



Re: Justice Quirke briefing

James O. Martin to Eileen.Kehoe

05/06/2013 10:31

Cc: Damien P. Brennan, Denis X. Griffin

Bcc: Gerry A. McDonagh, Therese M. Molyneux, Loretta A. Barrett

Hi Eileen

1. Our Minister's private secretary Damien Brennan is going to coordinate the Quirke briefing.

2. I talked to our Secretary General yesterday. Provisional plan, subject to agreement of Minister, is

circulate by hand draft Memo for Gov plus hard copies of report next week for consideration the week after

Memo will seek

decision on implementation of cash payments so application process will be ready when announcement made;

decision to set up inter-Departmental committee to advise on implementation of other aspects which are longer term and may require legislation

Jimmy

Eileen.Kehoe

Jimmy, The Taoiseach will be out of the country o...

04/06/2013 11:39:41

From: Eileen.Kehoe@taoiseach.gov.ie
To: JOMartin@justice.ie
Date: 04/06/2013 11:39
Subject: Justice Quirke briefing

Jimmy,

The Taoiseach will be out of the country on 10 June. P/Sec is looking to see if morning of 11th might suit..but that's not a firm proposal yet.

Eileen

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Department's E-mail Disclaimer:

Administrative arrangements:

1. Decision Accept or Reject Quirke Report

- 1.1 Requires Memo for Government and contact with
Taoiseach
Tánaiste
DPER
AG
Justice,
Health
Social Protection
Education and possibly
Finance/ Revenue (taxation and for verification of applications).

to do estimate of costs and legal administrative feasibility.

Should we circulate report to Departments or should we establish a working group to thrash out issues with reps from each Department?

- 1.2 Government could decide to implement cash element straight away as others are quite complicated and will take longer to implement.

For cash element Recommendation 3,4,5, 7 and 8 need

- to design application form,
basic id
records to show institution and duration (tell them where they can get them)
consent to access personal data and links with religious and Government Departments for data to verify applications,
further details would be required for medical card, pension and social welfare payment

- **have it immediately available** and partly filled out on basis of registration form
- have people outside the Department available to assist in completion of form (Citizens Advice Board ?)
- have protocol on what is position of vulnerable/intellectually disabled
- have sufficient staff to deal with several hundred phone calls, process forms, verify incomplete records and process payments

- decide whether we should advertise internationally (very expensive €0.5m +)
- have protocol to verify that person is eligible and for what duration (links

- with Revenue, Social Protection and Religious to verify data)
- establish procedures and interviews to deal with those with no or incomplete records
 - establish how legal advice to be accessed and paid for
 - establish how payments are to be made both here and abroad and how to confirm recipient still alive
 - establish appeals process independent of Department
 - establish procedures for persons outside State, including payment for establishment of trust
-
- get Social Protection to exempt payments for means testing purposes
 - Finance to decide on taxation

2. Recommendation 1 Special Medical Card

This is a matter primarily for Health to advise as regards costs and legal and administrative feasibility.

3. Recommendation 2 State Pension minimum and pre pension minimum

3.1 The Department of Justice has no expertise, administrative supports or access to relevant data in the area of contributory or non contributory pensions. Justice will have to be tasked with identifying and verifying who is eligible but then a detailed and quite in depth analysis of each individual's personal circumstances would be required to establish:

- what are the person's existing pension entitlements and payments ?
- what is required to bring them up to the minimum pension payment ?
- what is required to ensure they are updated as amounts are adjusted over time ?

In the vast majority of cases the relevant data and payment mechanisms will already exist in Social Protection.

Questions

If a person has a Public service or private pension in excess of minimum, presumably that should be taken into account when calculating minimum, if not surely any new payment should be taxable ?

If a person is abroad (107) and is getting a pension there, how should we deal with it. The UK pension is approximately £110/140 or €130/€160. Should we make payments to people in receipt of a full UK pension to bring them up to the Irish rate €230 ? presumably yes as if they had worked in Ireland they would

have earned a contributory pension

3.2 Pre-pension minimum payment of €100. It is not clear to what circumstances this applies as standard job seekers or disability payments in Ireland would exceed €100.

Questions

Presumably this is a minimum thresh hold so other income whether social welfare, supplementary allowances or private income should be taken into account ?

Should income of partner be included?

Provisional Estimate of Numbers and costs for Quirke Magdalen Scheme

NOTE The figures are very rough estimates and have not been confirmed with other Departments. They are based on extrapolations as to the duration of stay and average age based on information received in the context of registration of interests and the Quirke report. Costs have not been confirmed.

We know of 555 women who were in or claim to have been in a Magdalen laundry or Stanhope Street.

We continue to receive notices of registration of interest and it would not be surprising if another 25% apply once the amounts of payments are known bringing the total up to 695.

We would assume that the maximum number would be 1,000.

This gives a range of possible costs.

Recommendation 1 Access to Health (Amendment) Act 1996 Medical card.

