

**Joint Committee on Education and Skills,  
Tuesday, 30<sup>th</sup> May 2017**

**Engagement with Caranua**

MEMBERS PRESENT:

Deputy Thomas Byrne	Senator Maria Byrne
Deputy Catherine Martin	Senator Lynn Ruane
Deputy Carol Nolan	

In attendance: Deputy Catherine Connolly.

DEPUTY FIONA O'LOUGHLIN IN THE CHAIR

**Chairman:** I welcome Ms Mary Higgins and Mr. David O'Callaghan, CEO and chairman, respectively, of Caranua and acknowledge that we have some survivors with us in the Public Gallery. They are very welcome to attend this hearing. Members will recall the Private Members' motion on Caranua in the Dáil last week. The debate provided Members of the Dáil with an opportunity to highlight some concerns they wished to raise in respect of the operation of Caranua and the experiences of some victims of institutional abuse when dealing with it. As this took place in the Dáil, Caranua did not have the opportunity to respond directly to the matters raised. Members will know that I make every attempt to ensure that our engagements are balanced. In this regard, our engagement is timely as it will give Caranua an opportunity to respond to the matters raised in our letter of invitation, many of which were also raised in the debate in the Dáil, and allow members to seek further clarification on any other matters of concern. While I will allow as much scope as possible, I remind everybody that this is a parliamentary committee and the witnesses are here for engagement.

Caranua operates under the Residential Institutions Statutory Fund Act 2012 and it is open to members as legislators to propose any necessary legislative amendments they deem appropriate should these arise from our engagement today. Pursuant to section 16 of the Act, Caranua is accountable to Oireachtas committees. In that regard, I record the fact that Caranua requested an opportunity to appear before the committee prior to this. Due to our other work commitments, however, it was not possible to schedule the meeting at that point. While the matter of cost is certainly an important one, members should take care not to stray into areas more appropriate to the Committee of Public Accounts, which had a hearing last week. At the end of the day, we must all remember that this topic affects people who have already suffered. This engagement is an opportunity, notwithstanding the conclusion of the review by the Minister, to ensure that any changes to practice or legislation, or both, can be highlighted here and implemented as quickly as possible.

Members may be aware of the existence of a document authored by an individual who is not a Member of the Oireachtas. I record that the committee did not request or commission this document and it has not been accepted by it. I do not intend to reopen consideration of that matter. However, if there are matters contained in the document which warrant a response from Caranua, I suggest the author sends it directly to that body for comment. I am sure the committee will agree to schedule another meeting if necessary. As I have already pointed out, this is an opportunity to have a productive engagement on a very serious matter. I hope

we do not miss it. I understand Deputy Thomas Byrne wants to come in on a point of procedure.

**Deputy Thomas Byrne:** On a point of order, I am sorry I did not alert the Chair to this beforehand but can she clarify what we are allowed to ask about? The Committee of Public Accounts looks at the economy and efficiency of the board and the use of its resources. Any other committee is entitled to ask the chief executive to attend before it to account for the general administration of the board. Where do we draw the line? Clearly, there are a huge number of issues we will ask about which will certainly relate to the general administration of the board but which might also impinge on the economy and efficiency of Caranua. I hope the Chair will adopt a very broad approach in order that we can ask the questions we feel it necessary to ask regarding the accountability of the chief executive before the committee.

**Chairman:** I am searching for the letter we sent to Caranua, which sets out the specific issues the committee proposed to raise. Caranua has engaged with the Committee of Public Accounts on financial matters. Having discussed the matter with the Chairman of that committee, specifically with regard to the Private Members' motion tabled in the Dáil last week, I am aware that issues were raised regarding the expenditure of some of the €110,000 on administration. While I fully understand the reason that issue was raised, the legislation states that the normal costs of administering the funds will be included in the costs. This provision was an oversight by the then Government when it introduced the legislation. Although it is open to the Oireachtas to amend the Act, it would be incorrect to claim this expenditure was wrong as it is provided for in the legislation.

Deputy Thomas Byrne was with me in the Chamber when the issue of rent was raised during the debate on Deputy Connolly's Private Members' motion. While I understand how it came to be raised, having examined the matter further, it appears the Office of Public Works was covering the rent and it was not being paid from the moneys in question.

The letter sent to the chair and chief executive states that the committee identified a number of areas of particular interest, including but not limited to reports of dissatisfaction expressed by survivors in respect of the services provided by Caranua, the steps Caranua takes to ensure it operates in accordance with best practice, the rationale for limiting grants to €15,000, the reported erroneous closing of active cases and the introduction of new, complicated and confusing guidelines. This covers many of the areas that have come to the committee's attention. I hope the Deputy will be happy to focus on these areas, although to be fair to the chief executive, she indicated she would be happy to cover other areas.

**Deputy Thomas Byrne:** I hope members will not be prevented from raising legitimate questions.

**Chairman:** I will not stop Deputy Byrne or any other member from doing so.

**Deputy Thomas Byrne:** I have to go to the Dáil for a vote.

**Chairman:** We will suspend briefly. My apologies.

*Sitting suspended at 6.53 p.m. and resumed at 7.07 p.m.*

**Chairman:** I apologise for the interruption. I hope we will not have another one. The purpose of this part of the meeting is to have an engagement with Caranua on the matters I outlined. On behalf of the joint committee, I welcome again Ms Mary Higgins and Mr. David O'Callaghan, CEO and chairman, respectively, of Caranua.

I draw attention to the fact that by virtue of section 17(2)(f) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to this committee. However, if they are directed by the committee to cease giving evidence in respect of a particular matter and they continue to do so, they are entitled thereafter only to a qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and are asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person, persons or entity by name or in such a way as to make him, her

or it identifiable. The opening statements of the witnesses, for which I thank them, and their oral presentations may be published on the committee website. Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the Houses or an official by name or in such a way as to make him or her identifiable. I invite Ms Mary Higgins to make her opening statement.

**Ms Mary Higgins:** Members will have to excuse my voice, which may not last for the full meeting. I thank the Chairman and members for the invitation to discuss the work of Caranua and make an opening statement. I am joined by our chairman, Mr. David O'Callaghan. Unfortunately, our director of finance, who was due to attend, is unwell. We are delighted to have an opportunity to engage with the committee. As the Chairman noted, we have written to the committee and kept it informed through the submission of annual reports.

We have done this because we work in a way that is open, transparent and accountable to all stakeholders and we want to be open and accountable. Caranua responds to queries from Members of the Oireachtas related to individual applications and our general operations and regularly publishes on its website information on board meetings and all other activities. As such, we practise what we preach in terms of transparency. Given its purpose of managing a fund for the benefit of some survivors of institutional abuse, Caranua may seem like an unusual fit with the committee and indeed with the Department of Education and Skills. Its location here arises from the historical oversight role the Department has had in the funding, management and inspection of industrial schools and some other institutions for children and I will provide a brief background to our establishment by way of context. The use of large institutions to take care of children and adults who were unwanted by their families, their communities and their churches was a well-established practice in Ireland until quite recent times. We now know that these institutions were very often not caring but downright abusive and damaging to those who were consigned into their care, children whose only crime was to have been orphaned, abandoned or poor. The idea that the institutions were reformatory schools for children who had committed offences is misleading because most of them had not committed offences at all.

Industrial schools were originally designed for a good purpose, which was to provide children with skills development that would enable them to transfer into employment when they left, thereby enabling them to move out of the cycle of unemployment and consequent poverty. We now know that some children did receive education in these institutions, as well as support into employment and that many have had successful lives, continued strong links with and affection for members of the religious congregations who ran the institutions. However, many more of them had horrendous experiences in environments that were of themselves brutalising and within which, according to the report of the Commission to Inquire into Child Abuse, neglect and psychological, physical and sexual abuse was both endemic and systematic. We also know the effects of such early childhood abuse is lifelong, multiple and has diminished the lives of many people in many ways.

