

Commission to Inquire into Child Abuse

Second Interim Report

November 2001

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1. Purpose of the Second Interim Report

In accordance with its statutory obligation under the Commission to Inquire into Child Abuse Act, 2000 (the Act)¹, the Commission to Inquire into Child Abuse (the Commission) published its first Interim Report (the Interim Report) on 22 May, 2001, in which it informed the public of the work it had carried out since its establishment on 23 May, 2000. It also outlined the obstacles which had impeded its work during the first year of its existence. The most significant obstacle had been the failure of the Minister for Education & Science (the Minister), in accordance with his power under the Act², to make a scheme for payment of expenses of legal representation before the Investigation Committee. In the Interim Report, the Commission set out its view that that obstacle had been partially removed just before publication, to the extent that a scheme providing for the costs of legal representation at the first phase hearings of the Investigation Committee had been made on 9 May, 2001 and the Commission had been informed that a further scheme would provide for the second phase. The other significant obstacle to the progress of the work of both the Investigation Committee and the Confidential Committee had been the stance adopted by the legal representatives of many survivors of institutional child abuse that, until such time as the issue of a scheme for payment of compensation to their clients was satisfactorily addressed, it would be difficult for them to advise their clients as to whether participation in the work of the Commission was in their personal or legal interest. The Interim Report recorded that on 27 February, 2001 the Minister had made an announcement that the Government had agreed to proposals for a compensation scheme for survivors of institutional child abuse and the drafting of legislation to give effect to the proposals. Under the proposals there would be no direct interface between the proposed compensation scheme and the work of the Commission.

As was stated in the Interim Report, as of mid May, 2001 it was impossible to predict how long it would take to afford hearings to all persons who wish to give evidence to the Commission, although it was possible to predict with certainty that the work of the Commission would not be completed within the two year time span envisaged by the Act³. However, partial provision having been made for the payment of the costs of legal representation before the Investigation Committee, the Commission announced—

- (a) the imposition of a closing date, 31 July, 2001, for receipt of requests to give evidence to the Commission, and
- (b) that thenceforth the time limits provided for in the Rules of Procedure of the Investigation Committee in relation to the first phase of its work would be enforced.

¹ Section 5(5).

² Section 20.

³ Section 5(5).

It was hoped that by 30 November, 2001 it would be possible to give some reasonable prediction as to when the various stages in the Commission's inquiries would be completed. Against that background the Commission promised to publish a further Interim Report not later than 30 November, 2001.

This Interim Report is published in fulfilment of that promise to give the public, and, in particular, those persons affected by the work of the Commission, information on the progress which has been made during the last six months and to attempt to forecast how the work will be advanced in the future.

The preparation of this report was completed by the Commission on 23 November, 2001 and it records matters in relation to the Commission's functions up to and including that day.

2. Closing Date

The Commission announced in the Interim Report that the final date for receipt of requests to participate in the Commission's inquiry would be 31 July, 2001, and that notification of this time limit would be given by public advertisement. The advertising campaign commenced on 22 May, 2001. Over the following period of two months, the Commission conducted a comprehensive advertising campaign, in the print media in the State and in the United Kingdom and in the broadcast media in the State, announcing the closing date. Information on the closing date was also disseminated through the work of groups representing survivors of institutional child abuse in the State and in the United Kingdom and professionals involved with victims of institutional abuse. Notice of the closing date was also given to adult residential institutions.

The response from persons wishing to give evidence to the Commission was considerable. As was stated in the Interim Report, as at 30 April, 2001 requests to give evidence to both Committees aggregated one thousand, two hundred and thirty-eight (1,238). Following the closing date the volume of requests to give evidence to both Committees had increased to three thousand, one hundred and forty-nine (3,149). Details and an analysis of the volume of requests received by each Committee are set out in the sections on the Confidential Committee and the Investigation Committee which follow.

