matter was to be discussed with the Director of Services. There has been no further contact.

The most distasteful aspect of this policy is Caranua's insistence that even though they forced the Survivor to use a particular supplier, there is no comeback if things go wrong, Caranua say explicitly they are not liable.

In practical terms the supplier need not worry about ensuring the Survivor is happy, and as in this case there was no sign off by Caranua to ensure quality workmanship so for an unscrupulous supplier they are unaccountable.

### 3.2.5 Survivors to be "audited"

For the first time, it required that applicants obtain receipts for all services, and failure to produce receipts will result in an applicant being subject to an audit.

When questioned about this policy Caranua explained there had been a few cases of fraud so this was necessary.

Applicants were also required to produce more detailed quotations for any proposed work including an itemised description of the work to be undertaken, information on the materials to be used and a statement as to why the work is necessary.

A housing manager working for Dublin City Council who was trying to act as a go between the Survivor and Caranua to help the Survivor with their application reported that the level of detail in regards to specifications that Caranua require for quotation purposes is ridiculous and building companies are not going to be able to give quotes with that level of detail as it is too time-consuming. Caranua insist on knowing the sizes of materials, consistency, details that are never given ordinarily. This housing manager remarked that even as a housing building expert he found dealing with Caranua overwhelming.

There are other new requirements for receipts and invoices that must be received by Caranua within 3 months of a cheque issuing. Caranua also required evidence of ownership of property and conditions relating to permission from any landlord were also laid down. Those renting must have written permission from their landlord to carry out repairs or improvements.

### 3.2.6 Follow up checks and warnings about fraud or false information

Caranua also stated that their intention was to carry out regular follow-up checks that money has been spent on the services and with suppliers that were approved. This edition of the Guidelines also contained warnings about fraud or false information.

*"We will investigate any suspected instances of fraud or false or misleading information."*

*Any cases of fraud will be reported to the police and criminal proceedings may follow. You will be disqualified from making further applications and Caranua may reclaim any payments already made to you."*

### 3.2.7 Application of limit

New applicants were told that they would be treated under the new arrangements. Existing applicants were told that they were also subject to the new regime in that applicants for services would be subject to the new financial limit retrospectively. Applicants were told they could "opt in" to the new criteria but not opt out.

These new arrangements have caused confusion and anger. It is unfair.

There are two systems in operation so Survivors are being treated differently depending on when they applied. This is causing resentment and mistrust. The Act states that the scheme must be applied with consistency, transparency and equity.

*"Other people got a lot more - just what I'm entitled to"*

*"No other people have gotten more than I got and I feel victimised."*

*"Inconsistent"*

*"I know people who received so much more and got the money for silly, crazy things. I was never told about any financial limit. The system of Caranua allowed this to happen (that some people got more than others)"*

The system of opt in or out has caused confusion. Caranua staff do not appear clear and contradict themselves.

*"Initially didn't know what was going on but then things got worse after that. A lot of confusion and waiting. Was told inconsistent things by people on the phone - told one thing and then told something contradictory the next time"*

*"At the start they were saying that no one was entitled to white goods, now the new plan is that people are entitled to white goods but also that if you go over 15,000 euro you are not entitled to services."*

Survivors said that they would have applied for different things if they knew a limit was going to be introduced

*"Caranua are changing the goalposts to suit themselves and they are suiting themselves not the law. I know the money is meant for people who were institutions. If the limit was stated in law, most people would be at their limit now but there is no limit in law. Most people have applied for funeral expenses but I haven't yet. Some people are dropping out of the process and it feels like we are being abused again. If I had known from the start that there was a limit I would have applied for funeral expenses, dental expenses and health screening first."*

### 3.2.8 Commitment by Caranua to review the scheme at end of 2016

There was also a commitment to review the amount spent at the end of 2016 and see how many people have applied to it. Caranua also stated that the legislation governing the scheme remained the same and that these changes were consistent with section 9 of the Act which allows the Board to set the criteria for applications to the Fund.

The Board's minutes of 26 July 2016 reported that there was a lengthy discussion held on the published criteria. It should be noted that Survivors are in the minority on the Board.

### 3.3 Decisions of the Board

#### 3.3.1 Caranua's reasons for refusing applications

One of the questions to Survivors as part of the survey was about the decision-making process. Survivors were asked to state the reasons Caranua put forward for refusing an application (s).

*"They said they met my needs"*

*"I was informed that there was a limit on services that could be received of 15,000 euro"*

*"Told that there was 'no hope in hell' Caranua would pay for it. Had a doctor's certificate and specialist's recommendation to get one."*

*"Told wasn't entitled"*

*"They said they have dealt enough with me and that I had to make an appeal."*

*"Not on the form. But had been selected on the form. Believes that others have received such payments."*

*"Said I had reached my limit - didn't know where the figure came from"*

*"They were prioritising first time applicants."*

They were also asked if they thought the reason given was fair, 76 % (26) said no.

#### 3.3.2 Evidence in support of applications

Applications invariably require a "professional recommendation" in support of their application in order to demonstrate that they have a particular need. Such recommendations are required for health checks (these require the support of a GP) etc.

Caranua, in the May 2014 Guidelines, stated that they would arrange for comprehensive assessment of needs, and arrange and pay for necessary medical consultations, screening or treatments not readily available through public services. They also say that services, activities or courses that have not been recommended by a professional like a doctor, dentist or therapist (where that is required) cannot be paid for. The guidelines go on to say that Caranua require evidence from a professional because they want to be sure that the services applied for are right for the person's needs and that they are not giving something that you are already entitled to (page 7).

Health and wellbeing services or treatments must have been recommended by a professional such as a doctor, public health nurse or therapist. Where required applications must be supported by a professional recommendation. Caranua can arrange and pay for this for applicants.

In relation to some housing supports (disability aids or home improvements and extensions) these must be based on an assessment by a health professional such as a doctor, public health nurse or occupational therapist. It also states that home improvements, repairs, insulation or other improvements, need a professional assessment. Caranua will arrange and pay for this on applicant's behalf.

When making an application Caranua state that their key aim for the application process is to make sure that each application is successful and that it is as easy as possible. They say they will do this by arranging and paying for professional assessments where these are required, so that applicants don't need to do this themselves.

In practice Caranua require applicants to the scheme to arrange and pay for assessments themselves.

To support of his application for help with repairs to his local authority home GM applied to Caranua for help to arrange a property survey. This application was made in June 2016, together with other applications. This is the letter of 2 June 2016 sent to Caranua from GM's advocate in 2 June 2016.