As for the State's responses to this situation, there was a period of concerted campaigning for justice by survivors. The broadcast of the television documentary "States of Fear" in 1999 was seminal in provoking the then Taoiseach's apology on behalf of the State to survivors and the Commission to Inquire into Child Abuse was established. The commission went on to hear evidence from more than 1,000 survivors through its confidential and investigation committees. Counselling services were also set up at that time for survivors and their relatives, followed by a scheme of financial redress in 2002 and an education finance fund in 2006.

The Residential Institutions Statutory Fund Act was passed by the Houses of the Oireachtas in 2012. It provided for the establishment of a statutory fund, to be financed by religious congregations, to support the needs of those survivors who had received awards of compensation through the redress board, through settlements with religious congregations or through orders of the court. The board of the fund first met in March 2013 and began its work of designing and planning the services it would provide for survivors. I took up my role as chief executive in April 2013, bringing to it a strong commitment to ensuring that the fund would operate in a way that was effective in addressing the needs of a group of people that all evidence indicated were extremely disadvantaged as a direct result of their childhood

experiences. My professional background, which spans over 40 years, includes significant experience campaigning for the rights of people who are socially excluded, particularly women, single parents, children and people who are homeless, as well as in the design, delivery, management and evaluation of services for them and in leading change across services and voluntary and statutory sectors.

The establishment of the statutory fund was controversial and the approach agreed by the Houses of the Oireachtas was opposed by some survivors, many of whom argued for the division of the fund equally among all those who were eligible to apply. Others were dissatisfied with the eligibility criteria and advocated for the inclusion of people who had not received redress and the relatives of survivors. In response to this latter point, a commitment was given by the then Minister in the course of the adoption of the Bill to reviewing the eligibility criteria after two years of operation. This is the review that the Minister, Deputy Bruton, is about to begin.

In setting up and in respect of the design of the services we put in place, we were highly conscious of this challenging context and were deeply committed to ensuring that what we did was informed by the needs and expressed preferences of survivors. This approach was helped by having four survivors on the board and by carrying out an extensive consultation with potential applicants. The majority of potential applicants were ageing and many of them would clearly find it difficult to engage with a service that was in any way bureaucratic or rigid. It was with these survivors in mind that we designed our application process on the principle that if it worked for the most vulnerable, it would work for everyone. Our central aim was and continues to be to put survivors at the heart of everything we do.

Our application process is values-based, needs-led and person-centred. It is broken into different stages. There is an initial stage and a further stage and when people are ready to make applications to us, they are appointed a dedicated adviser to provide support, advice and information in making an application and in respect of referrals to and advocacy with other organisations and services, as necessary. We try to ensure there are no barriers for someone in applying to us and we pay particular attention to ensuring our application and other information materials are accessible. Plain English is used in all documents explaining how to make an application, we have easy-to-read versions of the application leaflets and there are videos with sign language and subtitles on our website. We are prohibited in the legislation from contacting people who can apply to us directly. We organise a number of outreach events every year at which applicants and potential applicants can come to meet advisers and other staff face to face. In Dublin, we hold a monthly clinic with interpreting services at the deaf village in Cabra for people who are deaf or hard of hearing and offer online face-to-face assessments to them through the Irish remote interpreting service.

We began to accept applications in January 2014. By the end of April 2017, 5,209 people were eligible to apply to us. Of those, 350 were waiting assignment, 2,483 were in process – there is a typographical error in the figure in the written submission given to members - and 2,376 had been completed. That is 7% waiting and roughly half in process and half who have been completed. Payments had been made to 4,504 individuals and spend on services to the end of March was €60 million. The average value of assistance provided through the application process is €13,000 and the average number of payments to each applicant is eight. Through the course of an application, there are, on average, 30 telephone calls in addition to whatever written correspondence there might be. We have had hundreds of thousands of contacts to and from applicants since we opened in 2014 and have received 192 complaints to the end of April. Relative to the number of transactions and interactions, that is a relatively small number. There is an independent appeals mechanism in place. Just 4% of our decisions which have gone to appeal have been overturned by the independent appeals officer. More information on our activities and outputs is available on our website and in the briefing document supplied to committee members.

Before finishing my statement I want to refer again to the Commission to Inquire into Child Abuse. Many of the people who testified to the commission did so to ensure that such abuse would be prevented in the future and this is reflected in the recommendations made by the commission, of which there were 20. In the coming couple of years, as Caranua prepares to wind down its operations, it plans to make a contribution to prevention by learning from the past through an independent evaluation of its impact and by capturing the experiences of

survivors, that is, of their abuse and early childhood experiences, of redress and their lives since then, as well as their views on how these experiences can be used to build the capacity of other services to recognise and respond to the effects of childhood trauma. This is not well understood as survivors do not go around with a label on their head reading "I am a survivor". When they approach a GP, the mental health service or a local authority, they do not present as a survivor but as someone with a need. Often, the issues which underlie their needs stem directly from their time in institutions. It is important that all services recognise and deal with that point in order to deal effectively with the needs these people have and to prevent further traumatisation. We look forward to the support of the committee in our work.

**Deputy Thomas Byrne:** I welcome Ms Higgins and Mr. O'Callaghan. In my Dáil speech on the last Private Members' motion I said that, generally speaking, State bodies can be assumed to be doing a good job and should generally be given the benefit of the doubt. However, I am disappointed with Ms Higgins's statement today. It has substantial similarities to the statement given to the Committee of Public Accounts a few weeks ago, although it is not identical. Different committees have different functions so I was expecting something different. The statement completely fails to recognise statements of varying levels of dissatisfaction with Caranua in the Dáil, from the Minister and other Deputies, myself included. I also said I hoped Caranua was listening to what Deputies were saying. We may not all be right but I would have thought some of the charges would have been answered today as it was a perfect opportunity to do so. We did not need to know about the set-up of Caranua as the Oireachtas passed it but it is always important to remember the victims and to keep them central.

There have been a few issues of controversy in the past few weeks. First were the various expressions of dissatisfaction by Deputies. Can these be responded to? I assume the leadership of Caranua watched the Dáil debates. There was some confusion at the Committee of Public Accounts about the issue of rent. It is a matter for that committee, of course, but there is a chance to clarify matters today and we need that information too, so that we can ascertain what rent has been paid, what has to be paid and what efforts have been made to look for office accommodation at the lowest price. At what point did it appear necessary to the board and the witnesses to use the survivors' fund to pay the rent? I accept that offices have to be paid for but these are important issues and there has been a lot of confusion.

I am also surprised that the €15,000 limit was not mentioned in the statement as it is a matter of some controversy, with some people alleging that this was an illegal decision. I am not saying they are correct but I would be very grateful for the witnesses' view of the allegations. What is the position of Caranua on winding up the fund and spending the money? What is the objective? There have been suggestions that the €15,000 limit was not brought in for administrative reasons or reasons of fairness. I believe an auditor had recommended some kind of limit but there have been suggestions that it was brought in to keep the thing going for as long as possible, despite the fact that this particular State board does not have such a function.

The question of eligibility is a matter for the Oireachtas and not the witnesses but I wonder if they have any views on it. The other important issue, on which I have also put down parliamentary questions, relates to the legal requirement for contracts to be approved by the Minister for Education and Skills. There has been a suggestion that it was not done in the case of rent. Can the witnesses clarify that, and whether Caranua has entered into other contracts which were not put before the Minister for Education and Skills as they should have been?