Despite representations that the closing date should be extended, the Commission, having considered all relevant factors, has decided that the closing date should be adhered to. The factors considered by the Commission in reaching this decision were as follows:

- (a) The Act⁴ requires the Commission to publish to the general public its report on its investigation within two years from the establishment day, 23 May, 2001, or such longer period as the Government, after consultation with the Commission, may specify by Order, a draft of which has been laid before each House of the Oireachtas and approved by resolution of each House. When the Commission announced the closing date on 22 May, 2001, half the time span allotted by the Oireachtas for completion of its work had expired. At the closing date more than fourteen of the twenty-four months allotted by the Oireachtas for completion of its work had expired and over a year had elapsed since the Commission had first invited requests to give evidence. In the circumstances, the Commission considers that the imposition of the closing date was reasonable and that it was consistent with the proper exercise of its statutory obligations. The Commission believes that, on the basis of the requests to give evidence which were received within the time period prescribed by it, it will be in a position, in the course of its investigation, to procure as a complete a picture as is possible within a reasonable period of time, as envisaged by the Oireachtas, of the prevalence of abuse in institutions, the causes, nature and circumstances of such abuse and who was responsible for it.
- (b) Having regard to the passage of time since many of the matters which are being investigated by the Commission are alleged to have occurred, the age profile and state of health of many of the persons making the allegations, and the age profile and state of health of the majority of persons against whom allegations are made, fairness and justice requires that the Commission's investigative remit be fulfilled with reasonable expedition. One of the purposes of imposing and adhering to the closing date is to ensure that this will occur.
- (c) It is the Commission's belief that the publication of its final report on its investigation as soon as reasonably practicable is desirable in the interests of the generality of persons who are participating in the work of the Commission, many of whom submitted requests to give evidence more than a year before the closing date. Until the final report is published it is unlikely that such persons will enjoy all the therapeutic benefits which the Oireachtas intended would accrue to such persons on the implementation of the Commission's statutory remit. Any relaxation of the closing date would delay completion of the Commission's work and would not be in their best interests.

⁴ Section 5(5).

- (d) The Commission has adopted all reasonable measures to inform the public and, in particular, persons affected by its work, of its statutory remit and the implementation of that remit, including the imposition of the closing date. The response it has received supports this conclusion. The Commission is satisfied with the level of response from persons who are currently resident outside the State.

The Commission is now concentrating on processing for hearing the large volume of requests which are pending and on scheduling and conducting hearings.

3. Increased volume of work: Additional Resources

The large response to the Commission's invitation to give evidence to its Committees, which only became manifest in the second half of July, 2001, has necessitated the allocation of increased resources, financial, personnel and physical, to the Commission.

The Commission submitted proposals to the Minister's Department for augmenting the personnel and resources of the Commission. The Commission is satisfied with the Minister's response to the proposals and to requests for additional resources.

Details of the current personnel, staff and legal advisers of the Commission are set out in Appendix A.

4. Work of the Confidential Committee

The total number of requests to testify to the Confidential Committee which have already been heard or which currently are being processed for hearing is one thousand, one hundred and ninety-two (1,192). The corresponding figure at 30 April, 2001 was five hundred and twenty-four (524). Accordingly, between that date and the closing date there was more than a twofold increase in the work of the Confidential Committee.

A breakdown of the requests according to gender, age and current place of residence of the persons making allegations of abuse (Complainants) is set out in graphic form in Part I of Appendix B. An analysis of the requests reveals the following facts in relation to the Complainants:

- 55% are men
- 45% are women
- 59% are over fifty years of age
- 32% are currently resident outside the State.

The pattern recorded in the Interim Report, in relation to the institutions the subject of the requests, is repeated in relation to the total number of requests now pending. A significant majority of the Complainants have indicated that they wish to give evidence about their childhood experiences in residential care, predominantly while in care in industrial schools or reformatory schools. Some Complainants have indicated that they wish to give evidence in relation to their childhood experiences in more than one such institution. Of the institutions and settings in respect of which it is indicated that Complainants wish to testify, 68% constitute industrial schools and reformatory schools.

During the six months since the Interim Report was published, the hearings of the Confidential Committee have continued. By 23 November, 2001 two hundred and fifty-four (254) hearings have been completed. A breakdown of the completed hearings according to gender, age and current place of residence of the Complainant is set out in graphic form in Part 2 of Appendix B. The Confidential Committee has continued the practice of taking account of the age and state of health and any other relevant facts brought to its attention in relation to persons wishing to give evidence when scheduling hearings.

Of the hearings completed to date thirty-six (36) have been held outside the State, as permitted by the Act⁵. Twenty-three (23) hearings have been held in Ireland at venues other than the Commission's headquarters in Dublin, to facilitate persons unable to travel. The Confidential Committee anticipates that, as the age profile of persons whose hearings are being scheduled decreases, the necessity to conduct hearings outside the Commission's headquarters will also decrease.