*"I would be grateful if you could clarify when Mr. M is eligible to reapply for travel and or a bike and school/ college fees. You had explained that his allowance for the year is up but Mr. M does not know when his new year begins or last year ends.*

*I also understand that Mr. M's home is suffering with damp; the bathroom is in a poor state of repair with sinks coming away from the wall, doors need replacing and the property is poorly insulated. Dublin City Council, his landlord, deny there is an issue. Given that your role is to **"help other service providers to recognise and respond effectively to the needs of Survivors"** {General Information Section 1 Page 5 Criteria edition May 2014} Mr. M asks that Caranua arrange for an expert surveyor to prepare a report to demonstrate the disrepair in the property and failing DCC taking the appropriate action arrange for the repair to be remedied. Caranua are obliged to step in and assist where a service is not readily available.*

*This expert should have specialist knowledge of the causes and prevention of damp and the appropriate remedial action necessary.*

*Given your role to **"Make public services more responsive to you."** And to **"Advocate for you and act as a broker with public services to make sure that services fit your needs. Where this is not possible, we will arrange for services to be delivered to you and will pay for those services"**. {Page 6 Criteria May 2014 Edition}.*

*Mr. M also wishes to apply for blinds for his bedroom window as he can be seen by a neighbour. Finally, Mr. M wishes to apply for a wardrobe. Whilst furniture is ordinarily not covered within the scheme, in this case there are exceptional circumstances because Mr. M's close have been ruined by damp and this is an ongoing problem."*

Caranua rang GM in October 2016 to refuse his application for a survey.

GM's advocate sought a written determination in order to allow GM to appeal. This has not been given.

GM did receive a letter from Caranua dated 19 October 2016;

*Dear G*

*Further to your conversation with your Advisor, I am writing to confirm that your application with Caranua is now complete.*

*As you know, we require receipts for all payments that we make to you and I would be grateful if you could return any outstanding receipts to us, using the enclosed envelope.*

*We are delighted to have been able to respond to the needs that you presented to us and hope that you will be able to enjoy the benefits of the assistance you have received into the future.*

This letter is not a determination letter as required by the Appeals Officer, GM cannot appeal. GM made the applications over 8 months ago and his application has not been determined.

### 3.4 Complaints

Complaints are made to Caranua using a standard form.

A freedom of information request revealed that almost two complaints a week were made against Caranua last year. Figures released under Freedom of Information show that, between April 2015 and February 2016, 75 formal complaints were made by Survivors about the service offered by Caranua – almost two per week.

The clear majority relate to *“disrespectful/poor treatment”*. However, others include *“failure to protect confidentiality”* *“discriminatory treatment”* and *“failure to meet deadlines”*.

The complaints procedure is completely internal one.

In the survey participants were asked if they had ever lodged a complaint about their experience with Caranua, and most (55%) said no.

If participants had lodged a complaint they were asked what was it about and how was it handled.

*"The attitude of the staff and the CEO"*

*"Wrote a letter to Mary Higgins in 2015. Told she would look into it, nothing changed."*

*"Complained about lack of care and passive aggressive tactics of Caranua staff. Also complained about lack of ANY consultation with myself re a very important and life altering decision to refuse essential repairs to my home."*

*"How I was treated / people I dealt with/ and it all went on deaf ears they had not dealt with / swept under the carpet/ not allowed to be heard and not meetings to resolve things"*

Respondents were asked if they were happy with the outcome, and 90% (18 respondents) said no.

When asked why the following comments were made.

*"I was told be happy with what you received considering it is our money not Caranuas"*

*"There was no outcome"*

*"No changes arose as a result."*

*"Never lodged an appeal."*

*"The complaints officer merely parroted Rachel Downes refusal and was utterly pointless in its reply. It threw in a token ' apology for any distress caused' re: non-inclusion of appeal guidelines, and that was that. It hard to believe another Caranua staff member is paid from the fund for doing no more than defending Caranua."*

### 3.5 Other Supervisory Responsibilities

#### 3.5.1 Appeals Officer

The Act established that an Appeals Officer independent of Caranua shall be appointed by the Minister of Education.

Only written determination which provide reasons for any refusal may be appealed. Decisions made by phone or which do not contain the prescribed information cannot be appealed.

The Minister prescribed procedures for hearing and determining appeals. These Regulations, S I. No 21 of 2014 provide for an exchange of correspondence between Caranua and the appellant in relation to his or her appeal as follows;

- a. Survivor submits an appeal within 30 days to the Appeals Officer and the Appeals Officer forwards a copy of the appeal to the CEO of Caranua
- b. The CEO within the time specified by the Appeals Officer, shall give written observations relating to the grounds of appeal to the Appeals Officer and the Appeals Officer is required to forward those written observations to the Survivor
- c. The Survivor may reply in writing to those observations and a copy of such observations shall be given to Caranua by the Appeals Officer

The experience of Survivors was often that Caranua were given more opportunities to respond than just the once as stipulated in the regulations. Whilst the Appellant was also given an opportunity to further respond it still made the process longer and unfortunately it allowed Caranua to possibly abuse the process by repeatedly introducing new reasons as opposed to making observations on the Appellants grounds of appeal. This is a practice of particular concern; Caranua frequently provides new and different reasons to the Appeals Officer for the refusal of applications than were provided originally to the Survivor. This practice is incomprehensible and unjustifiable. It appears that Caranua gives more consideration to an application when the Appeals Officer seeks observations on it, rather than when it is considering the merits of the application itself. All too often, it is apparent that Caranua have spent more time justifying its refusal of an application to the Appeals Officer, providing him with detailed reasons for its refusal, than it spent initially evaluating the application. It appears that Caranua is seeking to introduce new reasons for its refusal in breach of the Survivors' rights to a fair and transparent system. This results in the Survivor having to make a different case on appeal to the Appeals Officer after the Survivor receives Caranua's observations, creating a burdensome and lengthy appeals system which requires to Appeals Officer to repeatedly offer the opportunity to both parties to respond to the new reasons that Caranua seek to proffer for a refusal after it has made its original decision.

