

Oblates welcome government decision to establish a Trust for former residents of institutions dealt with in the Ryan Report

The Oblates have welcomed the decision by the government at Cabinet level to proceed with the establishment of a Trust for former residents of institutions dealt with in the Ryan Report.

In October 2009 the Oblates offered the government an additional voluntary and final sum of €20m (a cash contribution not to include property) towards establishment of a Statutory Trust for the benefit of the former residents of the residential institutions that were under the aegis of the State and managed by various bodies including religious orders.

Payment of the contribution was subject to clarification and agreement to ensure compliance with Charities' Law and the needs of the former residents. These issues have been dealt with separately in correspondence with the Department of Education, both during the period of the last government and since the election of the current government. The Oblates have expressed strong reservations regarding the Department of Education's proposal to exclude many past residents and their families from having access to the Trust.

The Oblates offer of an additional sum of €20m was based on the detailed Statement of Affairs rendered to the Government (viewable elsewhere on this site).

The following is a brief history regarding the Oblates and the recent Ryan Report and Redress Scheme:

- The Oblates managed reformatory institutions on behalf of the State for more than a century from 1858 to 1984 at minimum cost to the State. During the greater part of this period its services were acknowledged by the State as conferring a significant benefit on society.
- Following the closure of St. Conleth's Reformatory, Daingean, the Oblates were again requested by the Government to manage the new school, Scoil Ard Mhuire, Oberstown, Lusk from 1972. Due to lack of resources, especially the provision of child care personnel, the Oblates were obliged to withdraw from management of that school in 1984.
- The Oblate Congregation has unreservedly apologized on a number of occasions for their shortcomings during some of those years.
- The Government was solely responsible for establishing and implementing the Redress Scheme in 2002, following the apology to survivors issued by An Taoiseach, Bertie Ahern, TD, in 1999. The Redress Board was authorised to make awards to persons who had been resident in specified institutions during their childhood and who established to the Board that they were injured while so resident and that such injury was consistent with any abuse that is alleged to have occurred while so resident. The Board was specifically prohibited from addressing any issue of fault or negligence arising out of the evidence or from making any finding of fact relating to fault or negligence.
- In 2002 eighteen Religious Congregations agreed to make a contribution to the Redress fund. The Government agreed to this contribution being capped at IR£100m (€127m). Subsequently the Oblates contributed €10m in cash as their contribution. Since then the Congregation has

waived their entitlement to all legal costs from the State - to the value of €1.8m to date. We also contributed €494,991 to the Faoiseamh Counselling Service. These sums are in addition to the further offer of €20m, outlined above

- Following publication of the Ryan Report in 2009 the Dáil passed a motion which, *inter alia*:
“*[Called] on the congregations to commit to making further substantial contributions by way of reparation, in the context of discussions with the State, including into a trust to be set up and managed by the State for the support of victims and for other educational and welfare purposes....*”
- In a statement issued on 27th May 2009 the Oblates indicated their intention to:
“*...make a substantial financial contribution towards the establishment of an independent trust set up in full consultation with those who have suffered, with the Government, Church leaders and the group of religious congregations involved.*”
- On the 20th July 2009 the Oblates furnished a Statement of Affairs to the Department of the Taoiseach as had been requested. This was a full disclosure of the Congregations assets and liabilities. The Government established an independent panel to assess this.
- By letter of the 22nd October 2009 the Secretary General of the Department of Education sought details in writing of the Order’s offer to make a further contribution.
- By letter of the 30th October 2009 the Oblates informed Minister for Education, Batt O’Keeffe, TD, of a decision to make a contribution of €20m in response to the Taoiseach’s call and on the basis set out in the letter. The letter specifically drew attention to the fact that the contribution came from charitable funds and that this must have a bearing on the use to which it was put.
- In 2011 the Government issued draft heads of the Bill to establish the Statutory Trust. This was the first indication we received of an intention to restrict access to the Trust solely to those who had already received Redress payments. As already indicated we have been in contact with Department officials since that date to make clear our difficulties with this aspect of the proposed legislation.
- The Oblates expect to hold further meetings regarding access to the Trust and the response to our expressed concern on Charities’ Law. We are available at any time to meet The Minister for Education and / or his officials to resolve outstanding issues in relation to the legislation that is now planned.