



Opening Statement

Pre-Legislative Scrutiny by the Committee on Education, Further and Higher Education, Research, Innovation and Science of the General Scheme of the Supports for Survivors of Residential Institutional Abuse Bill

Aoife Conduit, Assistant Secretary, Department of Education

18 October 2023

I would like to thank the Committee for the invitation to address you today as part of the pre-legislative scrutiny process for the General Scheme of the Supports for Survivors of Residential Institutional Abuse Bill.

By way of introductions, my name is Aoife Conduit and I'm an Assistant Secretary in the Department of Education with responsibility for a number of areas, including the State's response to residential institutional abuse. I am joined by Brian Power, Principal Officer, and Hugh Geoghegan, Assistant Principal Officer, both from the Department's Residential Institutions Redress Unit.

The Minister for Education, and the Department as a whole, is very conscious of the enormous trauma which has been experienced by survivors of abuse in residential institutions. The response to this issue has, to date, involved expenditure of approximately €1.5bn, including redress payments and other supports for survivors, through the Residential Institutions Redress Board (the RIRB), the Education Finance Board and the Residential Institutions Statutory Fund Board, more commonly referred to as Caranua, amounting to approximately €1.1bn.

As the Committee will be aware, on 27 June last, the Government approved proposals brought forward by Minister Foley for the provision of a package of supports and services for survivors of abuse in residential institutions, comprised of a number of elements relating to health, education, advocacy and trauma-informed practice.

This marks a new phase of the State providing ongoing supports to survivors and builds on the already significant response to this issue.

The Department has been engaged in a structured process of consultation with survivors and survivor groups over a number of years and the development of the new package of supports was informed by consideration of the reports of the survivor-led Consultative Forum, along with other relevant reports and submissions, including the “Facing the Future Together” report. These reports provide a clear insight into the areas where survivors feel that supports are required into the future, and the balanced and proportionate package of supports approved by Government will address many of the key concerns identified.

Government also approved the dissolution of the Residential Institutions Statutory Fund Board, or Caranua, which was established in 2013 under the Residential Institutions Statutory Fund Act 2012.

Caranua’s specific purpose was to disburse funding supports to survivors in areas such as health, housing and education from a ring-fenced fund of €110m, plus interest of €1.38m, which was provided by the relevant congregations following the publication of the Final Report of the Commission to Inquire into Child Abuse, also known as the Ryan Report, in 2009. As the funding available to it was finite in nature and could not, under the 2012 Act, be supplemented by Exchequer funding, Caranua began winding down its operations in 2018 and effectively closed in March 2021.

The General Scheme therefore has two main purposes – to enable the provision of supports to survivors, particularly those supports relating to health and education, and to provide for the dissolution of Caranua.

I will briefly outline for the Committee how the General Scheme addresses these issues. More detailed information on the General Scheme can be found in the briefing document and commentary note which were previously provided to the Committee.

With regard to health supports, the General Scheme makes provision for an enhanced range of health services to former residents, on the same basis as those provided to survivors of the Magdalen Laundries and which are to be provided to former residents of Mother and Baby and County Home Institutions.

This package of supports is commonly referred to as an “enhanced medical card” and will allow survivors access GP services, drugs/medicines, home nursing and home helps, dental, ophthalmic and aural services, counselling, chiropody/podiatry and physiotherapy.

In recognition of the fact that approximately a third of survivors of abuse in residential institutions now live outside of the State, the Bill also provides for the making of a once-off health support payment of €3,000 to survivors who are resident abroad, in lieu of the enhanced medical card, to support their health needs. This is the same approach as that taken in the Mother and Baby Institutions Payment Scheme Act 2023.

In addition, the General Scheme includes the amendment of the Nursing Homes Support Scheme Act 2009 to ensure that payments made by the Residential Institutions Redress Board, which made awards of redress to approximately 16,000 survivors of abuse in residential institutions, are no longer taken into account when making financial assessments under the “Fair Deal” scheme.