Primarily for Health. In an informal conversation they indicated that average cost of medical card under 70 is €1,050 and over 70 is €2,100. They would assume 95% of over 70's already have a medical card and 30% of those under 70 would have a medical card already.

A very rough estimate would be

555 women: 350 under 70 by 70% = €256,993 + 5% of 205 over 70 = €21,525
total €278,500

+25% €347,500

1000 women €500,000.

Recommendation 2 State Pension

Despite their efforts to steer Judge Quirke to this Department, this is really a matter for Social Protection who have the expertise and who have not shared any information with us.

The State Contributory pension is €230. The Non contributory pension is €219 under 80 and €229 over 80. There are tax and means testing issues. Presumably 90% of those of pensionable age (60%) are already receiving at least €219 per week.

90 % of 60% of 555 by €11 by 52 weeks = €171,600.

Allowing for 10% (possibly abroad) of the 60% having to receive the full €230 = €398,268

Possible cost per annum

555 women: **€570,000 per annum**

+25% €700,000

1000 women. €1,000,000

The report also talks about a minimum of €100 per week for a person under 66. It states "that it is intended to ensure a minimum level of income inclusive of any other State benefits but not in addition to such benefits" (page 40 chapter 5). It is not clear what exactly this means. Any person in Ireland living on their own would be entitled to job seekers allowance (€188) or a disability pension (€188). If the person was working and earning more than the minimum wage there would be no need to supplement their income. There may be a stay at home spouse who is not seeking work and is being supported by her husband but surely if their total income is high, the wife is not intended to get an income of €100 on top of the husband's income. There may be some exceptional circumstances where a woman living independently may fall through cracks in the social welfare system and have an income less than €100 per week and no one to support her. This may apply in particular to women living abroad.

cost unknown

Recommendation 3 and 4 Capital and income payment

Judge Quirke recommends that any capital payment in excess of €50,000 be converted to a weekly payment for life. The figures below are calculated on €50k plus annual payment rather than the total notional capital payment.

Estimated cost

555 women Initial payment of **€22m** plus annual payments **€700,000 per annum.**

+25% Initial payment of €27.5m plus annual payments €875,000 per annum.

1,000 women Initial payment of €40m plus annual payments €1,260,000 per annum.

Recommendation 5 Exempt from income tax and means testing.

Exemption from income tax matter for Finance and requires primary legislation.

Exemption for means testing can be done by Minister for Social Protection by order.

*** Recommendation 6 Dedicated unit**

This recommendation is a bit confused in thinking. It seems to envisage a helpline, mediation body, representative and social body all in the one organisation. If done on a professional basis that would be very expensive and could cost €250,000 to €500,000 a year. It would make more sense to use existing bodies (Citizens Advice Board etc.) to carry out certain functions and perhaps provide grant aid to voluntary body for a limited number of years.

Recommendation 7 Eligibility Process

The processing and verification of applications will impose a very significant administrative burden on the Departments involved. Justice will have to establish a dedicated unit with a minimum of 5 staff for a period of at least 12 months. An appeals mechanism will also need to be established (possibly using the Ombudsman's office or else pay an arbitrator on a case by case basis).

Recommendation 8 Legal advice for waiver

One presumably would be talking of a fee in the region €100 to €200 per case. On this basis costs would be in the region of

555 women = €100,000

+25% = €125,000

1,000 = €200,000

Recommendation 9 Issue of direction to HSE matter for Health - not aware of the cost implications

Tables used to calculate costs are attached.

J. Martin
31 May 2013

Numbers

Years	Mag 338 who gave data	Mag total known 466	Stanhope 89	total known 555	+25% 695	max. 1,000
0-1	61	74	8	82	103	
1- 2	58	70	17	87	109	
2-3	35	42	39*	81	101	
3-4	33	29	11	40	50	
4-5	23	27	3	30	38	
5-6	23	27	9	36 (356)	45	
6-7	21	29	0	29	36	
7-8	11	15	0	15	19	
8-9	7	11	0	11	14	
9-10	9	12	1	13 (424)	16	
10+	55	130	1	131	164	
		(i) assumes 98 of 116 in care 10+ years (ii) extrapolated from column 2	(i) 8 for which no data included in 2-3 years	(Columns 3+4)		

Capital costs

Years (midpoint taken as average eg 0-1 = 6 months+)	total known 555 women	+25% additional applicants 695 women	1,000 women	
0-1 €14.5k	82 = €1.189m	103 = €1.494m		
1-2 €26.5k	87 = €2.306m	109 = €2.889m		
2-3 €38.5k	81 = €3.119m	101 = €3.999m		
3-4 €50.5k	40 = €2.02m	50 = €2.525 m		
4-5 €50k+12.5k	30 = €1.5m (1.875m)	38 = €1.9m (2.375)		
5-6 €50k+23k	36 = €1.8m (2.628)	45 = €2.25m (3.285)		
6-7 €50k+29k	29 = €1.45m (2.291)	36 = €1.8m (2.844)		
7-8 €50k+35k	15 = €0.75m (1.275)	19 = €0.95m (1.615)		
8-9 €50k+41k	11 = €0.55m (1.001)	14 = €0.7m (1.274)		
9-10 €50k+47k	13 = €0.65m (1.261)	16 = €0.8m (1.552)		
10+ €50k+50k	131 = €6.55m (13.1)	164 = €8.2m (16.4)		
	€21.884m (€32.065)	€27.5m (€40.252)	€39.43m (€57.775m)	