**Deputy Catherine Martin:** I apologise for having to leave after I ask my questions but I will look at the answers later. It states in the submission that the processes for which Caranua has time standards are met at an average of 90% of the time. Can Ms Higgins give us an idea of which processes these are and how Caranua comes up with these time standards? It also states that the number of complaints received was small compared to the volume of interactions relating to applications. In an article in *The Irish Times* in March, Ms Higgins was quoted as saying that "some applicants will never be happy" and "You can't control people's experience of what we do for them". She went on to say, "It's never going to be enough to satisfy them and make them feel cared for, loved, honoured or whatever else". Does she

accept that the language she used is highly regrettable? These are survivors in their twilight years.

**Ms Mary Higgins:** Am I to answer questions as they arise?

**Chairman:** No. We will take questions from all members and we will then come back to the witnesses for answers.

**Deputy Catherine Martin:** The language is of huge concern, considering Ms Higgins's role. The survivors are in their twilight years and have already been appallingly treated by the State. Such language does a huge disservice to them. I find it hard to believe the contention in the submission that Caranua is unaware of the reports of dissatisfaction on the part of many people in their dealings with the organisation, when these reports have been made available to the general public. Caranua means "new friend" but survivors feel there is no friendship in the organisation.

Why did the management implement the prioritisation policy and how did it believe it could be justified under the legislation? What was the rationale for a general policy which put all reapplicants, whether they have been awarded small or large sums, into the same deprioritisation category? Surely the board's primary function is to accept process and to determine applications. Caranua sent out 2,500 letters on foot of this policy from November 2015. Do the people involved have a right to appeal? Did the organisation inform them of a right to appeal? In September 2016, Caranua accepted that this was an oversight on its part but it has done nothing to deal with the issues. How many of the 2,500 people involved has Caranua written to? Does it intend to contact all of them to clarify their rights? How exactly did Caranua come to the figure of €15,000 as a limit?

**Senator Lynn Ruane:** I will look at four key areas. Can the witnesses give some clarity on the prioritisation policy? What was the reasoning behind it and what was taken into consideration when adopting it? Do they think the policy, when applied to subsequent survivor applications, has the effect of ignoring the merits and the ongoing needs of the survivor? If they are kept in limbo and their applications parked because they are repeated applicants, it ignores the merits of their applications. Can the witnesses comment on that? Did the board receive legal advice as to whether the adoption of the policy would go beyond its statutory powers? This is important not only from the point of view of the remit of the board, but also the rights of the applicant. In relation to the €15,000 limit, Caranua said in the Committee of Public Accounts that the figure of €15,000 as a cut-off point came from the survivors. Given that there was no consultation, I would like to get clarification on the point that it came from the survivors.

It was stated in the Caranua financial statement for 2015 that the reason for the €15,000 limit was based on the concerns of internal auditors. What were those concerns? Some have reported that it was the fact that the money was reducing and some applicants had not yet applied. According to information I received following an FOI request, as of 30 April 2017, Caranua has just under €33 million still in its account. I question the setting of the cut-off point when there is still such a large amount to be spent, especially given that we are dealing with an ageing population. As Deputy Byrne said, it is really time to wrap up the fund and spend the money that is there. The limit of €15,000 undermines the principle underlying the setting up of Caranua, namely, to meet ongoing needs. Ongoing needs do not have caps but a cap of €15,000 has been introduced and that will not address the ongoing needs of the survivors. It was also stated in correspondence I received that a representative from Caranua said that the policy had been introduced because, to paraphrase her, she strongly believed some people just got too much.

In terms of section 23 of the Residential Institutions Statutory Fund Act 2012, I understand Caranua has now received legal advice on whether the board has the authority to disclose confidential information if it so decides under section 23(3)(a). I think it was Mr. O'Callaghan who recently responded to me but I might not be correct in that regard. I got a response to the effect that the legal advice had been received but Caranua had not disclosed what that legal advice was in response to the inquiry that came into its office during the week. The witnesses might be able to give an update on that.

One of the principles underlying the setting up of Caranua relates to advocacy. How do the witnesses feel Caranua has advocated on behalf of survivors? For four to five months I have received consistent weekly and sometimes daily phone calls and emails to my office from survivors and none of them has been positive. The only common denominator is Caranua and their experience of Caranua. Given the language that was used in the article in *The Irish Times*, to which Deputy Catherine Martin referred, I do not understand how a board continued to support a CEO that used such language in relation to the vulnerable people for whom they are there to advocate. I was disgusted.

I read another letter that was sent out by Caranua on the cut-off point stating: "As you know, you have received significant support from Caranua since you first applied to us. We are delighted that we are able to respond to your needs and we hope that [this is the worrying bit] you will continue to enjoy the benefits of what you have received."

I question the language, the wording and the communication used to communicate with survivors of institutional abuse, for example, the reference to "enjoying the benefits" as if it is a gift, something additional to their lives. If Caranua really sees itself as an advocacy body and it was concerned about the dwindling funds in its account, the two best pieces of advocacy that I would consider as the only option would be either for Caranua to advocate for the survivors so that the fund increased or that it would go back to the religious orders and say it is continuing to try to meet the ongoing needs and that more funds are needed. I would not want anybody who spoke of institutional survivors who used language like that advocating for them. I believe Ms Higgins should step aside from her position so that somebody who is more compassionate-----

**Chairman:** I want to draw the line there.

**Senator Lynn Ruane:** I said it was my opinion.

**Chairman:** That does not matter.

**Senator Lynn Ruane:** At the end of the day we are dealing with an advocacy body.

**Chairman:** Senator Ruane is a member of the committee.

**Senator Lynn Ruane:** The common denominator is Caranua. I get it daily and sometimes three and four times a day. I can send you correspondence, Chairman. My office is filled with it. These are people who are struggling to deal with Caranua. In fact, I would say that Caranua is reinforcing some of the trauma that the State originally placed on them. Ms Higgins should really consider how Caranua does business.

**Deputy Carol Nolan:** I thank the representatives of Caranua for coming here today. It is extremely concerning that in too many instances complaints have been raised. We are talking about survivors of abuse. It would take a great deal for them to reach out to any organisation for support and it is unacceptable for them to be left as disillusioned as many of them are at present.

It is also of concern that many of the survivors were not consulted about the terms of the redress scheme in 2002. Many people feel that the consultation process that was undertaken should have been survivor-led and survivor-centred. In the Six Counties, we had a redress scheme that was based on a consultation process undertaken by Professor Lundy of Ulster University. A different approach was used in that instance. First, why was the redress scheme not survivor-led and survivor-centred?

Second, why was the decision relating to the prioritisation policy and the decision to close files not made available much sooner? It is my understanding that the decision was made on 29 July 2015 by the board, but it was not made available until months later. That rings alarm bells with me.

In terms of the rejection of applications from survivors, as I said at the outset, it takes a lot for any survivor to reach out and it caused distress when their applications were rejected. That is a fact. The way it was communicated caused anger and frustration. What will be

done to address the situation? To be quite frank, all of us have received complaints from too many survivors. What will be done? I ask that my questions be answered.

**Deputy Catherine Connolly:** I am not a member of this committee so I thank you, Chairman, for allowing me to speak. I have a number of questions and I will make them very specific. Could Mr. O'Callaghan tell me whether he had any input into the re-appointment of some board members but not others? Likewise, did Ms Higgins have any input into that on any level whatsoever?

I will address my questions to Mr. O'Callaghan as the chairman. Someone said that when he came into Caranua in March 2014 that it was a shambles. I want to ask the questions. I have read the minutes - God help me, my life must be sad, but I have gone through all of the minutes on the bus to and from Galway.

We were told there was a memorandum of understanding, MOU, with Towards Healing. Mr. O'Callaghan told us the cut-off point was 80 sessions and above that, payment kicked in. Is that right?