In order to cope with the increased volume of work, the Commission, in its proposals to the Minister in relation to personnel, has sought the appointment of an additional full-time commissioner and sanction for the employment of an additional witness support officer for the Confidential Committee. Approval has been granted. On the assumption that the additional personnel will be in place by January, 2002, the Commission's best estimate of the period it will take to afford hearings to all persons who wish to be heard by the Confidential Committee, as reflected in the requests to give evidence which are pending, is that it will take until June, 2004.

The foregoing prediction assumes that the caseload of the Confidential Committee will remain static. There are two factors which may impact on the ultimate outturn: the withdrawal from the process of persons who have signified their desire to give evidence, either because of the enactment of the Residential Institutions Redress Bill, 2001 (the Redress Bill) or for some other reason, such as transferring to the Investigation Committee; and the

⁵ Section 10(7).

transfer of persons who have indicated a wish to give evidence to the Investigation Committee to the Confidential Committee, as is provided for in the Act⁶. It is impossible to predict what, if any, impact the foregoing factors will have.

If the work of the Confidential Committee is to have the therapeutic effect intended by the Oireachtas it is crucial that the division of the Confidential Committee which conducts each hearing allots sufficient time for the witness to fully recount his or her experiences without any time constraints.

5. Work of the Investigation Committee

Of the total number of requests to give evidence to the Commission on hand, one thousand, nine hundred and fifty-seven (1,957) represent requests to testify to the Investigation Committee. This represents an increase of approximately 175% on the figure recorded in the Interim Report for extant requests to testify to the Investigation Committee as at 30 April, 2001, seven hundred and fourteen (714).

A breakdown of the requests according to gender, age and current place of residence of the Complainant is set out in graphic form in Appendix C. An analysis of the requests reveals the following facts in relation to the Complainants:

- 72 % are men
- 28 % are women
- 57 % are over fifty years of age
- 34 % are currently resident outside the State.

Repeating the pattern recorded in the Interim Report in relation to the requests then pending, a significant majority of the Complainants have indicated that they wish to give evidence about their childhood experiences in residential care. As in the case of the Confidential Committee, industrial schools and reformatory schools predominate in these requests and some Complainants have indicated that they wish to testify about their childhood experiences in more than one such institution.

When the Interim Report was published on 22 May, 2001, although the Commission had been in existence for a year, very little progress had been made in the work of the Investigation Committee. Two inquiry officers had been conducting preliminary inquiries in accordance with the provisions of the Act⁷ for over five months. However, because of the obstacles which were hindering the work of the Investigation Committee, which have already been

⁶ Section 19.

⁷ Section 23.

alluded to, no preliminary inquiry had been completed and no case had been scheduled for hearing. Regrettably, the Investigation Committee cannot report much improvement during the past six months for the reasons outlined below.

The Investigation Committee took immediate steps, as promised in the Interim Report, to enforce the time limits prescribed in its Rules of Procedure for submission of statements. As was reported in the Interim Report, at 30 April, 2001 solicitors acting on behalf of Complainants in two hundred and twenty-eight cases were not prepared to submit statements because of the absence of a scheme for payment of legal expenses and the absence of a scheme for payment of compensation. By the end of May, the number of cases in which Complainants were in default in submitting statements had risen to three hundred and sixty-three cases (363). In each of those cases the Complainant was allowed a further period of four weeks to 29 June, 2001 in which to submit a statement. Unfortunately, to date the outstanding statements have been submitted in only sixty-three (63) of the three hundred and sixty-three (363) cases (i.e. 17% of the cases).

When it became apparent that a substantial number of non-compliant Complainants, 83%, had failed to meet the deadline of 29 June, 2001 imposed by the Investigation Committee, in an effort to advance matters, the Commission instructed its legal team to ascertain the views of the solicitors acting on behalf of those Complainants. Their views were set out in a letter dated 20 July, 2001 from Mac Guill & Company, on behalf of the solicitors, to the Commission's leading counsel, Mr Frank Clarke S.C. In that letter, it was stated that, because of the exclusion from the terms of the Redress Bill of substantial categories of childhood victims, and because of concerns relating to the mode of assessment of compensation provided for in the Bill, the point had not arrived whereby the solicitors could with confidence advise their clients in relation to the work of the Commission. Moreover, dissatisfaction was expressed with the existing scheme for payment of the costs of legal representation. That scheme was described as "seriously flawed". The Commission was asked to agree to or support a request for taxation of costs in default of agreement.