These concerns were raised with the Appeals Officer. In defence of their practices the Appeals Officer in a recent letter stated that

*"In the interests of fairness, and/or in order to bring greater clarity to a specific issue in an appeal, I sometimes find it necessary to seek more than one response from either party" to "ensure that I have before me sufficient evidence to make informed and fair determinations."*

In relation to the criticism of Caranua being permitted to introduce new reasons (as distinct from commenting on the Appellants appeal) the Appeals Officer said

*"I consider that the appeals process should be administered in an informal and user-friendly manner and that each party should be free to state their case accordingly. "*

It is appreciated that such an approach works both ways and there are occasions when this approach benefits Survivors. However, in the cases reviewed for this study there was no evidence of this. In these cases, such a flexible approach was to the detriment of the Appellant because it delayed the case being referred to the Appeals Officer, made the process more time consuming and complex and allowed Caranua to introduce entirely new grounds to justify its refusal of an application (as opposed to responding to the Appeal).

In the case of SC, she appealed a decision by Caranua of 26 February 2016 to refuse her housing claim on the grounds that:

*“there was no evidence of mobility or disability needs which would warrant our doing so. Also these works to your house are not within the Guidelines”*

The progress of that appeal is described below.

- i. SC appealed 7 March 2016;
- ii. Caranua responded 19 April 2016. Caranua should have limited themselves to making observations on her appeal, in fact Caranua introduced new reasons, that some of the items are the responsibility of the local authority landlord and they refer to the level of support SC has already received;
- iii. SC replied on 3 May 2016 – in accordance with the regulations this appeal should have now been put forward for a determination;
- iv. 24 May 2016: Caranua given opportunity to make further observations;
- v. 30 May 2016: SC respond and at this stage the case is referred to Appeals Officer;

In the case of ED who sought to appeal a decision by Caranua of 25 January 2016 to refuse her claim for an accessible bathroom in the light of her disability;

- i. ED appealed decision on 21 February 2016;
- ii. Caranua responded 16 March 2016;
- iii. ED replied on 14 April 2016 – in accordance with the regulations this appeal should have now been put forward for a determination;
- iv. 4 May 2016: Caranua given opportunity to make further observations, Caranua should have limited themselves to making observations on her appeal, in fact Caranua introduced new reasons, specifically the level of support ED has already received;
- v. 21 May 2016: Ed responded and at this stage the case is referred to Appeals Officer.

Similarly, in the case of CMB and SG the only result of this approach was to delay the appeal and to allow Caranua to introduce new reasons which the Appellant had to refute.

There are other aspects to the Appeal process which are of concern.

### 3.5.2 Delays

There are very long delays in the Appeals process, between the submission of an appeal to the outcome of that appeal, a Survivor can expect to wait almost 2 years. Waiting times are getting longer all the time. This is despite the fact that every application is in respect of a demonstrable need of a Survivor; it is unacceptable that Survivors should face such unjustifiable delays in having their needs met. The Department acknowledges there is a problem and was to investigate measures to reduce the delay.

Any delay is difficult but given the age profile of Survivors and the type of needs it is essential that this situation is addressed urgently.

Caranua do not assist in helping reduce delays. Invariably they took a month or sometimes more to issue their response. Appellants have strict time periods by which to appeal or to appeal a decision of the Appeals Officer, no such time periods apply to Caranua. For example the case of SG, an appeal was made on the 7 March 2016, and Caranua only responded on 19 April 2016, 6 weeks later. In the case of CMB Caranua took 2 months to make observations of the Appeal (Appeal made on 15 July 2016, Caranua responded on 13 September 2016).



Caranua is well resourced. Survivors for the most part do not have the benefit of legal advice. Caranua are combative in the Appeals Process, and employ tactics which make it more difficult to appeal. For example, the introduction of new reasons after the appeal has already commenced or giving a reason for refusal which is vague, or confusing or which clearly do not apply.

For example MW applied to Caranua in 2014 for various services and grants including an extension to his home to accommodate a downstairs bedroom and bathroom. On 25 September 2015 Caranua rejected his application and the reason given was *“We cannot pay for a bathroom and bedroom extension as it has not been recommended by a professional.”* MW’s application was supported by the recommendations of the Occupational Therapist appointed by Caranua. In her report the Occupational Therapist considered how MW’s disabilities negatively affected his ability to perform normal daily activities and she made a range of recommendations for Caranua to act upon, including (on page 9):

*“That Mr W has access to a bedroom with an ensuite shower and toilet on the downstairs level of the house.”*

This was for some inexplicable reason not classed as a professional recommendation. The Appeals Officer, seems to have adopted Caranua’s view of the scheme. In the same case, MW, when making a decision to refuse the Appellants appeal the Appeals Officer said

*“I cannot ignore the fact that the Fund is limited and diminishing in size over time and that there are other potential applicants who need to avail of it.”*

As a matter of law the Appeals Officer is not required to have any concern for the fund’s size, or other potential applicants. The funds finite nature is not a ground to refuse a legitimate claim.

In the case of MW, the Appeals Officer issued his decision on the 20<sup>th</sup> day of September 2016 which upheld the decision of Caranua. The decision was appealed to the High Court; the first known appeal of a decision of the Appeals Officer to the High Court.

These proceedings, which were held back several months by the Appeals Officer’s failure to comply with the directions of the court, was eventually concluded earlier this year on terms that the Appeals Officer would issue a new decision. His new decision came out on 22 February 2017. This time the Appeals Officer referred it back to Caranua for them to carry out more assessments. This is a particularly frustrating outcome for MW as the Appeals Officer has the statutory power to make a decision on the application, and rather than doing so he has failed to act in the best interests of MW and thereby he has abrogated his responsibilities.

This decision is a difficult decision for MW. It further delays matters and puts the matter back in the hands of Caranua. This is not the first time that the Appeals Officer has referred MW’s applications back to Caranua. In 2016 the Appeals Officer directed Caranua to arrange for an assessment of MW’s eyes in relation to another claim (for eye surgery – MW’s eyesight is poor, and is on the strongest possible prescription). Caranua ignored the recommendation of the Appeals officer. Instead of arranging the assessment, Caranua without the benefit of a medical assessment of the condition of MW’s eyes and eyesight, determined that MW did not need surgery.

Caranua’s failure to follow the direction of the Appeals Officer has been reported to them in February 2016. The Appeals Officer has not in any way sought to enforce his direction.

MW does not have any faith in the system. There are no safeguards for the applicant should Caranua fail in this case to follow his direction. Any decision of the Appeals Officer cannot be taken in isolation and must be considered in the context of Caranua’s treatment of other directions. For those reasons it is very difficult to reconcile this decision with the statutory objectives of the fund.

In relation to outcome of appeals, 81% (13) were unsuccessful.