**Mr. David O'Callaghan:** That is right.

**Deputy Catherine Connolly:** Is that still the position? I address my questions to Mr. O'Callaghan as somebody who has been re-appointed. Obviously the Minister has faith in him and he has put him back in charge of this. I expect a response to my questions now. A total of 80 sessions was the cut-off point and Mr. O'Callaghan has said that is still the position. I understand that the cut-off point is 40 sessions and that is in the report published online by Towards Healing. The figure was changed to 40 sessions as far back as January 2016. Why does an organisation which was described as a shambles in March 2014 and presided over by the chairman, who was reappointed, still have a waiting list of eight to ten months? Can that be clarified? On the figures for January 2016 onwards, I understand that very few applicants have applied. It is in the hundreds. As such, how can there be a waiting list?

On the refurbishment of new premises, what premises were refurbished, what was the cost and did the Minister give permission? Talbot Street and other new premises were mentioned. On the breach of data protection legislation, I understand the board had in-house legal advice. How was this not pointed out? How did it come to the survivors to highlight the breach of legislation? On the money going to the children's hospital, why that was being discussed at one of the board meetings? What was the concern around that? Am I completely wrong if I interpret that as the board worrying that there would be money left or not left? I hope I am wrong but can I be told?

On contracts, I understand the Minister for Education and Skills has not given permission for a lease. Has he or has he not? Has Caranua sought permission? Is there a list of all the other contracts? There seems to be an awful lot of them with Lazars, Capita and a whole lot more names I do not have. Having gone through the minutes, there was a new contract practically every month or every second month. Contracts were on client awareness, corporate branding, and a bonding exercise in Carlingford. Did the Minister give permission for those? On funeral expenses, I understand from the minutes that a very outspoken member, who I do not know, raised funeral expenses at a very early stage, but it took quite some time to say they would be allowed. Even when they were allowed, it has been applied in a most inconsistent way. Some people who apply get their funeral expenses while others do not. The witnesses might clarify that for me.

According to the minutes, concern was expressed continually about the level of expenditure, which was rising. What the chairman was referring to was the actual payout to clients. I do not think that was expenditure, it was what they were entitled to get. However, Caranua referred to it as expenditure rather than to use that term to refer to the expenditure on private contracts or rent, the refurbishment of new buildings or a bonding exercise up in Carlingford. There are a lot of questions there.

I turn to the matter of rent. The CEO has apologised since in a written letter to the Committee of Public Accounts that what was said in this regard was incorrect. He clearly

said Caranua was not paying rent. The chair was there as well and heard the question "Are you paying rent?". The answer was "No". Subsequently, it transpired that Caranua was paying rent from May 2016 onwards. It is over €100,000 and Caranua has paid half of it. Can the witnesses clarify how they did not know they were paying rent and why Caranua was paying rent when it was there for three years without doing so? I have asked this of the Minister and the Office of Public Works and I am asking it of the witnesses now because there was a constant thing about premises. What was wrong with the premises where Caranua was? Did it ever get permission for any of the proposed moves? There was talk of going to Talbot Street and somewhere else. Why was there a need to move at all when there were free premises? What has the Office of Public Works said to Caranua or the Minister? Who is putting pressure on Caranua to leave?

Caranua brought in a priority system and a limit. I put it to Caranua that while both were certainly worthy of discussion at board level, the manner in which they were introduced is flagrantly in breach of the Act. Caranua has built in an unjust, inconsistent and inequitable system.

**Chairman:** If Ms Higgins and Mr. O'Callaghan do not have the answers to all of the questions, they can feel free to write to us afterwards with any answers for which they do not have the information. We will be happy to circulate that to all of the members and to Deputy Connolly.

To say a few words myself, when I started to look at the remit of Caranua and listen to the stories, the first thing that struck me was the name, which means "new friend". If one came from a very vulnerable situation where there were feelings of low self-esteem having experienced a lack of respect, one would feel this body should be offering friendship and support in a new way. From what I have listened to and heard from survivors, they certainly did not have that experience, which is very unfortunate. They came from a place where they felt that at least somebody had listened and there was going to be some element of support in terms of housing and education. They felt they would be able to apply for help and support which would in some small way mitigate the wrong which had been done to them. They have gone through what I perceive from my interactions with survivors has been a generally negative process. I am really sorry to say that because I would like to be here saying that this was established with the very best protocols and practices for the most vulnerable people we have. In my view, they have not been dealt with appropriately.

There appear to have been many communication problems. I have heard from survivors about phone calls going unanswered and not being responded to. Someone was waiting for a case worker for a long period of time, to which Ms Higgins referred in terms of the dedicated officer that would be in place. There may have been a dedicated officer in place in many instances, but that dedicated officer would change. There was a lack of continuity in terms of dealing with particular individuals. These are situations in which survivors had not opened up to family and friends about where they came from because they wanted to get on with their own lives. When they then opened up the world of hurt that came from childhood, they did not get the supports.

Ms Higgins was talking about the counsellor service, Towards Healing. I have had communication from some of those counsellors as well. They feel that, in many instances, the survivors who came to them for counselling about what they had gone through in their childhoods now needed counselling for the treatment they had received from Caranua. That is regrettable. Like other members, I have been contacted by a number of people, some of whom I had known since childhood without realising their background. It took a lot of courage to come and talk about their experiences in the past and the experiences they are having now.

I turn to some questions. The Act states that the board will pay former residents from the investment account and provide them with grants to avail of approved services. How does the board assess the selection criteria for such grants? We have heard of people who have been turned down and we need to know why. I appreciate that the witnesses cannot go into individual cases, but the selection criteria are hugely important. Having heard the average time for an application and understanding that the administration costs have risen significantly but that fewer applications have been made, I feel that having additional staff in

place would not reduce the backlog of applicants significantly. The two sides of the same coin are telling a different story in that regard.

The issue of rent was raised before. I know of another organisation that got a premises through the OPW. It had to leave it last year and seek another for which it would have to pay and from which it could operate. I do not know whether the OPW changed its policy. This is quite possibly what Caranua is facing.

I thank the delegates for their statement and the information they sent in. They say Caranua is values-based, needs-led and person-centred. That certainly sounds good, as does the statement that the board is open, transparent and accountable. It is commendable that there are four survivors on the board of nine. All of that tells a very good story but if the board does not serve the needs of the people for whom it was set up, it is not satisfactory. The experience of survivors tends to be negative. I have no doubt that there are many positive stories and that we are not getting to hear them. We are getting to hear the negative ones. We have a duty to all those people who have contacted us to raise these issues.

Language was highlighted by a number of members. I have read some of the language that has been used by the survivors describing how they feel they have been treated. They have felt they were not respected. They have felt upset, traumatised and very stressed. These are words they have all used. Having heard some of the anecdotal accounts of the language used by caseworkers at the end of the telephone, I believe it certainly leaves a lot to be desired. It is very concerning. In the letter, we asked the delegates to refer, in particular, to expressions of dissatisfaction. I accept the delegates' statement in their written submission that they could not respond on particular cases. There has been dissatisfaction at such a level, not just at this meeting but also in the media the press, that I feel we have to get some response to it, making reference to the steps Caranua takes to ensure it operates in accordance with best practice, to the reported erroneous closing of active cases and to the new, complicated and confusing guidelines that have been introduced. These require a response.

Ultimately, we are here as legislators to try to assist the survivors, in the first instance, and also Caranua in the performance of its functions. In the delegates' opinion, is there anything we can do as legislators to assist them in the performance of their functions? I will now hand over to Ms Mary Higgins, and then to Mr. David O'Callaghan. I will then give the members an opportunity to contribute.