By letter dated 27 July, 2001 the Commission conveyed the solicitors' views, as set out in the letter of 20 July, 2001, to the Minister's Department. On the question of legal costs, the Commission indicated that if, instead of the existing scheme, there were to be provision for taxation of the legal costs of parties appearing before the Investigation Committee by a Taxing Master of the High Court in default of agreement, the Commission would have absolutely no objection to that course, as, from the Commission's perspective, the provision would be workable. The Commission pointed out to the Minister's Department that, in view of the impasse reflected in the letter from Mac Guill & Company, it would be difficult for the Commission to

give a reasonable prediction as to when the various stages of the Commission's inquiry would be completed in the further Interim Report which it had promised to publish not later than 30 November, 2001.

In a response dated 31 August, 2001 from the Minister's Department, the Commission was assured that every effort would be made to avoid delays to the Commission's work.

Moreover, the Commission has been informed, through its legal team, that the Minister is agreeable in principle to the taxation of the costs of legal representation at both phases of the work of the Investigation Committee and proposes to move an amendment at committee stage of the Redress Bill to amend the Act to so provide. Currently the Investigation Committee is carrying into effect the existing scheme in accordance with its terms, as it is required to do under the Act⁸. However, the Commission will implement the amending provision if and when enacted.

The Commission makes no comment on the solicitors' objections to the Redress Bill because, in line with announcement made by the Minister on 27 February, 2001 in relation to his proposals for a compensation scheme for survivors of institutional child abuse, the Commission has no function whatsoever in relation to the matters provided for in the Bill.

While the Commission wishes to afford a hearing to every person who has signified a desire to give evidence to the Investigation Committee, it is of the view that it cannot continue to countenance failure to comply with the time limits included in its procedural rules. The time limits exist for the same reason that the closing date was imposed: to ensure that the inquiry is concluded with reasonable expedition, as envisaged by the Oireachtas; to obviate prejudice to persons against whom allegations are made (Respondents), many of whom are old or physically or mentally infirm; and to bring closure for the generality of persons who are participating in the work of, and co-operating with, the Commission.

During the past six months the Investigation Committee has endeavoured to enforce compliance by Respondents with their statutory obligation to furnish statements in accordance with the Act⁹ within the time limits prescribed in the Rules of Procedure of the Investigation Committee. While the Investigation Committee appreciates that, because of the passage of time since the matters alleged occurred, difficulty and delay may be encountered in responding to a request for a statement, nonetheless, the Investigation Committee has been concerned that the lack of response on the part of some of the Respondents might be indicative of an unwillingness to assist in the advancement of the work of the Investigation Committee. Such an attitude could not be tolerated. Steps have been taken, and are being, taken to

⁸ Section 20(3).

⁹ Section 23(2)(b).

ensure that all Respondents fulfil their statutory obligations in relation to production of statements and complying with the directions of the Investigation Committee.

The Commission wishes to make it clear that the time has come for all Complainants, who have signified a desire to give evidence to the Investigation Committee, to decide whether they wish to participate in the process. If they do, they must comply with the requirements of the Investigation Committee in accordance with its Rules of Procedure. Any Complainant who does not comply, will be deemed to have withdrawn from the process. The Commission relies on their legal representatives to advise them of the implications of this. Similarly, Respondents must comply with the requirements of the Investigation Committee in accordance with its Rules of Procedure. Where necessary, the Commission, as it is entitled to do under the Act¹⁰, will invoke the assistance of the High Court in procuring compliance with directions it is empowered to issue to Respondents.

So far, the Investigation Committee has only been able to schedule five cases for hearing. Two hearings have been completed. One hearing has been postponed. In the two remaining cases, the Complainants withdrew from the process. The Investigation Committee is currently scheduling cases in which preliminary inquiries have been completed for hearing from January, 2002 onwards.

In order to cope with the increase in the caseload of the Investigation Committee, two additional inquiry officers have been retained and are working full-time on preliminary inquiries and additional support staff are being recruited.

