

17th June 2022

Ms. Miriam Reilly

info@sdublincoco.ie

Reference Number: M03/0222

Dear Ms. Reilly,

Please accept my apologies for the time it has taken for a response to issue to you.

In December 2021, Minister Roderic O’Gorman agreed to settle eight judicial review cases in relation to the Final Report of the Commission of Investigation into Mother and Baby Homes in light of the evidence given by the applicants in the two lead cases to the Court on the procedural matter of being identifiable.

As part of this settlement, the Minister published an acknowledgement alongside the Final Report stating that a number of survivors do not accept the accounts given in the Final Report as a true and full reflection of what they said to the Confidential Committee or the Commission of Investigation. The Minister has always recognised the concerns of some survivors about the Final Report and this written statement formalises that acknowledgement.

In light of the evidence on identity presented to the Court by the applicants in the two lead cases, the Minister also consented to a declaration that the Commission, by failing to provide the applicants, who were identifiable in the Final Report, with a draft of the report, or relevant part of the report, as required by section 34(1) of the Commission of Investigation Act 2004 prior to submitting the Final Report to the Minister, acted in breach of statutory duty. These acknowledgements are available to view in full on our Department's website at www.gov.ie/dcediy.

The Commission of Investigation into Mother and Baby Homes carried out a significant and wide-ranging statutory inquiry using powers under the Commissions of Investigation Act, 2004. It carried out its inquiry independent of Government, and relied on the testimony of hundreds of survivors and millions of pages of documentary evidence. While it is acknowledged that specific paragraphs are not accepted by a number of survivors, the Department is also aware that some of those paragraphs may reflect the experiences and evidence of other survivors.

In March of this year, the Minister published the Heads of the Mother and Baby Institutions Payment Scheme Bill and secured Government approval for the referral of these draft Heads of Bill to the Office of Parliamentary Council for drafting.

The Minister has also referred the draft Heads of Bill to the Joint Oireachtas Committee on Children, Equality, Disability, Integration and Youth for pre-legislative scrutiny.

The Heads of the Mother and Baby Institutions Payment Scheme Bill were developed taking a range of important matters into consideration, including the feedback from a public consultation process. It takes account of the recommendations in the Final Report of the Commission of Investigation, but also goes well beyond these recommendations. In particular, the Scheme will include:

- Women who spent time in the institutions before and after 1974
- All children who spent more than six months in one of the institutions, regardless of whether they were ‘accompanied’ or ‘unaccompanied’

- All women regardless of the time spent in an institution.

Extensive engagement with survivors made it clear that it was a priority that the Scheme be non-adversarial, simple and require a low burden of proof. This is what the approved Heads of the Mother and Baby Institutions Payment Scheme Bill seek to deliver.

Through the legislative process there will be an opportunity to examine any issues or concerns that have been raised in relation to the Scheme. Once the legislation has been passed by the Oireachtas and the administrative infrastructure required to deliver the Scheme has been established, the Scheme will be open for applications for both financial awards and enhanced medical cards. It is hoped that this will be possible by the end of 2022.

Yours sincerely

Lisa Hughes

Private Secretary to Minister Roderic O’Gorman TD