**Ms Mary Higgins:** I will start with the issue of dissatisfaction, which I did address in the document we sent. We can address only the issues that are brought to our attention. We do receive complaints in our office. I have recorded how many we received. We get feedback also. What we do when we receive complaints is examine them. We work out what has happened and what we have done. If we have done something wrong, we say we are very sorry and we put it right. If, however, the complaints are not being made to us, there is nothing I can do. Just as I said to the members of the Committee of Public Accounts, members of this committee should bring complaints about us to us if they receive any. Then we can consider them and do something about them. If we are contacted by Members of the Oireachtas, we always respond. We will always offer to sit down and talk and explain how we work, or do whatever else is required. I ask members now to come to us if they are receiving complaints and allow us to respond to them. If they do not come to us, we have no way of knowing what exactly is going on.

We are not happy to be sitting here with one person after another saying this is a rubbish service when that is not our experience. It is not what we are trying to do. We very deliberately set out to design a service that would not retraumatise people. We thought very carefully about it. We have staff who have been very carefully selected for their values, attitudes, skills and experiences. They are well managed. We do not get everything right all the time. We make mistakes, we get things wrong, and we have bad days the same as everybody else. When that happens, we say we are sorry. When somebody says it would be better if we did such a thing, we examine the proposal and say it would or that it is not possible, for whatever reason. We are not a closed organisation; we are an open organisation. It is very difficult for us to hear all this negativity and not be able to understand to whom and to what specific incidents it refers. Not knowing makes us powerless to do

anything about it. If people receive negative feedback about us, they should please come to us, and do so at the time they get it. Time is very important in resolving those issues.

A number of the issues that have been raised have been addressed. I am not saying anything bad about that. The rent issue is very considerable. I will start and Mr. O'Callaghan can finish on it. I will outline the history of our position in regard to premises and rent so everybody can be very clear. It might be a little detailed and I hope it will not be too boring for members but it is important to spell it out clearly. I started in April 2013. I was placed in an office, where we still are, and I was told by the Department that it was temporary and that we would need to find alternative accommodation. There was work done, through the OPW, to source alternative accommodation for us.

**Deputy Catherine Connolly:** Was that the Department of Education and Skills?

**Ms Mary Higgins:** The Office of Public Works sought to source alternative accommodation.

**Deputy Catherine Connolly:** Who said-----

**Ms Mary Higgins:** The Department of Education and Skills. It said the accommodation was temporary and that we would need to find alternative accommodation. We spoke to the OPW and reviewed a few places that might work. For one reason or another, they did not. The Department then suggested that we did not need to go through the OPW and that we could go out and look commercially. We sourced a building. It is on Talbot Street, which is why it is referred to in the minutes. That was approved by the board. It was approved in principle by the Department. Fitting out needed to be done. I should not use the word "mess-up" but it took a long time, there was to'ing and fro'ing and we lost the architects we had to do the fit-out. In the end, the premises would have been too small for us considering our current size. We lost that premises.

The premises issue went away for a little while. The premises we are in is very shabby and is quite unpleasant. We continued looking for accommodation on and off and then the board - not being keen on the idea of having to spend money on rent, because we were rent free, presumably because there was a temporary arrangement, rather than anything else, that continued on - agreed that we would invest, together with the OPW, in the building we were in. Some painting and decorating took place. We also replaced some of the furniture, knowing that wherever we were going to go, it could come with us. It was, therefore, not going to be a waste of money.

Shortly after we had done that, we were informed by the OPW that the lease on the building had expired and that it was not going to renew it. That was last May. We were given notice to quit, effectively. What happened was that the lease was extended for a year, and then the OPW undertook to find us premises together with the other people in the building. It has done this. I refer to the premises now under consideration. We negotiate and work in very close contact with the Department of Education and Skills so we are not going off doing things that are not known to it. In respect of the lease not being approved by the Department, there is no lease at the moment. We are in negotiations and know where the premises are and how much it will cost but because of some legal thing that is going on between the owner of the property and the OPW, we do not have a lease and in that context, the Department cannot sign a lease and we cannot present it to it. That is the issue. That is a potted history of our premises, if that makes sense to people.

**Chairman:** It does. I thank Ms Higgins for clarifying it.

**Mr. David O'Callaghan:** May I come in here?

**Chairman:** Of course.

**Mr. David O'Callaghan:** The situation is very similar to the Government agency mentioned earlier on. We were working in a rent-free premises and the board said this is fine. Any rent we pay has to come out of the fund. We are conscious of that so we said "No, we are rent free so we will hang on here". So it was not our idea to look for a new premises. We were told the lease was up. It is very similar to any Government agency as far as I know. This is

not an initiative by the board to just up and move from rent-free premises to plush new accommodation. That is not what it is about.

**Ms Mary Higgins:** I know the rent is very high. It is a lot of money but it is not an extraordinarily high rent in light of current rent levels. I know the issue of car parking spaces has been raised as well. The three car parking spaces for an organisation would not be for staff but for visitors and board members. Obviously, some of our visitors would have disabilities as well so it would be important to have some place for people to park. It is not a huge amount of car parking space and it is not for staff. I do not even drive so I do not have a car so it is definitely not for me.

**Senator Lynn Ruane:** Does that mean that the new premises would be very accessible in terms of survivors being able to interact with Caranua and call in?

**Ms Mary Higgins:** That would be our hope.

**Senator Lynn Ruane:** Obviously, the communication issue regarding email and phone calls has been very difficult so a face-to-face service would probably solve some of that and give some sort of access.

**Ms Mary Higgins:** Yes.

**Senator Lynn Ruane:** Through the Chair.

**Ms Mary Higgins:** Sorry, I am not sure of the protocol. It is our intention to diversify our offering for survivors. We will not just say we might be able to do things in our office and that is as much as we will do. We will be doing different things and are looking at how we might do that, in particular, going into the areas where people live and working with the services there because it is really important to remember that we are not a permanent fixture in their lives. We are a temporary thing so we need to be sure that we are not engaging or developing a dependency and we then go away and they are left wondering what happened and are let down again. We are looking at diversifying the range of options that are available to applicants and this is in our strategic plan.

**Chairman:** That is fine. Does Ms Higgins want to answer some of the other questions?

**Ms Mary Higgins:** The next one I have up is the €15,000 limit. I think I did explain in the document how that came about. To give a potted history of it, the issue of expenditure referred to by Deputy Connolly was a matter of concern. It was not that we were spending the money but that we were spending so much money on so few people when there were so many more people who had yet to benefit from the fund or even apply to it. There was an issue for us in terms of the review we carried out in 2015 into the sustainability of the fund and ensuring that it would be there not just for the people who had already benefitted from it but those who had not yet applied to us. Another issue involved the fact that many applicants were telling us that they did not want education, which is fine because many survivors do not want it, but that the housing repairs, adaptations and improvements we could do were of no use to them because they were in rented accommodation and they wanted others. They wanted things like household goods such as fridges, settees, carpets, floor covering and decoration. That is what we were looking at when we carried out the review in 2016. The limit was introduced on the basis that we needed to introduce it otherwise all of it would be spent on a small number of people and we would not then be able to comply----

**Senator Lynn Ruane:** Would that not be counterproductive in the sense that the longer Caranua continues to spend on administrative costs, the more it will eat into the fund anyway so it will take away from the people who are looking for a repeat application or above the €15,000? The longer it goes on where Caranua is waiting for new applicants, the more it is eating into the fund anyway be it through the rent or administration.

**Ms Mary Higgins:** It is not our intention to do that. As Mr. O'Callaghan said, we are very conscious of the fact it is survivors' money. It is a fund for survivors. It was the Houses of the Oireachtas that decided that all the administrative costs should come out of the fund. I wish it was not the case but it is. It is our job to operate within the law and that is what we have to

do. It is not our intention to keep going forever. It is not what we want to do. We have no staff on contracts. My contract will finish next year. The members will probably be glad to hear that. Everybody else is on specified purpose contracts so it is not as if we are permanent members of the Civil Service or Caranua. It is not our intention to keep going forever. When the new board gets down to its business, one of the first things it will look at is setting a closing date and announcing that so that people will begin to understand that it will not be there forever. That will help to mobilise people towards us. I know people apply and then do not come back to us.