Predicting with any degree of accuracy how long it will take to afford hearings to all persons who wish to be heard by the Investigation Committee remains problematical. The following factors militate against any accurate estimation:

- (a) The difficulty in determining the length of many of the preliminary inquiries currently being carried out by inquiry officers. Apart from the difficulties already alluded to in procuring compliance with the statutory obligations of Complainants and Respondents to produce statements, these difficulties mainly stem from the complex nature of some of the allegations, which involve multiple institutions, multiple individual alleged perpetrators, some of whom may be dead or difficult to trace; the fact that there is separate legal representation for the various Respondents; and procuring compliance with directions for discovery, production of such documents and such like.

¹⁰ Section 14(3).

- (b) Difficulty in predicting how many cases will proceed to a hearing. It is anticipated that some Complainants, who have indicated a wish to be heard, may withdraw altogether from the process because of the enactment of the Redress Bill or for other reasons, for example, transferring to the Confidential Committee. It is also possible that some Complainants, as they are entitled to under the Act¹¹, will transfer from the Confidential Committee.
- (c) Difficulty in assessing the length of each hearing, because of the varying degree of complexity of the allegations.

Whatever the volume of cases the Investigation Committee ultimately has to deal with, and however complex the cases are, it is the view of the Investigation Committee that the first phase of its work should be completed around the same time as the projected completion of the work of the Confidential Committee, around June, 2004. In order to achieve that objective, the Commission has made a suggestion to the Minister as to how the personnel of the Commission empowered to make findings of fact in relation to the matters being investigated by the Investigation Committee might be supplemented. On the basis of the current caseload and the Commission's knowledge of the nature and complexity of the cases, in order to complete the hearings of individual allegations in the first phase of the work of the Investigation Committee, it will be necessary for two, or perhaps more, divisions of the Investigation Committee to be sitting simultaneously. The necessary resources in terms of personnel empowered to make findings of fact, administrative support and legal advisers, will have to be made available to the Investigation Committee, if it is to complete the first phase with reasonable expedition. Any extension of the first phase of the work of the Investigation Committee beyond June, 2004 could not be so regarded.

The number of parties involved in, and the probable length of the second phase of the work of the Investigation Committee, depends on the outcome of the first phase and, in particular, the number of institutions in respect of which the Commission is satisfied that abuse was established in the course of the first phase hearings. It is estimated that at the conclusion of the first phase hearings, a period of preparation for the second phase hearings of at least six months duration will be necessary. Therefore, it is unlikely that the public hearings of the Investigation Committee, to determine why abuse occurred and the attribution of responsibility for it, will commence before the year 2005, assuming the first phase hearings do not conclude until June, 2004.

Based on the current case load, it is anticipated that the work of the Investigation Committee will not be completed and that the Commission will not be in a position to publish its final report until some time in the year 2005 at the earliest.

¹¹ Section 19.

6. The nature of the Inquiries being carried out by the Investigation Committee and the Confidential Committee

The Commission avails of this opportunity to remind the Complainants, who have indicated a wish to give evidence to the Commission, of the following matters:

- (a) the nature of the inquiries which are being carried out by the Investigation Committee and the Confidential Committee respectively;
- (b) what is entailed in the preliminary inquiries being carried out by the inquiry officers on behalf of the Investigation Committee;
- (c) the manner in which the hearings of individual allegations are conducted by the Investigation Committee and the Confidential Committee respectively; and
- (d) the type of findings which may be included in the respective reports of the Investigation Committee and the Confidential Committee.

To help Complainants review their choice of Committee, these matters are explained in Appendix D. An Information Leaflet, which is designed to explain the Commission's work to survivors of institutional child abuse, may be obtained from the Commission and is posted on the Commission's website.

As it is obliged to do by the Act¹², each Committee will conduct the hearings at which evidence of abuse is given in an atmosphere that is as sympathetic to, and as understanding of, the Complainants as is compatible with the rights of others and the requirements of justice and as informally as is possible in the circumstances. However, it is important that Complainants are fully aware of the differences between the two Committees and make a fully informed choice of the Committee they wish to attend at an early stage in their participation in the process.

A Complainant who has indicated that he or she proposes to have legal representation before the Investigation Committee should be fully advised of these matters by his or her legal representatives and, if there is concern that the nature of the process of the Investigation Committee would be excessively stressful for the Complainant, consideration should be given to transferring to the Confidential Committee at an early stage. In the small number of cases in which the Complainants, who have indicated an intention to testify to the Investigation Committee, currently do not have legal representation, less than 10% of the cases, the Complainants have been informed twice of the existence of the scheme for payment of legal expenses. Any Complainant who does not have a legal representative on record with

¹² Section 4(6).

the Investigation Committee will be reminded of his or her entitlement to transfer to the Confidential Committee.

