

Investigation Committee – Programme of Work for 2005

1. This document sets out the Committee's plans for proceeding with its inquiry function in light of statements made in 2004.
2. In restarting the inquiry into child abuse and conducting our hearings to date, we have borne in mind the proposals for amendment that we are making so as not to take steps that will have to be undone later. We understand that an amending Bill will be introduced early in the New Year.
3. The Investigation Committee cannot at present decide to conclude an investigation into a particular institution, even if it is satisfied that sufficient witnesses have been heard. The reason is that it could be contended that people who have not been called for hearing were still entitled to tell their stories to the Committee. If amending legislation did not come into effect, the Investigation Committee would have to arrange to hear further witnesses. This issue has been discussed in previous reports and statements.
4. As the Committee announced in June 2004, it is going to hear as many witnesses as are required in order to conduct the inquiry. We do not intend to hear in full session every witness in respect of each institution because that is not necessary and it would not allow us to report as early as possible.
5. We are going to interview every one of the people (approximately 1,300) who decided to continue participating in the inquiry by the Investigation Committee. This process will be conducted by members of our legal team. The detailed information obtained in these interviews will be collected in databases and produced in report format which will then be distributed as appropriate to relevant bodies for comment and discussion. If there are material areas of dispute, the Committee will arrange for further investigation, including full hearings if appropriate, held in public where possible.
6. In the interview process, witnesses whose experience is required to be investigated further by the Committee will be chosen for later appearance before the Committee in full session with cross-examination taking place. With smaller institutions, a very high proportion of complainants will go through the two processes, namely, interview and adversarial hearing. Not all witnesses in the biggest institutions will go to full adversarial hearing but everybody will be interviewed. The result will be that everybody will either be interviewed as described or will go to full adversarial hearing and many will have both. In the case of institutions where hearings have already taken place the legal team will interview all the remaining witnesses who have not been before the Committee.

7. The scheme that we are putting in place has a number of functions: -
 - (a) The Investigation Committee will have the opportunity to gather a body of evidence at first hand from **all** the people who want to continue with the Committee, thus ensuring that every single person has a role in the work of the inquiry;
 - (b) It will enable the Committee through its legal team to ensure that the witnesses who are put forward for participation in the full hearing process represent the range of experiences across time in the particular institution;
 - (c) It will reduce the likelihood of people who are less able for full adversarial hearings being subjected to examination and cross-examination before gatherings of lawyers and other interested parties;
 - (d) It will yield information across institutions under investigation;
 - (e) The information will be gathered in a formal process of interview so as to enable specific topics to be examined; and
 - (f) Comparisons between institutions will be made easier.

8. The Committee will hear as much evidence as is necessary in the adversarial hearings in order to conduct its investigation. In previous documents, notably in the statement of the Chairperson to the meeting of the Investigation Committee in public in the Shelbourne Hotel on 7th May 2004, it was made clear that the Committee could not set out to hear every possible witness in its contentious hearings. At that time, we had not devised the procedure of hearing every witness in the way that we are now describing and this represents a big step forward in assuring all those who want to assist in the Committee's proceedings that they can do so.

9. The Committee is engaging experts to assist its inquiry as announced on 7th May. There are issues that span across all institutions or many of them and which are best explored in the first instance by experts. For example many witnesses complain that they were given insufficient food and facilities in the institution. So levels of finance and the utilisation of resources have to be examined. The best way of doing this is to engage expert financial consultants to prepare reports on the issues having explored the questions in consultation with the different institutions and the State and having analysed relevant documents. The reports of the experts will then be distributed to the relevant people who are affected by the contents and debated as appropriate before the Committee so that findings can be made.

10. Experts in other areas will be engaged on a similar basis. The advantages are considerable:
 - the inquiry is focussed;
 - relevant matters are investigated by people with expertise in that area;
 - matters not in dispute can be identified and summarised for the IC; and
 - matters remaining in dispute can be identified more efficiently and presented to the IC for resolution.

Such a scheme is particularly appropriate to issues which are “horizontal” that is, which are spread across the institutions rather than those which are “vertical” arising in respect of a particular institution only. The institutions have the reassurance that their affairs are being examined by qualified experts.

11. Our programme for 2005 is broadly as follows:

- Interviews with all witnesses
- Expert investigations
- Public hearings for introductory phases of institutions
- Private hearings

12. The next institutions to be investigated are:

Our Lady of Succour, Newtownforbes
St Patrick’s Industrial School, Kilkenny
St Vincent’s Industrial School, Goldenbridge
St. Conleth's Reformatory School, Daingean
St. Joseph's Industrial School, Letterfrack
St Joseph’s Industrial School, Kilkenny
Artane Industrial School