**Senator Lynn Ruane:** Would that remove the limit?

**Ms Mary Higgins:** At the time we made the changes last year, we undertook to review it within 12 months and that is what we are preparing to do.

**Mr. David O'Callaghan:** This may answer a point that Deputy Byrne raised earlier about whether we are trying to prolong this thing *ad infinitum*. There was a presentation of the board last February. Based on certain assumptions that we would get the €14 million that is outstanding from the religious congregations - we will assume we will get the total figure of €110 million - we are making grants to survivors on the current average and will be closing this scheme by 31 December 2019. Before that, we will probably have a closing date of 31 December 2018 for new applications. The final grants will be paid around mid-2019. The end is in sight here. We are not trying to prolong this thing *ad infinitum*. We have a limited fund and current forecasts have final grants being paid in mid-2019 and staff being laid off thereafter.

**Ms Mary Higgins:** One of the questions related to winding up the fund and I think Mr. O'Callaghan probably answered it. That is what we are doing and we plan to do that in a controlled and managed way. Deputy Byrne raised the issue of eligibility, which is a matter for the review. The issue of contracts not being approved was raised. All I can say is that we work very closely with the Department. We are not going away and doing things that are not approved. The thing with rent might illustrate that. I am trying to think of whether there are instances when we entered into contracts without approval but I am not conscious of any.

**Senator Lynn Ruane:** Through the Chair, it is just to stay on point with what was spoken about at the time. In respect of the Towards Healing contract, is it true that Towards Healing is a religious-run service? Is anything taken into account when we look at contracts? It relates to money taken out of a religious order for survivors being paid back in through a contract with a religious organisation.

**Deputy Thomas Byrne:** Ms Higgins was helpfully answering a question I asked about contracts in general and the statutory provision there. Did the Senator finish asking her question? That might be a specific point. Had Ms Higgins finished answering that question?

**Ms Mary Higgins:** I think I did answer it and then another question was asked.

**Deputy Thomas Byrne:** So there are no examples of contracts of which Ms Higgins is aware? I am only asking the question because this was thrown out in the Dáil last week.

**Ms Mary Higgins:** I am not aware. If that is not elaborated on, it is very difficult for me to say "Yes" or "No" with certainty. I will let Ms Higgins, as CEO, answer all the questions. I will not let anybody else in again. However, if the Deputy needs to ask a supplementary question when Ms Higgins and Mr. O'Callaghan are finished, he can do that.

**Ms Mary Higgins:** We were asked to clarify what the time standards relate to. This is a very interesting question. We have time standards for the beginning of the application process and the end of the application process, but we do not have any for the middle. I think this was what the Minister was referring to in the Dáil last week. The reason we do not have them is that it was completely unpredictable and there was no point having a time standard we would not be able to meet. For the time standards regarding response to the first stage of the applications and verification of eligibility, we undertake to turn those around within ten working days. In over 90% of cases we are compliant. At the other end after a decision has

been made on a payment, we try to get the cheques out within 20 working days and we do that most of the time. It is not as high as 90%, but it is certainly over 80%.

**Chairman:** Okay. I thank Ms Higgins for that.

**Ms Mary Higgins:** There was an issue about "unaware of reports", but I think I have dealt with that. They have not come to us and therefore I am not aware of the detail. Therefore it is very difficult for us to, first, comment on and then rectify any problems.

Senator Ruane asked about the policy of prioritisation. Again it was a question of trying to manage a difficult situation with people coming with applications, our considering those applications, our completing those applications and them coming back. With new people coming in we were just not able to get to them. Again it comes back to the point about trying to manage the fund in an equitable way. In 2015 the board decided it would prioritise new applications over the repeat ones. That does not mean we ignore repeat applications. We do deal with them and each of them is assessed when they come in. We also give priority in a different way. We give priority to people aged over 70 and we give priority to people with urgent medical needs. That is where there is a repeat or an initial application.

**Chairman:** I ask Ms Higgins to outline the selection criteria for grants. I understand what she has said about the over 70s and people with medical needs.

**Ms Mary Higgins:** We are limited in what we can do by the legislation; it is health, education and housing. People will make applications to us and we will have a conversation about what they want and why. For some things we need professional recommendations. If somebody is looking for some kind of adaptation to the home because of a disability or something, obviously we will need to seek evidence of the disability through something like an occupational therapy or consultant's report. We need to get quotes and those kinds of things. People must have evidence in some way for those large-cost items. We need to ensure that service providers are registered, professional and tax-compliant. I believe I have also set them out in the document here. They are the basic ones we look for. There was something about ignoring the merits of individual cases. I do not quite know where that comes from. We look at the individual.

**Senator Lynn Ruane:** I think what I was saying-----

**Chairman:** I am sorry. The Senator can come back afterwards.

**Senator Lynn Ruane:** It was directed at me.

**Chairman:** The Senator can come back afterwards.

**Ms Mary Higgins:** Somebody said something about the €15,000 limit coming from survivors. If I said that, I have no recollection of saying it. I do not know why I would have said it. We had a conversation with survivors about introducing a limit. Many people said it should have been there from the beginning and it would have been fairer. When we complete the review in the coming months we will be able to give feedback on what people think about that.

Deputy Thomas Byrne asked about section 23 and putting aside confidentiality and legal advice. I ask Mr. O'Callaghan to answer that.

**Mr. David O'Callaghan:** I believe Deputy Connolly is also interested in the question. We got some criticism from the Comptroller and Auditor General that we were not doing enough checking of applications and that we were not going out to suppliers to confirm that works had been done. Under the Data Protection Act and our own Act the feeling was that we had to preserve the confidentiality of our survivors at all costs. However, we had to develop some mechanism to check on whether works were done or else we would be in default with the Comptroller and Auditor General. We got legal advice on how we could do this and we now have a formula, which I will present to the first meeting of the new board, hopefully on 21 June. We have a formula for investigating whether works were done or not. That is the situation regarding confidentiality.

**Ms Mary Higgins:** Senator Ruane asked about-----

**Mr. David O'Callaghan:** Someone asked me about that and I replied by email with that very message yesterday.

**Ms Mary Higgins:** Our advocacy really relates to individuals, although I know at the very beginning people said they wanted a voice for survivors again. We do not over-claim what we are able to do for people, but we have been able to intervene, improve and bring other services into a situation, which has improved people's lives and will improve their lives into the future. Any member, who is aware of specific cases where people are disappointed or whatever, should bring them to our attention for investigation. We want to be able to do things for people properly.

On the language in letters, we try earnestly to write in a way that conveys more compassion - although I do not want to use that word. We try not to write in a way that is bureaucratic and rigid. We try to write in a way that people will understand and get the message. Somebody spoke about something additional to their lives. We were set up to give something additional. It is important to recognise that what we provide is not instead of everything else that citizens are entitled to receive by virtue of the fact that they are here and have needs. We are here to provide something in addition to that. If we have said we are providing something additional, it is because that is what we are trying to do. Sometimes there can be misunderstanding about what exactly we can do. We operate under legislation. There are restrictions on what we can do. We cannot pay for a mortgage, rent or debt. We cannot pay for a number of things and this gives rise to disappointment and anger among people. It is not something we can do. It is not within our control to change that because of the legislation.

