

MOTHER AND BABY HOMES COMMISSION OF INVESTIGATION

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3rd December 2018

Dr Katherine Zappone TD
Minister for Children and Youth Affairs
43 – 49 Mespil Road
Dublin 4

**Re: Interim Report in accordance with Sections 6(6) and 33(3) of the
Commissions of Investigation Act 2004.**

Dear Minister,

Please find enclosed Interim Report of the Commission in accordance with Sections 6(6) and 33(3) of the Commissions of Investigation Act 2004.

We look forward to your response in due course.

Yours sincerely


Judge Yvonne Murphy
Chairperson

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4th Interim Report

December 2018

A request for the revision of the timeframe for submitting the final reports under Section 6(6) of the Commissions of Investigation Act 2004

1. Introduction

1.1 The Commission of Investigation into Mother and Baby Homes and Certain Related Matters was established on 17 February 2015. Its Terms of Reference are set out in Statutory Instrument 57/2015.

1.2 The Commission's final reports are due to be delivered to the Minister for Children and Youth Affairs by 17 February 2019. The Commission recognises that it will not be possible to complete the report within this timeframe and now requests that, under Section 6(6) of the Commissions of Investigation Act 2004, the timeframe for the delivery of the reports be extended to 17 February 2020.

1.3 The Commission does not consider that this change will require any change to the statement of costs which accompanied the Terms of Reference.

2. The Work of the Commission to date

Confidential Committee

2.1 The role of the Confidential Committee is to "provide a forum for persons who were formerly resident in the homes [listed in the Terms of Reference] or who worked in these institutions ... to provide accounts of their experiences...as informally as is possible in the circumstances".

2.2 To date (1 December 2018), the Confidential Committee has met 519 former residents or others with connections to the institutions under investigation. These meetings were held in Birmingham, Cavan, Cork, Donegal, Dublin, Galway, Kilkenny, Limerick, London, Manchester, Monaghan, Navan, Offaly, Portlaoise, Roscommon, Tipperary, Tuam, Sligo, Wexford and Waterford. In a small number of cases, the meetings took place in the individual's home. There are 26 individuals awaiting hearings; some of these are residents of the USA and the hearings will be conducted by Skype. It is expected that all will be completed by January 2019.

The investigation

2.3 The Commission's 3rd Interim Report set out how the Commission was collecting and analysing the relevant information to fulfil the Terms of Reference. The process of collecting and analysing the information which was compiled in the institutions under investigation is almost complete. This information includes the various registers of entry, exit, birth and death and, in some cases, further information on background and health. Considerable work remains to be done to cross reference the information in these documents with other sources. For example, St Patrick's, Navan Road/Pelletstown was an integral part of the Dublin Union. In the 1920s and 1930s, women entered Pelletstown via the Dublin Union. The registers from the Dublin Union and Pelletstown have had to be matched to ensure that the women concerned and the children are not counted twice.

2.4 The records of Regina Coeli have been manually photocopied by the Commission. Regina Coeli was not a traditional mother and baby home. Children stayed with their mothers. It also served as a hostel for homeless women and children so a number of women spent a number of different periods there. Some of the women also spent time in other mother and baby homes, mainly Pelletstown. Sometimes Regina Coeli was used as emergency accommodation while awaiting a place in a mother and baby home. The Commission is engaged in detailed cross-checking of all the records in order to ensure that the entry and exit pathways to the different institutions are correctly described.

2.5 The Commission continues to hear evidence from relevant individuals about conditions in the institutions. These include former residents, workers and representatives of the authorities who ran the institutions. In cases where individuals are unable to give evidence in person, for whatever reason, the Commission is making arrangements to have affidavits sworn. This process is not yet complete and, particularly in respect of the authorities who ran the institutions, cannot be completed until all the documentary evidence has been analysed.

3. Discovery

3.1 The Commission has been provided with extensive material by the Department of Health and the Department of Children and Youth Affairs.

