

MOTHER AND BABY HOMES COMMISSION OF INVESTIGATION

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23rd August 2016

Hogan Lovells International LLP
Atlantic House
Holborn Viaduct
London EC1A 2FG
England
FAO: Mr Rod Baker Consultant

Dear Mr Baker

I refer to your letter of the 9th August 2016.

The Commission is aware of the submissions made by your clients in relation to individuals who were not resident in the institutions listed in our Terms of Reference. We are in agreement with your suggestion that your firm should accumulate the *pro-bono* statements of those individuals with a view to advising the Commission at a later stage the number of such individuals who wish to give evidence by way of sworn statements.

We have considered the request by your clients to make submissions on the scope of the investigation by way of a public hearing and your letter of 1st July 2016 on this issue. The Commission has heard the oral submissions by your clients and is not satisfied that a public hearing would assist it in coming to a determination on this issue. In relation to future hearings, we will keep this matter in mind and will consider each request on its merits in accordance with Section 11 of the Commissions of Investigation Act 2004.

You have stated that some of your clients are unsure as to the difference between the Confidential Committee and the Investigation Committee itself. The Confidential Committee offers a forum to people to recount their experiences in a sympathetic environment. Anyone who was resident (whether as a mother or child) in any of the homes within our Terms of Reference or people who worked in these homes are welcome to meet with the Confidential Committee. Their accounts are not challenged in any way and the

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identity of anyone who meets with the Confidential Committee is not revealed. Neither is the particular home in which they were resident identified. Based on these meetings, the Committee will produce a report of a general nature on the experiences of women and children in the institutions under investigation.

The Investigation Committee consists of all three of the Commissioners (Judge Murphy, Professor Mary Daly and Dr William Duncan) or any one or two of them. The Investigation Committee will invite witnesses to give evidence which will add to its body of knowledge of the issues under investigation. Not everyone who expresses an interest in giving evidence to the Investigation Committee will be invited for hearing. The procedures for appearing before the Investigation Committee are set out in our Rules and Procedures (a copy of which has already been furnished to your clients).

You note that our Rules and Procedures are not on our website. Section 13 of the Commissions of Investigation Act requires the Commission to provide a copy of our Rules and Procedures to any person giving evidence to the Commission – ie to the Investigation Committee. The document is necessarily of a legalistic and technical nature. Most of it does not apply to individuals meeting with the Confidential Committee. The Commission has made a decision not to put this document on our website so as not to dissuade such persons from applying to the Confidential Committee, which is of a more informal nature. A copy of our Rules and Procedures will be provided to anyone on request and we will arrange to put a notice to this effect on our website.

Yours sincerely


Maeve Doherty
Solicitor to the Commission