There was a suggestion that we go back to religious orders for more money. It is not our role. It is the role of the Minister to do that, were he to decide to do that. If we had more money, we would need to be very clear about what is needed and what it would do. We may need to look at the service needs and how services might be developed and improved to meet the needs of survivors who have suffered and continue to suffer. In my observation, their ageing process escalates and their medical needs are very real and severe. I think they need service interventions. We have been in contact with the HSE, for instance, on an enhanced medical card. Things such as physiotherapy, alternative therapies and chiropody services make a difference to people. They are not necessarily readily available in the quantities needed. We need to look at those kinds of things and the committee might be able to help in that regard.

Somebody said it was disturbing that complaints had been made. It is disturbing. It is more disturbing to me than anybody else that complaints have been made. It is about bringing them to us.

Deputy Nolan discussed the redress scheme and the lack of consultation in that regard. I was not involved at that time and am not sure exactly what took place. However, some consultation was carried out, albeit possibly very limited. I cannot comment any further on that issue.

In regard to Caranua not being survivor-led, we are person-centred rather than survivor-led. We do our best to work with survivors and their support groups and to listen to what survivors have to say. We will do more in terms of deepening our engagement with them. The strategic plan provides for that.

There was a question regarding the appointment of a new board and the involvement-----

**Mr. David O'Callaghan:** That was Deputy Connolly's first question. I must inform the Chair that this is tricky ground because the appointment of board members is a matter for the Public Appointments Service and, ultimately, the Minister. I was party to appointments to the board. I advised on criteria to be used in the selection process, I briefed the selection committee on those criteria and I was part of the team that selected people whose names were sent forward to the Minister. There are outstanding appeals to the Minister and the Public Appointments Service in regard to the process. Until those appeals are dealt with in

the normal way under the code of practice of the Public Appointments Service I can go no further on the issue.

**Ms Mary Higgins:** A question was asked regarding the children's hospital. That issue has caused confusion. It was discussed at board meetings because board members and I were confused about it. Our fund is capped by legislation at €110 million. If more money comes from the religious congregations, it will be put into a separate fund and will be put towards the children's hospital. That is a matter decided by the Oireachtas rather than an action we took.

There was a question about complicated materials. We have worked very hard to make our materials simple and straightforward. They are in plain English and are stamped by the National Adult Literacy Agency. There are easy-to-read versions of documents. There are films with subtitles and sign language on our website. We are always open to listening to criticism or suggestions on how our materials might be improved and then making improvements if we can.

In terms of funeral expenses being inconsistently applied, I do not know what the issue in that regard might be. There is a limit to funeral costs that will be covered. We might go over the limit if required in a specific circumstance. It should be borne in mind that we are person-centred and therefore prioritise dealing with the person over rigidly applying the rules. If people with concerns about inconsistencies relate them to us, we can consider those concerns.

There was an issue about Towards Healing and the Catholic organisation. To explain, we pay Towards Healing rather than the applicant having to get receipts, quotes or whatever it may be from the counsellor. However, people who come to us are already engaged in counselling with Towards Healing counsellors. The counsellors are not Catholic or anything else. Towards Healing has contractor rather than in-house counsellors. We pay for counselling, which is one of the things we can do. That is the arrangement with Towards Healing. However, I take on board the Deputy's point.

**Mr. David O'Callaghan:** Perhaps I may answer Dr. Connolly, or should I say Deputy Connolly's question.

**Deputy Catherine Connolly:** I think I require a doctor at this point.

**Mr. David O'Callaghan:** As for the question of 40 sessions, my information, from the chairperson of Towards Healing, is that it is 80 sessions.

**Chairman:** Have the witnesses finished their responses?

**Ms Mary Higgins:** I have responded to everything I had on my list. I hope I have not missed anything.

**Chairman:** I thank the witnesses for their frank answers. I will give each Deputy and Senator one opportunity to readdress any issue they need.

**Deputy Catherine Connolly:** I am not a member of the committee. Would the Chairman rather that I wait to ask a question?

**Chairman:** I will let Deputy Connolly ask her question because I have let Senator Ruane ask several already.

**Deputy Catherine Connolly:** I asked Mr. O'Callaghan several questions. I asked him if he was involved in the appointment of board members and he answered that query. I asked him if the CEO was involved.

**Mr. David O'Callaghan:** I will answer those questions now. If I missed any questions, I apologise.

**Deputy Catherine Connolly:** I asked if he specifically was involved and he said he was. I understand he does not want to go into it because there is an appeal in process but he has confirmed that he was involved in the selection procedure.

**Mr. David O'Callaghan:** Yes, I was.

**Deputy Catherine Connolly:** I asked if the CEO was involved in that procedure.

**Mr. David O'Callaghan:** She was not.

**Deputy Catherine Connolly:** It is recorded in the minutes that the Minister for Education and Skills did not give permission for the refurbishment of the premises. Deputy Thomas Byrne, who raised this issue, has left the meeting but I want it clarified that permission was not given. The Department of Education and Skills did not give permission for the refurbishment of the premises. That is recorded in the minutes. What was the list of contracts, other than suppliers, that Caranua got, such as Mazars and Capita? I address these issues to Mr. O'Callaghan as he is in charge of governance. I am very conscious of roles. He is the chair of Caranua and governance is an issue for him, together with the board, rather than the CEO. The CEO's role is to serve the board and it is there to serve the survivors. Governance is an issue for the chairman. I asked specifically whether the cut-off is 40 or 80. He clarified that the cut-off in regard to Towards Healing is 80.

**Mr. David O'Callaghan:** Yes.

**Deputy Catherine Connolly:** I again put it to the witness that a report on the Towards Healing website states that the cut-off point has changed to 40 from January 2016. The witness is not aware of that-----

**Mr. David O'Callaghan:** I am aware that there has been a change and I am aware of the cut-off point of 40 but as regards where we come in, it is the 80. We will pay over 80. We are not paying anything extra over 40.

**Deputy Catherine Connolly:** I thank the witness for clarifying that. I also asked about a waiting list. The organisation in March 2014 was described as a shambles. We are now in 2017 by the witnesses' own admission, there is an eight-month waiting list. Survivors say the list is longer but I will use the witnesses' figure of eight months. The length of the waiting list has not been addressed, notwithstanding that Caranua has its full complement of staff and that the number of survivors coming forward for the first time is at an all-time low. I do not think the Chairman wants me to interact with the witness. I would love to interact.

**Chairman:** I would rather if the Deputy put her question and allowed the witness answer it.

**Deputy Catherine Connolly:** How can Mr. O'Callaghan stand over that delay of eight months? Did the Minister give permission for all the contracts signed up to by Caranua? Again, I am addressing all of these questions to Mr. O'Callaghan. The breach of legislation was very serious. It was not just in regard to suppliers, it was in respect of the information received from the redress board. That information was misused. Was there a private company involved in that when it made its presentation in regard to the details that were received?. A presentation was given in regard to the information from the redress board-----

**Mr. David O'Callaghan:** That was before my time in Caranua. The Deputy is going way back to-----

**Chairman:** The question of whether there was a breach of legislation is not a matter for this committee.

**Deputy Catherine Connolly:** Mr. O'Callaghan has been re-appointed as chairman of Caranua. I would appreciate if the Chairman allowed me finish. We have heard from the CEO and Mr. O'Callaghan that Caranua is survivor-centred and so on. I do not see evidence of that. I am here to ask questions and I am, therefore, asking questions. If nothing was learned from a breach of legislation and the witnesses are not even aware-----

**Chairman:** I ask the Deputy to refrain from referring to a breach of legislation because-----

**Deputy Catherine Connolly:** I am not saying that. I beg the Chairman's pardon. I am extremely-----

**Chairman:** Is the Deputy going to withdraw the comment?

**Deputy Catherine Connolly:** I will tell the Chairman exactly where it was recorded. It was recorded in the minutes. The majority of the board apologised for the breach of legislation. The Minister was very concerned by the breach of legislation, as were the survivors, but the board was not aware of it until it was brought to its attention, notwithstanding that legal advice had been given on it. Mr. O'Callaghan has clarified the issue in regard to Towards Healing. It has been confirmed that there was no permission for the refurbishment of the new premises. What about the other contracts? Senator Ruane mentioned a figure of €33 million. I understand that the amount left in the fund is much bigger than that. I thought there was a different figure of €60 million still left in the fund.