In terms of education supports, the Department will establish a new administrative scheme involving the payment of cash grants ranging from €500 to €2,000 to survivors who are engaging in further and higher education. This scheme will also ensure that survivors are no longer required to pay the Student Contribution Charge where this would otherwise apply.

While the establishment of this scheme does not in itself require a legislative basis, the General Scheme provides a legal basis for the processing of certain data to confirm applicants’ eligibility for both the health and education supports.

As I have already noted, Government also approved initiatives relating to advocacy and trauma-informed practice. Although these do not require a legislative basis and are therefore not reflected in the General Scheme, they represent critical elements of the overall package, so I will briefly outline what is intended.

Regarding advocacy, the Consultative Forum’s report highlighted the challenges that survivors face in navigating access to public services. The Department is currently engaging with an independent, professional advocacy organisation, with a strong track record in empowerment advocacy, to establish a specific advocacy service for survivors of abuse in residential institutions which will be resourced by a dedicated team and ring-fenced

funding. This service will assist survivors in engaging with and accessing mainstream public services. Discussions with the organisation are at a very advanced stage and work is underway to ensure that the service can begin to support survivors as soon as possible.

In relation to trauma-informed practice, the extent to which survivors continue to live with the trauma of the past has also been highlighted and the need for service providers to receive training in trauma-informed practice has been identified. For that reason, the Department will arrange for the development of a training course and related training materials to be disseminated to service providers across the civil and public service.

Returning to the General Scheme, it also contains a number of relatively standard provisions relating to the formal dissolution of Caranua, including those providing for a “dissolution day” to be appointed by the Minister, for the transfer of Caranua’s assets and liabilities, and for the preparation of its final accounts and final annual report.

With regard to any funding remaining to Caranua upon its dissolution it provides that any such funding shall be utilised by the Minister for purposes benefitting former residents of the residential institutions. However, it should be noted that Caranua currently has very limited funding remaining.

I would also draw the Committee’s attention to the provisions relating to the transfer and processing of data.

Upon its dissolution, Caranua’s records and data will transfer to the Department and the General Scheme provides that these will only be processed for the specific purposes set out in the legislation, such as the preparation of Caranua’s final accounts and annual report and to assist in confirming survivors’ eligibility for supports or services.

It is important to note that the records held by Caranua do not include detailed testimony or accounts of survivors’ experiences of abuse in residential institutions of the type held by the Commission to Inquire into Child Abuse or the RIRB. The records relate solely to Caranua’s role of disbursing funding supports to survivors, including day-to-day administrative records and records relating to applications made by survivors.

These data and records will continue to be subject to both GDPR and Freedom of Information, and survivors will be entitled to exercise their GDPR and FOI rights, including seeking a copy of their data.

The General Scheme also provides for the transfer to the Department of certain data held by the RIRB which is required to enable the Department to confirm applicants' eligibility for the supports and services being provided to survivors.

The Department has engaged closely with the Office of the Attorney General in relation to the transfer and processing of both sets of data, and will continue to engage with counsel during the drafting of the Bill. Appropriate and suitable safeguards will be put in place, in consultation with the Data Protection Commission (DPC) where necessary, to ensure that the data is held confidentially and in compliance with all data protection requirements. The development of the General Scheme was informed by a detailed formal consultation process with the DPC, in accordance with Article 36(4) GDPR, which did not identify any issues of concern.

Finally it is important to note that, while the supports I've outlined are particular to survivors of institutions which came under the Residential Institutions Redress Scheme, the State recognises and acknowledges the legacy of trauma related to a range of institutions, including industrial schools, reformatories, Mother and Baby Homes, Magdalen Laundries and related institutions.

The Department continues to engage closely with colleagues from across Government to progress relevant initiatives such as ensuring appropriate arrangements for the safeguarding of relevant records, as well as memorialization, in the context of the development of the new National Centre for Research and Remembrance.

Thank you again for your time and we would be happy to address any questions you may have.