Section 20(6) of the Act provides that a person (including Caranua) affected by a decision under *subsection (5) (c)* may appeal to the High Court –

- (a) on a point of law from the decision, and
- (b) not later than 28 days after he or she receives a copy of the decision and the reasons for the decision under *subsection (5)(d)*.

This is an unsatisfactory provision of the Act as it fails to empower the High Court to extend the time for the making of an appeal where the appellant can show good cause.

In addition, the Act provides no guidance to the High Court on how it should determine appeals and whether it should substitute its own decision for that of the Appeals Officer or whether it should quash a decision of the Appeals Officer and remit the application back to the Officer. The difficulty with this latter approach is that there is only one Appeals Officer who is in effect being asked to reconsider an application he has already refused; which leads to the perception of actual bias and prejudice on the part of the Appeals Officer in breach of the Survivor's rights to fair procedures and natural and constitutional justice. It is submitted that the Act make clear that the High Court is empowered to examine the entirety of the appellant's arguments on appeal and to substitute its decision for that of the Appeals Officer.

The difficulty with the current statutory position was set out by the Supreme Court in ***EMI Records (Ireland) Ltd v Data Protection Commissioner*** [2013] 2 IR 669 at paragraph 46 to 48:

*“As already noted, one of the most common bases on which the courts have been persuaded to accept that judicial review may, in the circumstances of an individual case, be the appropriate remedy, notwithstanding the availability of a statutory appeal, is where aspects of the right of appeal are found to be inadequate to allow all of the issues which the aggrieved party legitimately wishes to raise to be determined. The reason for this is obvious. The whole point of an appeal system is that an aggrieved party is entitled to seek to have the appellate body concerned review the initial decision in accordance with the scope of the appeal provided for. However, the scope of appeal can vary from case to case. In some circumstances the appeal amounts to a complete re-hearing so that what transpired before the body making the initial decision is almost irrelevant save as to background. In some cases an appeal will lie against the full decision save that the appeal will be conducted on the basis of the evidence or materials considered at first instance and, frequently, therefore, by affording significant weight to the assessment of the facts by the first instance body.*

*[47] More restrictively still, an appeal may only lie on a point of law so that much greater weight may be attached to the decision at first instance. There can, of course, be variations on those themes. The type of appeal which may lie can, therefore, fall somewhere along a broad spectrum. It follows that the issues which can be canvassed on appeal are likewise varied. In addition, the extent to which an appellate body can involve itself in a consideration of the adequacy of the process by which the original decision was made or other issues which typically arise in judicial review proceedings concerning the lawfulness of the original decision can vary considerably.*

*[48] It follows that a court, when considering whether an appeal is an adequate remedy, is required to analyse the complaints made by a party seeking judicial review and determine whether, in the light of those complaints, the appellate body in question can consider same and, if they be made out, provide an appropriate remedy. Even if the appellate body has a sufficiently broad jurisdiction, there maybe cases where, looking at the process as a whole, a party might nonetheless be said to have been deprived of their legal entitlement by being required to pursue an appeal from a fundamentally defective first instance determination, thereby depriving the party concerned of their statutory entitlement to both a hearing and an appeal.”*

### 3.5.3 Government's role in supervising the operation of the scheme

The Act makes clear that the Board can receive directions from the Minister for Education. The Act envisages an ongoing relationship between both for the better performance of the objectives of the scheme.

Section 6 of the Act specifies that the Board is independent subject to the Act, in other words the Board is not independent of the Minister. The Act sets out that the Minister has a role in the operations of the Board and a duty to ensure it fulfils its requirements. Specifically, the Act section 10 provides for the Minister for Education to give directions in writing to Caranua.

10.— (1) *The Minister may, in relation to the performance by the Board of its functions, give a direction in writing to the Board requiring it to comply with such policies of the Government as are specified in the direction.*

Section 10 applies in relation to the performance by the Board of its functions. So, in order for a direction to be issued by the Minister it must relate to a function of the Board. The Boards functions are set out in Section 7.

The Act provides as follows;

7.— (1) *The Board, in a manner that promotes the principles of equity, consistency and transparency, shall—*

*(a) utilise the resources that are available to it in the investment account to—*

*(i) make arrangements with persons, whether or not they are resident in the State, for the provision of approved services to support the needs of former residents,*

*(ii) pay grants to former residents in order that they may avail of approved services,*

*(b) determine under—*

*(i) section 8 whether a service is an approved service,*

*(ii) section 9 criteria by reference to which the Board shall make a decision on an application to the Board for an arrangement or a grant,*

*(3) The Board shall comply with a direction under this section.*

It was pointed out to the Department that a decision to exclude eligible applicants with legitimate claims from pursuing those claims is *ultra vires*, contrary to section 7(1), amounts to a failure to comply with section 8 and ignores the mandatory statutory criteria set down under section 9.

Other parts of the Act make express provision for the Minister to confer additional functions on the Board (section 7(6)) and in relation to contracts for consultants or advisors (section 7(a) and (b)).

In cases where it is necessary for the performance by the Board of its objectives, the Act gives the Minister the authority to issue a Direction. In this case the direction should be to:

- i. Require the Board to rectify its error in sending out standard letters contrary to the terms of the Act by contacting all recipients of that letter to explain in clear terms the error; and,
- ii. To require it to properly determine those claims in accordance with the Acts and the survivors constitutional and human rights and,
- iii. To include in any adverse determination a requirement that such determinations may be appealed to the independent Appeals Officer consistent with the finding of the Appeals Officers investigation.

This matter was brought to their attention 6 months ago. It is understood that the Department, being unclear as to their role in relation to Caranua have sought legal advice. Nothing further has been done. It is hoped that the Committee will seek a substantive answer to this issue.

### 3.5.4 Referral to the Ombudsman

In a recent case referred to the Ombudsman the result for the Survivor was unsatisfactory. The Ombudsman in that case found that (referring to the Board's decision of July 2015) "the Ombudsman considers the decision of the Board to be fair and reasonable, to ensure that the Fund would be available in an equitable way to all eligible applicants."

The Ombudsman in their decision took account ONLY of each sides representation and did not read the legislation.

### 3.5.5 The Courts

#### Breach of the Act

Caranua's operation of the scheme must comply with the legislative provisions. Decisions by Caranua including a failure to give a decision may be subject to Judicial Review. Failure to process an application from an eligible applicant might also be considered by the court to be a breach of the Act. The imposition of an unreasonable limit may also be considered by the court to be ultra vires and therefore a breach of the Act.