**Mr. David O'Callaghan:** No.

**Senator Lynn Ruane:** This is the National Treasury Management Agency, NTMA, investment fund, so if there are other accounts-----

**Deputy Catherine Connolly:** I want the figure for the full amount that is left. Where do the decisions the chairman referred to about a cut-off date figure in the minutes? The only minutes I have not seen are those of the last March meeting. I would like an answer those questions.

**Chairman:** I would just make the point that if somebody outside this committee indicates that there is a breach of legislation, it is not necessarily up to us to make a point on it.

**Deputy Catherine Connolly:**   I am sorry. The board accepted it, not me. The board apologised for the breach of legislation brought to its attention.

**Chairman:** Yes, but the Deputy is introducing it into this-----

**Mr. David O'Callaghan:** In fairness, the Deputy is going back to the very first months, before my time.

**Deputy Catherine Connolly:** There were subsequent breaches but the Chairman does not want me to go into those.

**Chairman:** I would rather the Deputy did not. Senator Ruane wants to ask a question.

**Senator Lynn Ruane:** Has Deputy Connolly finished?

**Chairman:** She told me she was.

**Deputy Catherine Connolly:** I did not say anything at all because the Chairman interrupted me. I realise that I am extra to the committee, so to speak. It was the clarification-----

**Senator Lynn Ruane:** They are very important questions and I am willing to forgo my opportunity to speak. I have only one question.

**Deputy Catherine Connolly:** I am finished. I am sorry; it was the decisions. When the chairman sends out a letter, he knows well that it has to be clear, according to the legislation. It has to be a decision, so the survivor can appeal that decision. Is he aware at this precise time how many survivors have received letters that are not clear and therefore they cannot appeal? Some were sorted out by the appeals officer, but other survivors have been left with a letter with which they could not appeal. For example, they were told their case was complete or given some other reason, and when they went to the appeals officer it was not a decision. The ones that went to the appeals officer were corrected, but the other

ones have never been corrected. Is the chairman aware of how many survivors have got such letters that have now allowed them to appeal?

**Chairman:** I thank the Deputy for raising that.

**Senator Lynn Ruane:** I have one question, and it relates to the last question asked by Deputy Connolly. My concern is about the letters regarding their right to appeal and the number of people that received them. As the witnesses know the names of the survivors to whom those letters were sent, can they give a commitment to write to all of them informing them of their right to appeal and the process due to them? Will they contact the survivors who received those letters?

**Chairman:** I will hand back to Ms Higgins, and this will be the last response.

**Ms Mary Higgins:** The completion is not a decision, as such. It is part of the administrative process. We do not write a decision letter stating that the person's case or application is open or that we will do this or that. We have not seen it as a decision to refuse something, in which case somebody could appeal it. That is the reason for that.

**Senator Lynn Ruane:** Effectively, however, if someone is being left in limbo-----

**Ms Mary Higgins:** No. Somebody can apply again. We have got 5,000 applications. We have 12 advisers. We cannot have all of those open and active all of the time because it would not be physically possible to do that. To have some shape and order on the way we process applications, we assess people, get whatever it is that we need, make decisions, make payments and complete them on the basis that we have had the conversation with the applicant and they are satisfied that their needs have been met, and that they have not got anything pressing at the moment. If we complete, they can come back and repeat the application.

**Senator Lynn Ruane:** I refer to the live applications and the prioritisation. People are being prioritised based on new applicants.

**Ms Mary Higgins:** Yes.

**Senator Lynn Ruane:** The applications from the older applications are not being assessed. They are being left in limbo because of the prioritisation.

**Ms Mary Higgins:** Not entirely. They are not given the same priority-----

**Senator Lynn Ruane:** In a sense, it is an indirect decision because the ongoing needs of that person are not being met and the fund was set up to meet their ongoing needs. If their application is being put on the long finger, their needs might be immediate, which means they are not being assessed on the merits of their application. They are being assessed on prioritisation.

**Ms Mary Higgins:** They are. Every single application that comes in is assessed. If it is a repeat application, there would be an initial assessment to see if there is an urgent need or if this person is over 70 years of age.

**Senator Lynn Ruane:** I have a case of a 75 year old woman who I will not name. She sought help for a hip replacement and dental care and she is still trying to communicate with Caranua to get it to do that.

**Ms Mary Higgins:** Bring it-----

**Chairman:** The Senator has to raise it. I have done that with survivors and I have contacted the organisation directly. Senator Ruane needs to do that. She may have done so already.

**Senator Lynn Ruane:** I should not have to do that. It should work.

**Ms Mary Higgins:** Everything does not work.

**Senator Lynn Ruane:** If it has not worked-----

**Ms Mary Higgins:** Things go wrong.

**Chairman:** If something has been brought to Senator Ruane's attention, she should go directly to Caranua. Does Mr. O'Callaghan want to respond on anything else?

**Mr. David O'Callaghan:** Are we finished? Can I make a closing remark?

**Chairman:** Yes, when we are finished. Deputy Connolly put some questions to Mr. O'Callaghan in the last round.

**Deputy Catherine Connolly:** The waiting list.

**Chairman:** This is about refurbishment.

**Senator Lynn Ruane:** No, the waiting list.

**Deputy Catherine Connolly:** It is about the waiting list.

**Mr. David O'Callaghan:** The point about the waiting list is that there are some cases that are eight months old. As Ms Higgins said, all cases are assessed when they come in and the priority ones are dealt with urgently, the over-70s in particular, although we had an exception to that as mentioned by Senator Ruane. The current target is that by the end of June, those arrears will be reduced. The eight months will become six months and we will be making improvements as we go along. We have a limited resource. We could double our staff but those salaries would come out of the fund, so it is self-defeating.

**Chairman:** Yes. I take that point.

**Mr. David O'Callaghan:** We can only use the resources as best we can.

**Chairman:** Does Mr. O'Callaghan want to make a closing statement?

**Mr. David O'Callaghan:** I just want to thank the committee and say that I will bring all of the points made to the attention of the board. It pains me if even one survivor is being given the run-around and there is a delay. We have 12 very dedicated executive officers who are dealing with these cases. They are conscientious and all of them have a background in dealing with underprivileged and vulnerable people. They know what they are doing. We hear of the cases where we fall down but they get "thank you" letters and cards every day of the week. I was there today and one adviser got a huge box of chocolates from a survivor who is living in the United States. I would like to get the message across that there are good stories as well as bad stories. It is not just words when we say that the survivors are at the heart of what we do. We have no other *raison d'être* except to look after the survivors. We are not trying to save money or prolong this process. I am doing this purely *pro bono*, and I am happy to do it because it is well worth doing. That is all I can say. I will report everything the members said to the board.

**Chairman:** I thank Mr. O'Callaghan for that. I thank both witnesses for coming in and engaging with the committee. I appreciate that it is difficult when they are only hearing negative stories but they were the stories we had come across. We wish them well in the work they do, which is hugely important. We look forward to continued engagement and we will take up the witnesses' offer to contact them with particular cases, which I have done in the past. Senator Ruane said we should not have to do that, and I accept that, but there are cases where the survivors need that extra help and who better to give that or to be an advocate than their public representative, be that a Senator, a Deputy or a councillor. We had an engaging meeting. I learned a lot, and I appreciate the answers the witnesses gave to the many difficult questions.

The joint committee adjourned at 8.40 p.m. until 4 p.m. on Tuesday, 13 June 2016.

