

# **3<sup>rd</sup> Interim Report**

**September 2017**

**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 Minister for Children and Youth Affairs appointed Judge Yvonne Murphy as Chairperson of the Commission and Professor Mary Daly and Dr William Duncan as members of the Commission.

1.3 The Terms of Reference of the Commission initially required it to produce three final reports:

- Confidential Committee report: to be submitted by 17 August 2016
- Social History report: to be submitted by 17 August 2016
- Report of the investigation into the 14 named Mother and Baby Homes and a representative sample of county homes: to be submitted by 17 February 2018.

When the Commission was established, the then Minister for Children and Youth Affairs described the timescale for the Commission's reports as "ambitious" and so it has proven to be.

On 27 July 2016, following receipt of the Commission's 1<sup>st</sup> Interim Report, the Government agreed to the Commission's request to extend the timeframe for the first two of these reports. This means that all three reports are due to be delivered to the Minister for Children and Youth Affairs by 17 February 2018. The Commission recognises that it will not be possible to complete these reports 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 2019.

1.4 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**

2.1 As was set out in its 1<sup>st</sup> Interim Report, the Commission has been working on all three reports in tandem. The Commission is strongly of the view that all three reports should be published together as they are interrelated.

### **Confidential Committee**

2.2 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”.

2.3 The Commission’s 1<sup>st</sup> Interim report, which was compiled in July 2016, outlined the numbers of people who had contacted the Committee at that stage. A further advertising campaign and the publicity surrounding the Commission’s announcement of its findings at the Tuam site resulted in many more applying to meet the Committee.

2.4 To date, the Confidential Committee has met 346 former residents or others with connections to the institutions under investigation. These meetings were held in Cork, Donegal, Dublin, Galway, Kilkenny, Limerick, London, Manchester, Navan, Portlaoise, Wexford and Waterford. In a small number of cases, the meetings took place in the individual’s home.

2.5 Almost 200 others have applied to meet the Committee and arrangements are being put in place to meet them.

2.6 A number of other people have expressed an interest in meeting the Committee but have not yet completed an application form.

2.7 It is not possible for the Confidential Committee to meet all of the people concerned and complete its report by February 2018.

### **The investigation**

2.8 The Commission’s Terms of Reference are very wide. They involve analysing information about mothers and children who were resident in the 14 named Mother and Baby Homes and the four County Homes chosen as a representative sample by the Commission. They require the collection and analysis of information about entry and exit

pathways for those mothers and children; living conditions, mortality rates, post-mortem practices and vaccine trials in the institutions; and practices in relation to placement for fostering and adoption. Some of these issues have proved to be very time consuming – in particular, the Commission has spent considerable time trying to establish the burial practices in Tuam.

2.9 The Commission has collected a vast range of documentary material relating to the institutions under investigation. The records of admission, residence and discharge of the large Mother and Baby Homes are held by the Child and Family Agency. Most of these records are in paper form. In order to make detailed analysis possible, the Commission decided to electronically scan the relevant records. This process is taking considerable time. The Commission has either electronically scanned or photocopied the records of institutions whose records are not held by the Child and Family Agency. At this stage (September 2017), the Commission has electronically scanned or photocopied the records from 11 of the 14 named Mother and Baby Homes. The records for another institution are being scanned at present. There is one institution for which records are probably not available and one whose records may be available but are very difficult to extract from a larger collection of records. The scanned and photocopied records are being analysed. This analysis will not be completed until mid 2018.

2.10 The records of the four County Homes are held either by the HSE, the National Archives or local archives. These are all being examined and analysed manually. Unmarried mothers and children were a relatively small minority of the residents of County Homes. County Homes also housed, among others, homeless married parents with their children as well as children of married parents who were there without their parents. It is a complex task to establish which residents are within the remit of the Commission.

2.11 The Commission has also collected a wide variety of documentary material from other archives, in particular, the National Archives, local authority archives and diocesan archives. Relevant material has also been collected from local and national newspapers and other media outlets.

2.12 Orders for discovery have been served on the religious congregations who ran or worked in the various institutions and they have provided a range of relevant material. Some have very little material available while others have provided extensive material. Similarly, the relevant state authorities – Government Departments, local authorities and the HSE -

have also been issued with discovery orders. Extensive material has been provided but this process is not yet complete.

2.13 It is clear that there is extensive information available about certain aspects of the institutions under investigation and this will take some time to analyse. However, there are also significant gaps in the available material and further searches have to be made to try to fill these gaps. For example, the records of some of the various health authorities are proving difficult to find. It is not clear if they have been lost or destroyed or simply that no one knows where they are. This may be due to the changes in structures over the years – from local authorities/Board of Guardians/Boards of Public Assistance to health boards and then to the HSE and, in some cases, to the Child and Family Agency. The Commission is continuing its efforts to find this material.

While there are detailed death records available, there are significant gaps in the information available about the burials of babies who died in a number of the institutions under investigation. The Commission is continuing to make inquiries about burials and burial records but it appears that this is an area in which it will be difficult to establish the facts.

2.14 The Commission has heard evidence from 140 individuals about conditions in the institutions. These include former residents, workers and representatives of the authorities who ran the institutions. 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. Conclusion**

3.1 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.