In the case of LC after Caranua failed to issue a determination letter judicial review proceedings were brought against Caranua. This decision was taken only after exhausting every other avenue available including a complaint to the Appeals Officer. The proceedings were issued in July 2016 and in settlement of the case Caranua agreed to issue to LC a decision letter which complied with the statutory requirements. This letter was issued on 12 December 2016.

This letter stated

*"As is common to all decisions I had general regard to the provision of services already made to you in the sum of €18,174.75 and the current demands on the fund."*

The letter also told LC that they treated this application as a repeat application, as they had earlier treated his application as "case completed". And that due to administrative demands at the time first time applicants were prioritised for consideration.

An appeal has been submitted (10 January 2017). Caranua's response to the Appeal was received on 24 February 2017. LC will now respond. It is expected that Caranua will wish to further respond and therefore it is anticipated that it will be April 2017 before it is referred to the Appeals Officer and with the current backlog with the Appeals Officer LC is unlikely to have a decision before April 2018.

#### Appeal in relation to a decision of the Appeals Officer on a point of law

A decision of the Appeals Officer can be challenged on a point of law to the High Court.

In the case of MW, who with the support of the Occupational Therapist instructed by Caranua, was in the late stages of his application having already, as requested by Caranua, obtained approval from his local authority for a grant to supplement (not duplicate) any award Caranua. The application process had been underway for over 18 months when unexpectedly MW was told by his Advisor who had spoken to the CEO that they had come to the decision that Caranua would not be funding the extension.

By letter of 25 September 2015, Ms. Higgins, on behalf of Caranua, refused the application for funding for a bedroom and bathroom extension. The only reason given was: "*We cannot pay for a bathroom and bedroom extension as it has not been recommended by a professional*". The extension was recommended by a professional Occupational Therapist who was specifically commissioned by Caranua to make recommendations to them.

MW appealed to the Appeals Officer as the reason given for the refusal of his application by Caranua was clearly groundless, irrational and unreasonable, on 29 September 2015. The Appeals Officer issued his decision on the 20<sup>th</sup> day of September 2016 which upheld the decision of Caranua. The decision was appealed to the High Court.

These High Court proceedings, were eventually concluded earlier this year on terms that the Appeals Officer would issue a new decision. His new decision came out on 22 February 2017 which referred the matter back to Caranua for them to carry out more assessments.

## 6. Survivor Experience

### 6.1 Introduction

The Act governing the scheme together with the criteria and guidelines set out how the scheme is to be operated.

The scheme was renamed Caranua to reflect the type of relationship it was envisaged there would be between the scheme and Survivors.

This does not seem to describe how many Survivors feel about the attitude of Caranua towards them.

The scheme is to be administered applying the principles of equity, consistency and transparency. The Survivors who supplied evidence for this submission reported that Caranua were sometime hostile, dismissive, judgemental, often advisors could not wait to get them off the phone. Survivors found advisors sometimes abrupt and impatient. Survivors most of all wish to be respected. This type of treatment is very disrespectful.

The scheme is inconsistent. The application of limits means that some people will receive more than others. There is also a high turnover of staff, change of advisors, delays. The wait to be allocated an advisor is now over 7 months. That is of course if you are a first-time applicants. Applicants who already had help from the scheme, and it doesn't matter how much or how little, are put on an indefinite hold.

The scheme is not transparent. The minutes of the Board are increasingly vague about how and what decisions have been taken. There have been major changes in policy without consultation and changes in criteria without consultation. Decisions are made on grounds that aren't relevant or make any sense.

Transparency also includes communication. Communication is generally a big issue e.g. difficulty in contacting advisors, no one answering the phone, leaving a message and no one rings back, no interview facilities so email or phone, many Survivors not literate/computer literate.

When Caranua have met with Survivors there is no privacy as Caranua insist on meeting Survivors 3 or more in a room or in a hotel conference room. This constitutes a major breach of the privacy rights given the sensitive nature of their cases. It also presents a significant barrier for access to justice not to have face to face interview facilities which preserve individual's privacy.

Caranua's criteria stresses the scheme is needs based, to improve wellbeing, Survivors should feel satisfied, and empowered after engaging with them. The scheme is meant to be compassionate and flexible. There is no evidence of this now amongst the Survivors featured in this report. Any evidence of this where it did happen it was present at the beginning in 2014 but evaporated by the end of 2015.

## 6.2 Customer Service Charter

### 6.2.1 Compliance with the Charter

A Customer Service Charter was published in February 2015 and reissued in 2016. Caranua's aims were to provide a responsive, friendly and professional service. Applicants were told they could expect to be treated in a courteous, fair and consistent manner. Caranua committed to providing information in a clear and accessible manner. Staff would have the appropriate skills, experience, values and commitment. Queries were to be dealt with in a courteous and timely matter within agreed timeframes. There would be timely processing of applications.

Applicants were also advised about Caranua's policy in respect of Unacceptable Actions, and unreasonable demands. Unreasonable demands occur if it takes up some much staff time that it becomes impossible to deal with other people. Applicants were also warned about unreasonable levels of contact which occur when it stops Caranua from dealing with other people who are entitled to a service form it.

The Customer Service Charter February 2015 states that calls are to be returned by 5pm the following day. Acknowledge all postal and email correspondence within 5 working days and respond within 15 working days, keep applicants informed if there is a delay in dealing with correspondence. Application Form Part 2 will be assessed and a decision made within 40 days.

Caranua published a new edition of the Charter in June 2016. This edition omitted the reference to a commitment to process Application Form Part 2 within 40 days. It is at this stage that the greatest delays were experienced by applicants.

Caranua's Annual Report 2015 announced that it had attained an average of 93% compliance with time standards for responding to first stage applications. Anecdotally Survivors experience of this stage of the process was good, and Caranua could confirm they were eligible to apply to the scheme quickly.

Issues arose when it came to the second stage of the application process. The Annual Report refers to this

*"The length of time it takes to assess, process and complete an application varies according to the needs and circumstances of each applicant but can span a number of months"*

And

*"At the end of 2015, 640 people who had returned forms were awaiting a call from an Advisor, a wait for some people of up to 24 weeks"*

Aside from the provisions of the Act, and the legitimate expectations of Survivors there is also the specific characteristics of the Survivors that make it particularly pressing that applications are determined promptly. Most of the eligible Survivors are aged over 60. Neglect at an early age causing poorer physical and sometimes mental health amongst some Survivors mean that there is an additional pressing urgency to this case. This was recognised by Caranua. Their annual report of 2013 Chairman's forward stated "many of the former residents are now ageing and that time was of the essence". This concern is not reflected in the long waiting times nor in many of the decisions taken by the Board. Waiting times have increased during the time that the staffing levels have been deemed

sufficient. The waiting times do not include those people whose applications have been put on an indefinite period.