7. Supports for Witnesses at Hearings

The Commission also avails of this opportunity to remind persons participating in the work of both the Confidential Committee and the Investigation Committee of the measures which are in place to give them support at hearings, which were outlined in the Interim Report, namely:

- Provision of travel and subsistence expenses for a companion accompanying a witness, who is not accompanied by a counsellor.
- Provision of a fee and travel and subsistence expenses for a professional counsellor who accompanies a witness.
- Availability of witness support officers to help witnesses in all practical aspects of their contact with the Commission.
- The availability of an emergency outreach counselling service provided by the National Counselling Service.
- The availability of an emergency general practice service at a medical centre close to the Commission's premises in Dublin.

The Commission is making arrangements for the provision of an interpretative service to facilitate Complainants and other witnesses with hearing impairment.

8. Vaccine Trials Inquiry

As was stated therein, at the time of the publication of the Interim Report the Commission was awaiting—

- (i) a Government Order under the Act defining the parameters of the function of the Investigation Committee in conducting an inquiry in relation to vaccine trials following the referral to the Commission of a copy of a report of the Chief Medical Officer of the Department of Health entitled “Report on Three Clinical Trials Involving Babies and Children in Institutional Settings 1960/1961, 1970 and 1973” in mid November, 2000 and
- (ii) a Government decision expanding the membership of the Commission to deal with this aspect of the Commission's work.

The Commission to Inquire into Child Abuse Act, 2000 (Additional Functions) Order, 2001 (S.I. No. 280 of 2001), which was made on 19 June, 2001 pursuant to the Act¹³, confers additional functions on the Commission in relation to inquiring into vaccine trials.

By Government decision made on 13 November, 2001, Professor Edward Tempany was appointed an ordinary member of the Commission. Professor Tempany has been assigned to the Investigation Committee. A Division of the Investigation Committee comprising the Chairperson and Professor Tempany will conduct the Vaccine Trials Inquiry.

Two additional inquiry officers and additional support staff are being retained to carry out the preparatory work. Subject to suitable provision for the costs of legal representation being in place, it is hoped that the public hearings in relation to the Vaccine Trials Inquiry will commence in April, 2002.

9. Research

The Commission has received sanction in principle for the funding of a research project into the long term effects of institutional child abuse. The research brief is in the course of being finalised and the Commission will shortly be advertising for expressions of interest from suitable research bodies to conduct the research.

10. Working towards making Policy Recommendations

As was stated in the Interim Report, the policy matter to which the Commission gave priority during the first year of its work is the topic which it referred to as “tracing family” in the Opening Statement, delivered at the first Public Sitting of the Commission on 29 June, 2000. This work is nearing completion and the Commission intends to issue a special report on this matter in early 2002.

The Commission has been informed by Barnardos that, with the support of the the Department of Education & Science, it is expanding the independent information, advice and counselling service it has provided since 1977 for persons separated from their families of origin. The primary focus of the expanded service will be to support persons raised in residential care to access their personal records and in their subsequent adjustment and decision making. It is expected that the expanded service will be operational early in 2002. The Commission is pleased to be able to bring this development to the attention of persons affected by its work. An information brief issued by Barnardos is posted on the Commission’s website.

¹³ Section 4(4).

11. Extension of the Commission's Remit

Under the provisions of the Act¹⁴ the Commission is required to publish its final Report within two years of its establishment, that is to say, before 23 May, 2002. In view of the volume of requests to give evidence which the Commission has received and the difficulties which the Commission has encountered in advancing its work, as outlined in the Interim Report and this Report, the Commission will be seeking an extension of the period for completion of its work for a further three years from 23 May, 2002. On the basis of the current caseload of the Commission, even with all of the resources in terms of personnel, finance and physical resources which it has sought, it is improbable that the Commission could complete its work any earlier than the end of May, 2005.

¹⁴ Section 5(5).

APPENDICES

Appendix A

1. Personnel of Commission

Chairperson

The Honourable Ms Justice Mary Laffoy, Judge of the High Court (Chairperson of the Investigation Committee).

