

Government approves additional time for the Commission of Investigation into Mother and Baby Homes to complete the Confidential Committee and Social History Reports

27 July 2016

Frequently Asked Questions

1. What has the Government decided?

At its meeting today (27 July 2016), the Government agreed to a request from the Commission of Investigation into Mother and Baby Homes for further time to complete its first two reports. These reports, namely the Report of the Confidential Committee and the Report of the Academic Social History, were originally due to be completed in August 2016. The Government has now agreed that the Commission may submit these Reports at the same time as its overall Investigative Report which is due to be completed by February 2018.

2. What is being published today?

The Minister for Children and Youth Affairs is publishing the Interim Report (12 July 2016) submitted by the Commission in support of its request for this time extension. It is available on the website of her Department at www.dcy.gov.ie.

3. Why does the Commission need more time?

The reasons for the additional time are set out in the Commission's Interim Report. Firstly, the Commission requires additional time to facilitate the large number of people who wish to give valuable testimony in person to the Commission. The Commission estimates that it will take at least another year to meet all the people who have expressed a desire to speak to the Confidential Committee. Secondly, the Commission has undertaken extensive research to identify relevant sources of information from archive records. A large volume of new information has been uncovered and additional time is required to produce the required comprehensive historical analysis covering the period 1922-1998.

4. What amendment is being made to the Terms of Reference to facilitate this extension?

Pursuant to section 6(6) of the Commissions of Investigation Act 2004, the Terms of Reference contained in the Schedule to Statutory Instrument No. 57 of 2015 have been amended by substituting Article 5 for the following:

"The Commission shall complete the reports required in relation to its investigation no later than 36 months from the date of its establishment."

5. Does this amendment change the focus of the inquiry, or the institutions which are being examined?

No, it does not. This change only amends the timeframe for completion of the first two reports in Commission's work programme.

6. Why has the Government agreed to this extension for the first two Reports?

The Government wants to facilitate the Commission to comprehensively investigate the matters of significant public concern referred to it. Given the complexity of an inquiry of this scale, and the new information being uncovered, the Commission has sought additional time to conclude all relevant lines of inquiry. The Government considers that the public interest, in addition to the personal interest of former residents awaiting an opportunity to engage directly with the Commission, is best served by allowing the additional time requested to complete this work.

7. What is the Social History Report?

The Academic Social History module is one of the strands of the investigation process (Article 11 of the Terms of Reference). When completed, this Report will assist to frame the Commission's findings and recommendations within the wider social and historical context of the period being examined. Ten specific elements are detailed for analysis in Article 11 of the terms of reference.

Significantly, this research is benefiting from the extensive legal powers of the Commission to access relevant records. It has been widely acknowledged that this module will be integral to a better understanding of how Society treated mothers and children in these homes, and how attitudes, policy and legislation changed over the period.

8. What is the Confidential Committee?

The Confidential Committee is a forum for individuals who may wish to provide private accounts of their experiences of living or working in relevant homes to the Commission (Articles 3 and 4 of the Terms of Reference). This Committee allows the Commission to ground its work in the reality of the experience of mothers and children in these Homes. Creating an opportunity for former residents to provide accounts of their personal experience, and the desire to capture this testimony, was one of the main reasons for the establishment of the Commission in the first instance.

The Commission estimates that it will take at least another year to meet all the people who wish to speak to this Committee. A general report will then be collated in a manner which protects the identity and confidentiality of individuals.

9. Will the Commission's final report be completed by February 2018 as expected?

Yes. The Commission now intends to complete all three Reports by February 2018.

10. Why has a further Interim Report been requested from the Commission, and when will it be submitted?

The Interim Report being published today exclusively focuses on the request for the extension of time. The extended time impacts directly on the mechanism in the Terms of Reference which links the completion of the Academic Social History with the requirement for the Commission to identify any additional matters outside of its scope which may be critical to reaching conclusions on the matters central to its remit. For this reason, the Minister for Children and Youth Affairs has requested the Commission to prepare a further Interim Report in respect of the Commission's duty under Article 6 to ***report to the Minister on whether it considers specific matters not included in***

the existing scope may warrant further investigation as part of the Commission's work in the public interest".

The Commission has indicated that it will submit a further Interim Report in September. The Government will fully consider any recommendations made by the Commission.

11. Can the Commission make broader recommendations in relation to matters outside its Terms of Reference?

Yes, the Commission may make any recommendations it considers appropriate in any of its reports (Article 6). This is not limited to matters within the direct scope of its investigations, but may also include issues which the Commission considers may warrant further investigation in the public interest. This mechanism was included to take maximum advantage of the investigative powers of the Commission.

12. How much will this additional work cost?

The costs relating to the Confidential Committee and Academic Social History modules were included in the €21.5m estimate of total costs for the Commission's work (published in Irish Oifigiúil on 24 February 2015). While additional costs will arise from the extended period for completion of these modules – largely in respect of salaries, operating costs and witness expenses – the Commission has confirmed that sufficient scope is available within the initial estimate to meet these additional costs.