As part of the research conducted for this report, Survivors were invited to complete a confidential survey to share their experiences with using Caranua services (both positive and not so positive).

The questionnaire was designed with both quantitative and qualitative questions to ensure that Survivors had the opportunity to outline specific incidents or put context to their answers.

38 Survivors were surveyed. They have each given their consent for the information gathered in the survey to be used for this report. All data has been anonymised.

**Many of the questions asked of Survivors in the survey relate to the Customer Service Standards. This report will look at each section individually and compare the answers given in the survey where applicable.**

### 6.2.2 Clear and accessible information

***‘Information about our application process will be widely available and easy to understand’***

Comments made in relation to the application process included:

*"Confrontational, confusing, difficult"*

### 6.2.3 Consideration and respect

***‘Whatever your reason for contacting us you can expect to be treated with consideration and respect’***

Comments made in relation to the treatment of them included:

*"Caranua are not trained to deal with Survivors needs. Contacting them by telephone and speaking to an individual I felt I was a number only. I requested several meetings on a one to one so that I could put a face to the name of the person who is being paid to sort out my needs and was refused."*

*"At the start they were good after it was downhill"*

*"They became more critical to my needs and more difficult to get in touch with"*

*"They have started to completely blank me now."*

*"Originally very positive. Had some problems getting responses then they held meeting at the Aisling centre, told they'd fix the problems, soon back to square one. Like Jekyll and Hyde."*

*"At first when speaking to people in Caranua she found them nice enough and then as time went on she felt that she was actually asking them for their own money out of their pocket. She felt more uncomfortable towards the end talking with them. They weren't pleased with her applications and made her feel like she was "mean"."*

*"It was negative from the start but it became more stressful as time went on."*

### 6.2.4 Timely and courteous responses

***‘We will always respond to your queries with courtesy and within the agreed time frames’***

- i. When asked if there were any issues contacting the allocated advisor 25 (66%) said yes there were issues. Reasons included:

*‘When I would ring I wasn’t sure if she would answer the phone, it often rang out’*

*‘They told me they would get back to me but often wouldn’t’*

*‘No consistency – had one advisor, then another one came along, only had an advisor for three weeks’*

*‘I left many messages and nobody got back to me’*

*‘I would call her and she wouldn’t answer’*

*‘Regularly changed advisors, hard to contact your own advisor’*

- ii. When asked did the Survivor deal with the same advisor, 27 (71%) dealt with more than 1 advisor.
- iii. The reasons for the change of advisor provided to the Survivor included the following:

*‘Just 2 but hard to get through to them. They were out of the office. Led to anxiety’*

*‘I dealt with two advisors. I was told the first advisor was no longer working with Caranua’*

*‘I was never told’*

*‘Dealt with two advisors and she was not given any explanation for the change’*

*‘1st advisor for 6 months. Then no longer a set advisor, whoever answered would handle the case.’*

*‘Confrontational, aggressive, intimidating, bristly attitude. Hate dealing with them’*

- iv. When asked how the Survivor found the overall experience with their advisor 7 (18%) said it was bad, whilst 19 (50%) said it was terrible.

**6.2.5 Timely processing of applications**

***‘We aim to process applications in line with the following time targets; part 1 of the application form within 10 days, verifying identification documents within 10 working days, and on receipt of part 2 of the application form, an assessment will be made and payment will usually be made within 20 working days of being notified of the decision’.***

- i. When asked why the Survivor had to contact a solicitor in relation to their application, 7 Survivors (18%) did not receive any response to their application and 5 Survivors (13%) were told that their case was complete when it was not.
- ii. When asked how long did it take for an advisor to be allocated to the Survivor’s case only 12 (32%) had an advisor allocated to them within 1-2 months. 8 (21%) waited 3-4 months, 3 (8%) waited 5-6 months and 15 (39%) had to wait 6 months or over.



- iii. When asked about the progress of applications the following comments were made;

*"Caranua was set up to manage and control the funding allocated to Survivors. I feel that this organisation has been insensitive and many staff that I did research on had no social qualification. I followed the rules for applying for some services and there was a constant delay in submitting the cost of Consultant fees, scans. I had to cancel some appointments because the monies had not been drawn down as they have a 21 day loop where my case would be discussed and then I would be paid so that I could give the monies to the relevant consultant I was attending."*

*"For bathroom needs and still nothing"*

*"I applied for the roof to be replaced with a report from the builders as proof I also asked for a grant for a wheelchair and was told to ask Age UK for help. I am a 67 year old disabled man which was caused by my years in the institutions 14years in all. This was medical proved from the beatings and sexual abuse and lack of food"*

*"My application was for dental work to get implants. I had to pay a deposit to the dentist and I got an estimate from the dentist and the Mater hospital. I also had problems with flat feet and I got an estimate for treatments for that. Both estimates were submitted at the same time but were refused by Caranua. This is going on for about a year and a half."*

*"Funeral expenses - approved. Utilities - still waiting on outcome."*

### 6.2.6 Overall Experience with Caranua

The scheme was established to improve the lives of Survivors, particularly those who are most in need. There were other specific aims; improve the wellbeing of Survivors, make sure anyone using their services feels empowered, enabled and satisfied. That Caranua's values are to put the needs of Survivors at the heart of everything they do, and that they believe Survivors are entitled to compassion, respect and dignity.

- i. 61% (23) rated their overall experience as extremely negative or 21% (8) negative
- ii. The following comments were provided in relation to their overall experience with Caranua;

*"These people do not know us. They are dealing with us over the phone. I have requested numerous times to meet with mine and was informed it was not the policy. It's like ringing a call centre making a complaint to someone that may or may not be my Advisor. I am frustrated and annoyed as I work in the HSE and if a patient wanted to meet with my Consultant boss I would have to accommodate that request. Instead they refused me."*

*"I felt I was back in the institutions at least I knew who the enemy was but with Caranua they were faceless"*

*"I found that they treated people disgracefully and I found this surprising as some of the people on the board were in institutions themselves"*

*"Felt belittled by them"*

*"Not happy with being ignored."*

*"Disrespectful to Survivors. No chance to argue, they'd out the phone down on you."*

*"Caranua has not treated me with dignity or respect as promised by Caranua. On receiving a letter from Caranua stating that it would be 16 - 20 weeks for me to receive an adviser, I emailed them to state that I was suicidal and felt that I may not have that long. They responded and stated that they were under-staffed and that time period was standard. This is not acceptable."*