Ordinary Members

Dr Patrick Deasy, Consultant Paediatrician (Confidential Committee).

Ms Norah Gibbons, Childcare Director (Chairperson of the Confidential Committee).

Mr Fred Lowe, Principal Clinical Psychologist (Investigation Committee).

Dr Kevin McCoy, retired Chief Inspector, Social Services Inspectorate, Northern Ireland (Confidential Committee).

Dr Imelda Ryan, Consultant Child and Adolescent Psychiatrist (Investigation Committee).

Professor Edward Tempany, Consultant Paediatrician (Investigation Committee).

2. Staff of Commission

Staff on secondment from Public Service

Finbarr Kelly (Department of Finance): Secretary to the Commission.

Patrick Curley (Department of Social Community and Family Affairs): Registrar of Investigation Committee.

Mary Durack (Department of Education & Science).

John Keenan (Department of Education & Science).

John Nolan (Department of Enterprise, Trade & Employment).

Mary Ryan (Department of Finance).

Helen Lynch (Department of Education & Science).

Margaret Byrne (Department of Education & Science).

Carthage Minnock (Courts Service).

Other Staff

Gerry Cronin B.A. Ph.D

Ann Broad

Jillian Ryan

3. Inquiry Officers

Paul Ward B.L.

Laura Rattigan B.L.

Cathy Carron B.L.

Aidan McCarthy B.L.

4. Legal Team

Frank Clarke S.C.

Deirdre Murphy S.C.

John Major B.L.

Anne Reilly B.L.

Mary Ellen Ring B.L.

Appendix B: Part 1

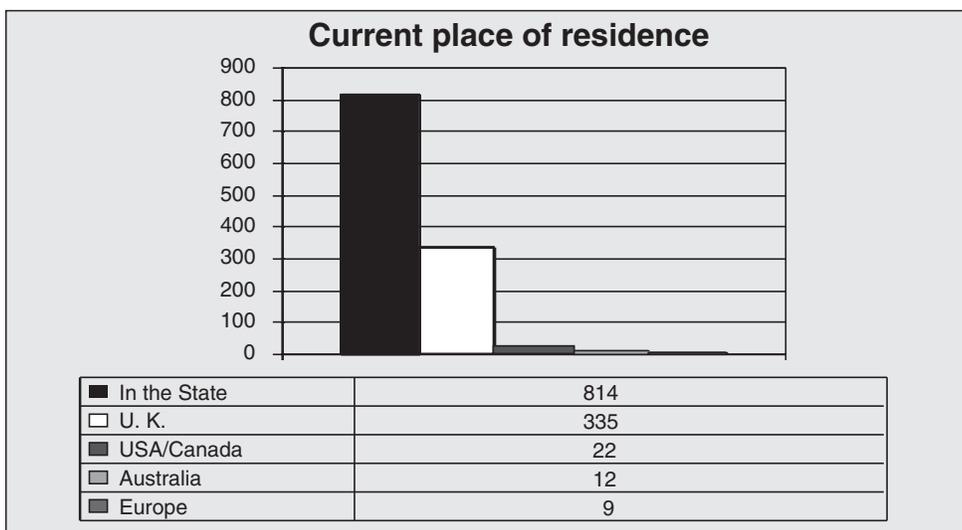
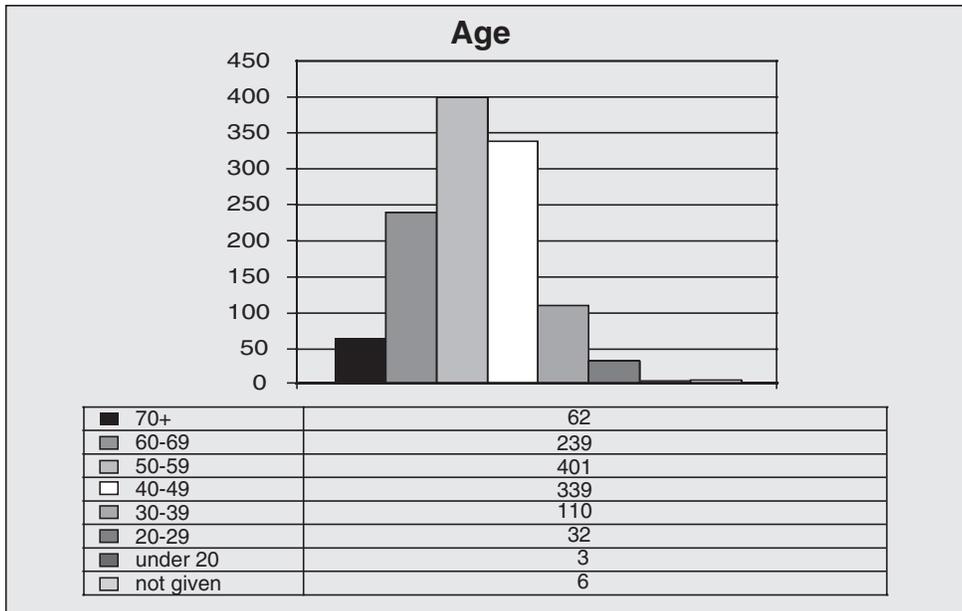
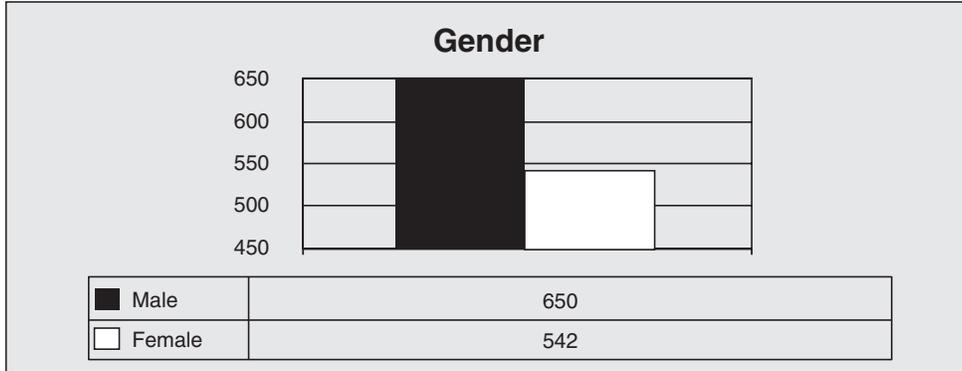
Confidential Committee Statistics

