

Background Statement on the Report of the Collaborative Forum

The Forum – its mandate and Report

The Collaborative Forum of Former Residents of Mother and Baby Homes and Related Institutions was first established in July 2018. The Forum consisted of 19 representative members (selected by an independently managed public call for expressions of interest) and a Chairperson appointed by the Minister. Its purpose was to enable and empower former residents to identify, discuss and prioritise the issues of concern to them, and facilitate the active participation of former residents in recommending actions and solutions to address those concerns. The Forum did not have a statutory basis and its work was not intended to be inquisitorial in nature. It was a collaborative survivor-centred endeavour designed to ensure that the voices of survivors could be heard in the context of the State's response and related policy making functions. As such, the Forum's mandate was to make recommendations on issues of concern to survivors to inform Government policy.

The Collaborative Forum was entirely separate to the Commission of Investigation into Mother and Baby Homes and, in accordance with its Charter, the Forum was to conduct its activities in a manner which would not impact upon, or pre-empt the outcome of, the statutory investigation. A copy of the Collaborative Forum's full report was provided to the Commission of Investigation by the Department to ensure that the Commission had an opportunity to consider the views and recommendations of the Forum to the extent that the independent Commission deemed appropriate. The Commission's Final Report was published in 2021 and it can be accessed [\[here\]](#).

Three sub-committees of the Collaborative Forum were tasked with examining specific issues to facilitate the Forum in reporting and making recommendations to the Minister. The three modules were:

1. Identity, Information, Terminology & Representation;
2. Health and Well-being Supports, and
3. Memorialisation and Personal Narratives.

While the Department of Children, Equality, Disability, Integration and Youth provided administrative resources to facilitate the Collaborative Forum process, the independent Forum decided how to go about its work. The narrative and recommendations of the Report are based on the knowledge, experience and sincerely held views of the survivors who contributed to it. As the Forum was not structured to adjudicate on contested matters, the Forum did not engage with third parties in the preparation of its report, other than to the extent referenced within the report and its footnotes. As such, a right of reply was not provided to third parties in the preparation of the report..

The Forum delivered its Report to the then Minister for Children and Youth Affairs, Dr. Katherine Zappone in December 2018, delivering on its initial mandate. While the Government fully respects the right of the Forum to articulate its views and opinions, this should not be interpreted to mean that the Government necessarily endorses all of the recommendations, commentary or criticisms within the Forum's report. The views expressed in the report are those of the independent Forum and those it consulted with in the course of its work.

The recommendations of the Forum were published in April 2019, however legal advice received by the Department at that time indicated that the full report could not be published while the matters it

referred to were still under consideration by the Commission of Investigation. The separate requirement to address natural justice considerations was also identified and explained to Forum members at that time.

Right of Reply process

Following the publication of the Final Report of the Commission of Investigation in January 2021, the Department commenced a process to allow named organisations or individuals in the Forum's report an opportunity to review relevant sections and provide whatever observations they deemed appropriate. While it was entirely a matter for the independent Forum to determine how it conducted its work, this secondary process was undertaken because the Department, as sponsors of the Forum, had a duty to protect the process and its participants by ensuring that fair procedures and related standard legal considerations were followed.

In terms of the right of reply process, a total of nine parties, including the Department of Children, Equality, Disability, Integration and Youth were identified as being the subject of criticism in the Forum's report. The sections relevant to each party were extracted into individual documents and, where possible, provided to the relevant parties.

Each party was provided with general background information on the Collaborative Forum and advised of the intention to publish the Report. Parties were invited to review relevant sections and advised that any observations returned would be considered by the Department in conjunction with the Office of the Attorney General prior finalising arrangements for publication.

This process has now been concluded.

Impact of the Recommendations of the Collaborative Forum

The recommendations of the Collaborative Forum have influenced much of the important work being progressed to address the priority concerns of survivors and their families. Many related issues are directly reflected in the [Government's Action Plan for Survivors and Former Residents of Mother and Baby and County Home Institutions](#). Since the Forum completed its work, there have been significant developments on issues reflected in its recommendations, including:

- Enactment and commencement of the Birth Information and Tracing Act 2022. This landmark legislation has been long awaited by many, and provides a full and clear right of access to birth certificates, birth and early life information for all persons who were adopted, boarded out, the subject of an illegal birth registration or who otherwise have questions in relation to their origins. This issue was a significant focus of the Forum's report and at the core of the Forum's recommendations;
- Work on establishing the Mother and Baby Institutions Payment Scheme, including access to an enhanced medical card. The legislation is currently before the Oireachtas;
- Enactment of the Institutional Burials Act 2022 providing a legislative basis for intervention to recover and respectfully re-inter of remains buried in a manifestly inappropriate manner. It also provides for the identification of remains and their return to family members, where possible. On 4 October, and following resolutions in the Dáil and Seanad, Government made the Order to establish the independent Office to lead the intervention at the site of the former Mother and Baby institution in Tuam, Co. Galway.

- Announcement of proposals for a National Centre for Research and Remembrance, as well as a related initiative to record and acknowledge the personal accounts of survivors;
- Research on language and terminology which is expected to be published shortly;
- Funding for local groups wishing to organise commemorative events and work to support nationwide local memorials in accordance with the wishes of survivors.