

Joint Committee on Education and Skills

Department of Education and Skills - Opening Statement re Caranua

I thank the Committee for giving the Department the opportunity to come before it today to discuss issues relating to Caranua and the needs of survivors of abuse, including the long-term supports that might be available. Today's meeting follows previous engagements with the Chair and the then Chief Executive of Caranua last year and the more recent meeting with two former members of the Board of Caranua.

It might be useful if, at the outset, I summarised the Department's role in relation to supporting survivors. This role extends back many years and arose from the fact that, historically, the Department had a statutory role in relation to the operation of industrial and reformatory schools – now thankfully no longer in existence. When the issue of abuse in such institutions became the focus of public attention some 20 years ago, the Department was given the task by the Government of implementing a number of measures, including the establishment of the Commission to Inquire into Child Abuse, the Residential Institutions Redress Board and Redress Review Committee. These bodies have virtually completed their work and we expect that they will be dissolved in the near future.

A fourth body, the Education Finance Board was also in existence but was dissolved and, in effect, replaced in 2013 by the Residential Institutions Statutory Fund – also known as Caranua – which has a wider mandate and significantly more funding available to it. That funding derives from a commitment by religious congregations to provide funding of €110m to provide additional supports to survivors who have previously received an award from the Redress Board equivalent court awards or settlements. Receipt of such an award is the key eligibility criterion for applying for assistance from Caranua.

As regards the funding available, to date almost €102m has been received plus an additional €1.3 million in interest associated with contributions. The Christian Brothers have written to the Department to say that they expect to provide the balance of the funding by the first quarter of 2019.

Caranua is statutorily independent in carrying out its functions and that is enshrined in its legislation.

The Board of Caranua is responsible for strategy, policy, governance, oversight and control, with the executive of the body reporting to it. For example, the Board is responsible in law for determining what services are “approved services”: these must fall under the four classes of services set out in section 8 of the 2012 Act. Those classes are: a mental health service, a health and personal social service, an educational service and a housing support service. The Board also determines the criteria by reference to which decisions are made on individual applications.

In the context of the 2012 Act, the Minister's role relates to matters such as the appointment of Board members, the appointment of the independent appeals officers, approval of contracts and consultancies and certain staff matters. The Minister is also responsible for managing the process of receiving contributions from religious congregation and making those contributions available to Caranua via the NTMA.

Since Caranua began accepting applications in January 2014, it has received over 6,500 applications and by end October it had expended some €78m on supports for former residents. Some 5,000 individuals have benefitted directly. The supports from Caranua have made a tangible difference to the lives of many people – some of the case studies in the most recent annual report are illustrative of this.

The Department is, of course, aware that there is a degree of dissatisfaction with the quality of the service provided by Caranua. At least some of that dissatisfaction must be seen in the context of the fact that Caranua had to be established from scratch and, undoubtedly, there were teething troubles in its formative years. However, while ultimately, Caranua must speak for itself on these issues, there is strong evidence that Caranua has and is continuing to address the concerns expressed in relation to its operations.

Following feedback from survivors the following services were introduced:

- Household goods such as cookers, fridges, floors and home decoration;
- Contributions towards funeral costs;
- Contributions to the cost of reconnecting with family members and home place;
- Active listening to the stories of survivors.

As regards making an application, each survivor is assigned an application advisor to assist them through the process of applying for services. The length of time it takes to process applications depends very much on the specific needs of the individual survivor, consistent with the person centred approach taken by Caranua.

Caranua has two dedicated call line operators who are the first port of call for all incoming calls to Caranua. If a survivor does not get a response and chooses to leave a voicemail, their policy is that a call back will be made within 24 hours. If the call line operator or advisor does not get to speak to the survivor, they will attempt to contact them three times.

In the event that a survivor is dissatisfied by Caranua's decisions, the legislation provides for an independent appeals mechanism.

Initially one person, served in this position. When that person stepped down in 2017 two persons were appointed: the Minister made these appointments cognisant that a backlog of 140 appeals cases had built up. In May 2018, one of the two officers stepped down. However, as the matter of the backlog had been addressed, the Minister decided to revert to the original arrangement of one appeals officer. We understand that there are currently 45 cases on hand. The matter is being kept under review to ensure that a backlog does not arise again.

Concerns have also been expressed about the length of time taken to conclude appeals. However, the appeals process requires that the views of all parties be sought in relation to the matters at issue and it may take time to ensure that due process is observed.

I would also like to clarify that since mid-2016, applicants to Caranua whose applications are not approved are notified in writing of their right to appeal and how to go about this.

Sample letters are included in the background briefing submitted to the committee, along with a range of statistical information in relation to the appeals. In addition Chair, I would note that since 2016 there has been a sharp downturn in the number of complaints in respect of Caranua.

I would like now, Chair, to address a number of policy issues bearing on the recent operations and future of Caranua.

First, it will be recalled that the RISF is a cash limited fund. Any cash contributions from congregations in excess of the €110 million earmarked for Caranua is statutorily required to go towards the costs associated with the development of the National Childrens' Hospital.

Some survivors and advocates for survivors have expressed their view that the cap of €15,000 which the Board of Caranua introduced in 2016, has resulted in an organisation that isn't responsive to the needs of survivors. I must stress, Chair, that the application of the limit is a decision for Caranua. However, it might be observed that issues relating to the equitable treatment of the cohort of survivors do arise when decisions of this nature require to be made.

It might also be observed also that Caranua has to strike a balance in the need to engage as flexibly and compassionately with survivors as possible and its obligations as regards its fiduciary and other accountability requirements. While procedures may be seen by some as too bureaucratic, the fact is that it has been necessary for the organisation to respond to the findings of the Comptroller and Auditor General in this regard.

By end October, Caranua had expended €87 million of the €110 million in funds potentially available to it. Cognisant of the rate at which the Fund was being expended and the applications on hands, it had in May 2018 announced a cessation date for new applications, save for extreme hardship cases.

Unlike the earlier experience of the Residential Institutions Redress Board, the announcement of a cessation date for new applications did not result in a significant upswing in applications. This is notwithstanding the fact that Caranua engaged in an extensive publicity campaign including advertisements and engagement with survivor representative groups. Caranua is still engaging with survivors – both in respect of applications on hands and in its support and advocacy function which aims to assist survivors in engaging with other state providers of supports of relevance to them.

The objective underpinning the work of Caranua was that it would address the critical needs of former residents: these needs were identified by former residents themselves in a consultation process undertaken in 2010 as being in areas such as housing and health related supports. That consultation process informed the drafting of the 2012 Act and it is worth noting that those two areas alone account for the vast bulk of Caranua's expenditure on supports. Caranua will, thus, have left a significant positive legacy for many former residents by meeting critical needs in key areas - needs that might otherwise not have been met.

The Department is continuing to engage on survivor issues looking towards the period when Caranua's work is completed. While conscious of time, I would like to mention three areas where we are active:

- First, we are undertaking a post hoc review of the redress schemes under the aegis of the Department, including looking at relevant international experience.
- Secondly, we are planning to hold a number of consultation sessions which would serve as a forum for former residents and others with close personal involvement to reflect on their experiences, the State's response to the issue of institutional abuse and to make any recommendations they wish to make. These sessions will be externally facilitated and we propose to shortly issue a request for tender for the services of a facilitator.
- Thirdly, we have convened an interdepartmental committee to examine how existing mainstream State services can best meet the needs of survivors into the future. The Committee held its first meeting on 5 November and will meet again in December.

I thank the Committee again for its attention and we are glad to answer any questions the committee may wish to raise.