*"Felt like a begged and victim all over again"*

*"Felt as if I was begging"*

*"Made to feel like we were scum bags trying to sell on the street."*

*"I wrote twice to Caranua when I was getting my surgery and I was hoping for home care because there was no one to look after me. They never even replied and I was very hurt over that."*

### 6.2.7 Impact on health

As above, Survivors generally meet 3 in a room together and therefore their right to preserve the confidentiality of their personal information is being infringed in a substantial way. Participants were asked if Caranua made any decisions which have affected their health (mental or physical) in a negative or positive way. The following comments were made;

*"Found the process worse than the redress board. Very stressful, ended up in hospital."*

*Affected physical health with flu constantly because of damp chest infections Very Stressful because of way you are living "*

*"Bad health in one way or another - they didn't help my health"*

*"Because of the wait to getting paid for services my health is controlled by my GP. I have lost two brothers who were Survivors, my mother who was a Survivor and my niece who was a Survivor in the last four years and although I was on anti-depressants for years I am not on them again and I suffer from insomnia from the anxiety of Caranua and their guidelines. My joints are troubling me and hence the reason why the OT report was done in 2015 and the recommendations to help ease my discomforts have not been met yet."*

*"Caranua are stressing me out big time. I had to go to my doctor due to the stress of dealing with the application and appeals process. They are not very helpful. Sometimes I feel like packing it all in because it is not worth it"*

*"I am incredibly traumatised by the way Caranua have used their privileged position to 'beat' me into submission. Very subtly done but no less impact full. My stomach has been aching daily, with a dull, powerful thumping in its pit. My sleep is disturbed as I replay telephone conversations, that were not recorded properly by Caranua. It feels like I wish I had never heard of Caranua, as the cost to my physical and mental health is too dear, in exchange for the very little gained."*

*"I am not stressed out right now but they have refused to do the shed work. There is two of asbestos in the shed that needs to be removed. If it isn't removed soon then it will not be good for my health"*

*"I am now on anxiety tablets and additional blood pressure tablets."*

## APPENDIX IV

- a) Hilary Somerville  
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Caranua: The organisation was established to manage the funds contributed by various religious orders to support clients who had been abused while in residential care and who had been through redress. The fund had been held by the Department of Education prior to the establishment of Caranua. It was difficult to explain to clients who had not been in residential care but who had been abused by clergy /religious as to why they were not eligible to apply to this scheme. Surely the institution was the Catholic Church itself rather than individual bodies within it?

Issues became apparent as soon as clients began to make calls to avail of the support on offer:

Significant communication issues

Phones seldom answered

Messages left but no return calls received within reasonable timeframe

Clients left waiting months for application forms to arrive

Further excessive waiting period before clients were made aware of the name of the case manager who had been allocated to their file

Case managers frequently changed or left the organisation and as a result no relationship built with the clients

Faceless organisation

Total lack of clarity as to entitlement became apparent early on.

Those with the loudest voices got significantly greater response than the most vulnerable of the survivors

It became apparent that the organisation had commenced dealing with survivors without sufficient practices and processes in place. It appeared to be operating in what could only be described as a 'chaotic' manner.

As a result of the above issues clients regularly presented for their counselling sessions in a very distressed manner.

Common expressions I heard on a weekly basis

I feel very intimidated

I don't feel that I am being heard

I don't feel respected

I can't understand what is being said to me

If this is meant to be a helpful organisation I feel very disrespected

After my call I am very upset and I feel that I am pleading for support

I feel as if the people I am dealing with are treating me as if it is their own money that is being used

How come I am refused support while other individuals are getting significantly more than me?

I got a letter saying my file is being closed. I haven't availed of all the supports I named on my application! Why is this happening?

I am very confused. I had a case manager shout at me to say that I had got enough and the money was needed for other survivors.

The work done on my home was very bad and when I contacted Caranua, I was told to go to the citizens advice bureau as they could do nothing to help me. They had given me the name of the builder I used?

This is just a sample of comments from clients.

Their therapeutic support has been used to help them at a practical and emotional level in their dealing with Caranua. Old feelings are being triggered such as, not having a voice, not being worthy, not deserving of help and respect, feeling fearful and feeling intimidated. Their counselling supported (funded by Caranua through Towards Healing) now has to deal with the issues being raised as a result of their experiences with the agency that has been established to support them in their lives!

While I am speaking from my own experience the issues are common amongst my peer group in their own practices.

In March 2016 I was very concerned as to the experiences that were being related to me from both clients and colleagues. I felt that as a therapist, and a concerned citizen, I needed to write to the CEO of Caranua and inform her of my concerns. Unfortunately I never received a response from her and my communication was passed to an individual in her office who in spite of several emails felt unable to respond in any helpful manner. The air of secrecy which surrounds the organisation is neither appropriate or helpful.

It is shocking to think that the fund, established to support individuals, has in many cases resulted in further trauma to an already vulnerable group of individuals.

It is my observation that regardless of the feedback being given no visible change in how clients are dealt with has occurred.

b) Jeremiah Lynch

Chartered Psychologist, Accredited Counsellor

BA, HDE, M.Coun, PhD Candidate in Trinity College Dublin.

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20<sup>th</sup> June 2017

To Whom It May Concern

I am a Chartered Psychologist who has worked with victims of Residential Institutional Abuse in Ireland for seventeen years.

Since the activation of the Caranua support service in 2014 the main issues dealt with by victims in counselling with me have been those arising from their contact with Caranua. I have concluded that the organisation established to support victims has let many of them down. More than that, it has re-ignited old issues from their traumatic childhood in institutions, including those to do with literacy, communication, trust, authority figures, being silenced and being abandoned. I have seen victims trying to walk a tight rope between expressing their anger, frustration and disappointment at the way they see themselves treated' while at the same time trying to cope with the pervasive fear that if they displease their Caranua advisor, supports will be reduced or even removed entirely.

Kind Regards

Jeremiah Lynch

c) Submission 15.06.17

Dear Anne Marie

Further to our attendance of the above date; I confirm as follows:

#### Third Party Disclosures during Redress Process

I can confirm that a number of religious orders took different stances during the Redress Process. The Sisters of Mercy did issue an apology to survivors but other female religious orders did not. Under s 28 (6) of the Residential Institutions Redress Act (2002) third party correspondence is not allowed to be disclosed outside of the application process.