Weekly payments -assumes average age of 65

Number	- duration	weekly payment	annual cost
30	4-5years	1.33 by 12.5k = €16.625	€25,935
36	5-6years	1.33 by 23k = €30.59	€57,265
29	6-7years	1.33 by 29 = €38.57	€58,164
15	7-8years	1.33 by 35k = €46.55	€36,309
11	8-9 years	1.33 by 41k = €54.53	€31,191
13	9-10 years	1.33 by 47k = €62.51	€42,256
131	10+	1.33 by 50k = €66.5	€452,998 (total €704,118)

Annual payment 555 applicants = €700,000

Annual payment 695 applicants = €875,000

Annual payment 1,000 applicants = €1,261,000

Medical cards

Age profile

Total	Excluding those in care with Religious Orders	Including those in care with Religious Orders	Total in Percentage Terms
Under 50	9	11	3%
50 -60	70	74	19%
60-65	67	74	19%
66-70	72	84	22%
70-75	43	57	15%
75-80	22	33	9%
over 80	32	53	14%
315	386		100%

Life expectancy for women 81.6 years

Magdalen Laundries

433 Registration forms for the 10 Magdalen Laundries were examined.
52 listed as current residents, these were not included.

338 contained information regarding time spent and this is the number used to obtain averages etc.

Magdalen Laundries

Number of years	No.
1 year and less:	61
1-2 years:	58
2-3 years:	35
3-4 years:	33
4-5 years:	23
5-6 years:	23
6-7 years:	21
7-8 years:	11
8-9 years:	7
9-10 years:	9
10-11 years:	5
11-12 years:	3
12-13 years:	3
13-14 years:	5
15-16 years:	2
16-17 years:	5
17-18 years:	1
18-19 years:	3
19-20 years:	4
20-21 years:	1
21-22 years:	1
25-26 years:	1
26-27 years:	1
27-28 years:	2
28-29 years:	1
29-30 years:	1
33-34 years:	1
34-35 years:	2
36-37 years:	1
39-40 years:	2
43-44 years:	1
44-45 years:	1
49-50 years:	1
50-51 years:	3
55-57 years:	1
59-60 years:	1
60-61 years:	1
64-65 years:	1
68-69 years:	1
76-77 years:	1

13-78	
10-71 y 10-72	1
	338

Stanhope Street:

89 Registration forms for Stanhope Street were examined.

81 contained information regarding time spent and this is the number used to obtain averages etc.

Stanhope Street	
Number of years	No.
1 year and less:	8
1-2 years:	17
2-3 years:	31
3-4 years:	11
4-5 years	3
5-6 years	9
9-10 years:	1
14-15 years:	1
	81

Institution	Numbers	Years* estimate	Cash Payments** low - high
(i) Expressions of interest Magdalen	349 (+ 83 religious care) (22 May 2013)	most of 349 would be 2-5 years	€10.47m - €26.175m
(ii) Those in care of religious	116***	most of 116 would be long term 20-40 years	€11.6m - €46.4m
(iii) Stanhope street	89	average likely to 2-3 years	€ 3.3375m
minimum	554		€25.4m - €75.9m
assuming another 25% yet to come forward	700		€31.75m - €95m
maximum	1,000		€45.8m - €137m

*Chapter 8 of the McAleese report shows on the basis of 45% of the women where length of stay was known the median duration was 7 months. However over 470 stayed longer than 10 years and the maximum stay was over 65 years. The accounts of the women seen to date indicate a stay of in the region of 2 -5 years. The stay in Stanhope Street would be more consistent 2-3 years.

** cash payments Average earnings for females in laundry work adjusted to 2013 values in the period 1945 to 1978

were €245 to €320 per week or €12,740 to €16,640 per annum.

Assume cash payments have minimum and maximum as per below at rate of €15,000 per year.

1 year = €15,000

20 years + = €100,000 / 40 years + = €400,000

***Most of the institutions closed in the 1980's (last one in 1996). These surviving women in religious care were likely to have spent a long time in the institutions. Assuming an average age of 75, they probably entered in their 20's would have spent last 20-30 years in care but could have spent 20 - 30 years in the Magdalen laundry prior to that.

Religious Sisters of Charity have 38 women in care (confirmed 16/5/2013)

Sisters of our Lady of Charity have 29

Good Shepherds have in the region of 48

Sisters of Mercy have 1

total 116