3.2 The Commission is grateful to the departments for the material provided and, indeed, a comprehensive and accurate report would not be possible without access to this material.

However, the Commission has only recently received the bulk of this material and further material is in the process of being provided.

3.3 The first tranche of discovery was delivered in March 2017. This consisted of over 12,000 pages. The second tranche was delivered in March 2018 and consisted of over 54,000 pages. Two further tranches were delivered in June 2018 consisting of approximately 36,000 pages. The Commission was informed in November 2018 that a further 277 relevant files were available. The Commission does not yet know the extent of the material in these files but it is likely to run to many thousands of pages. The Commission expects to receive these in December 2018.

3.4 The more than 100,000 pages already received cover a wide range of relevant matters and include some detailed returns made to the department by mother and baby homes and local authorities that were responsible for children in various institutions, including mother and baby homes, and for boarded out children. The Commission is painstakingly analysing these and matching them with the records which were maintained in the institutions. When complete, this should provide as comprehensive an account as is possible of the pathways of the children concerned. These files also include detailed information on some of the mother and baby homes and on county homes.

3.5 The Commission continues to receive documentation from other sources including the HSE. The Commission acknowledges the efforts made by HSE staff to find relevant documentation but is dismayed that so little has been found. It is clear that the HSE does not have any system, much less a proper system, of storing and archiving material. In its 3rd Interim Report, the Commission expressed the view that the inability of the HSE to provide relevant material may be due to the change in structures over the years. However, it is difficult to understand how relatively recent documentation is not available. For example, the North Western Health Board, and subsequently the HSE, was intensively involved in the running of one of the institutions under investigation – The Castle, Newtowncunningham, Co Donegal. This opened in 1984 and closed in 2006. The HSE has been unable to provide any documentation on its involvement with this institution. Fortunately, the records of admissions and departures as well as the detailed diary maintained by the staff were held by St Mura's Adoption Society in Letterkenny and made available to the Commission. (The Commission understands that these records were handed over to the Child and Family Agency recently.)

4. Burial arrangements

4.1 As reported in the 3rd Interim Report, the Commission has had difficulties finding out more about the burial arrangements in a number of different institutions. The drafters of the Commission's Terms of Reference are unlikely to have foreseen the extent of the problem and the amount of time and effort that has had to be given to this issue. Some new information came to light during 2018 and all such information is being further examined. On 23 October 2018, the Government announced its decision to conduct a forensic excavation of the burial ground at the Tuam Children's Home.¹ Since then, a number of people have come forward with further information about burial practices in a number of the institutions under investigation. The Commission is in the process of interviewing these people and checking the information being provided.

4.2 The Commission had intended to submit a detailed report on burials as part of this Interim Report. This has not been possible for two reasons. One is that further information came to light in the past few months and has yet to be fully investigated. The other is that Section 34 of the Commissions of Investigation Act 2004 requires that the Commission send a draft of the relevant part of its report to any person who is identified or identifiable from the draft report. The Commission is engaging at present with the persons concerned about the drafts and so they are not yet ready for submission. It is the Commission's intention to submit an Interim Report on burials early in 2019.

5. Conclusion

5.1 The Commission is acutely conscious of its responsibility to produce an accurate comprehensive report on the issues outlined in its Terms of Reference. As it receives further information, both documentary and as personal evidence, previous conclusions have had to be revisited and sections of the report rewritten. The Commission recognises that the delay in concluding the reports will be a disappointment to the former residents of the institutions but emphasises the importance of the accurate and comprehensive telling of their story.

5.2 The Commission, therefore, recognises that it will not be able to conclude the investigation and issue its reports within the current timeframe and requests an extension of one year to allow it to do so.

¹ See Press Release 23 October 2018: <https://www.dcy.gov.ie/docs/EN/Press-Releases-copy-dcya-gov-ie-2018/81/4983.htm>