We challenged the solicitor to the Board in 2003 on why the Board was allowing the Christian Brothers in a no fault scheme to issue responses that challenged the spirit of the scheme by denying liability and disputing evidence of the applicants. The Solicitor stated that the orders had the right under the Act to respond pursuant to s 11 (8). My opinion on this and what I said at that time was they should reject these responses and return them to the Christian Brothers because this was effectively abusing these applicants all over again.

I had to ring my clients before I sent out the documents to warn them about the information that was coming to them. I had to then assist them processing this information when they were angry, distressed and threatening suicide, as a consequence of these documents. The process of addressing childhood abuse and talking about what happened to survivors many years ago was difficult enough for them to cope with and this was another painful part of the process they had to endure, which was unnecessary.

Further under the Act the applicant cannot compel a third party to attend the Board and therefore it was left to legal advisors to the Board to put this third party evidence to the applicant during a hearing. So effectively the applicant was being cross examined on this evidence when the third party had not given oral evidence to the Board, which was unfair. The Board often ignored the responses from the third party but on occasions they did not. Having represented through my firm at the time McMahon & Co over 450 applicants at the Board; we never had a situation when a third party attended the Board to give evidence.

#### Lack of Prosecutions

Our understanding of the prosecutions of perpetrators of abuse was that the Redress Board did not have any duty under the Act to report perpetrators to the Gardai.

#### Magdalen Cases

The UN Committee on Torture found that the state had failed to protect young girls and women confined without their consent to so-called Magdalen Laundries between 1922 and 1996. The UN said the authorities failed to regulate or inspect the institutions where it was alleged women suffered physical and emotional abuse and other mistreatment. The watchdog

called for an independent statutory investigation into allegations of “cruel, inhumane or degrading” treatment of women.

The international body also called for those who meted out the abuse in the Catholic Church reformatory workhouses to be prosecuted and victims given the right to compensation.

We have lodged complaints with the Gardai An Siochana on two cases. One complaint was lodged in September 2015. This case involved a complaint about a Gardai officer who took our client by force to an asylum in cork when she was aged 14 without any court order. We have not been notified of any prosecutions against the Gardai officers, who incarcerated the plaintiff. The only correspondence received from the Gardai An Siochana says that the Chief State Solicitors office will now be dealing with this matter.

Upon making further enquiries we were informed that Kenneth Ruane had sent the request for prosecution to Audrey McAleese in the Chief State Solicitor’s office. The State Solicitor’s office wrote saying they were not dealing with the matter but the State Claims agency were. However this office only deals with civil cases. The State Solicitor then wrote a letter dated the 26th September 2016 saying that the Plaintiff should write directly to An Garda Síochána but she had already done this in September 2015. This was the statement of criminal complaint they had been sent to the State Solicitors office. Clarity has been sought on how the state solicitor’s office held onto a criminal statement for a year, if they had no authority to deal with this matter. This is an obstruction of justice and very concerning.

The second case deals with very serious sexual assaults within Donnybrook Laundry. Again the Diocese of Dublin have stated that they have reported the abuser and so has the Restorative Justice Office but despite writing letters for two years; we still don’t know whether a statement has been taken from the perpetrator of the abuse and whether he is still alive.

The McAleese report failed to deal with Criminal Prosecutions at all.

#### Separation of Church and State

Our conclusion having represented survivors of childhood abuse for the past 14 years is that there is no separation of church and state. It is also worrying that there is no facility in Ireland to complain about the conduct of judges in Irish courts. There needs to be a more robust complaints process set up by the State to ensure that complaints are taken seriously and investigated effectively. There is a well oiled machine within the Justice department that rolls out letters that never actually answer the complaint that has been legitimately raised.

We submit that Magdalen women particularly have been subjected to secondary abuse because of the economic downturn and this burden of debt was placed unfairly on their shoulders. The women are not allowed to adduce evidence in the Restorative Justice Scheme about what happened to them including serious sexual assaults. The only evidence they can

comment on is their duration of stay in the laundry. How does this fulfil the UN's criteria of 'full compensation?' By way of comparison; the Redress Scheme did allow applicants to give written and oral evidence before the Board.

Caranua

We have made a number of complaints to Mary Higgins about the secondary abuse of survivors whilst assisting them to make applications to the scheme. Mary comes from a housing background and has in our opinion wasted resources. You can see from the statistics that she authorises payments to improve houses because this is an area where she has expertise but she has failed to address the core survivor issues that we highlighted in our report dated 27.09.2005 for an after care service for survivors. Assisting with building projects only assist those who own their own homes and not survivors who live in social housing.

We did attend a meeting at Caranua when the scheme first opened but we left with the view that there was a serious lack of understanding about survivors need for group work. Only individual applications can be made. There is no discussion about the difference between the collective survivor's needs and the individual survivor's needs.

The application process is abusive; the employees at Caranua fail to follow the process set out in their literature. We have yet to find one survivor who was satisfied and happy with the process. We have tried to assist a number of survivors who have complex needs and this organisation seems more surprised that we would help our former clients and not seek payment from them. They fail to understand the knowledge we have and the bonds that we have formed with our clients who trust us to assist them in the application process. Further many cannot read or write.

I hope some of the above points will assist you

Kind regards

Eileen McMahon

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## **APPENDIX V**

### **Restoration Scheme and Pensions**

As children victims suffered unimaginable abuse and deprivation, which for many has resulted in lifelong psychological, emotional, social and often physical effects. Separated from their families with little or no education and poor diet compounded those effects resulting in many victims struggling throughout their entire lives.

These children were put to work in the laundries or handed over as slave labour to the community to work on farms etc.

The measures to rehabilitate those victims failed to reach many of them. The compensation offered by the redress scheme was much lower than would have been available through the courts. The state permitted the re-abuse of victims by allowing an adversarial compensation system. Today victims of institutional residential abuse remain some of the most marginalised and vulnerable in society.

Reflecting these historic failures:

- Those victims who did not receive compensation through the redress scheme or court order should receive a lump sum compensation payment, entitlement to which should be determined solely on the basis of having spent time in an institution.
- The State will provide a pension for survivors of institutional abuse upon reaching the age of 65 years and payable for the remainder of their lives.
- A pension determined in accordance with the Irish state pension and inclusive of years worked or time spent in the relevant institution

- The State will provide additional funding to all victims of institutional abuse provide for all their housing, education and health needs for their entire lives.
- Provision to all victims of the HAA Card which to provide free of charge access to a range of essential medical services including counselling services for the victim and their family.