Total number of requests: **1,270**

Withdrawals:**14** Transfers to Investigation Committee:**64**

Remaining requests: **1,192**

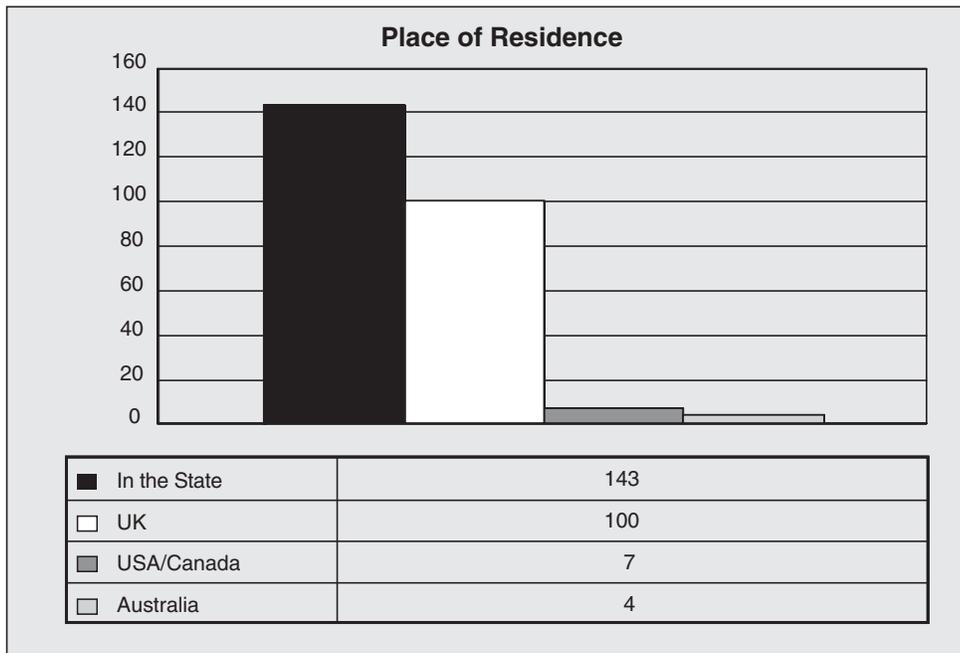
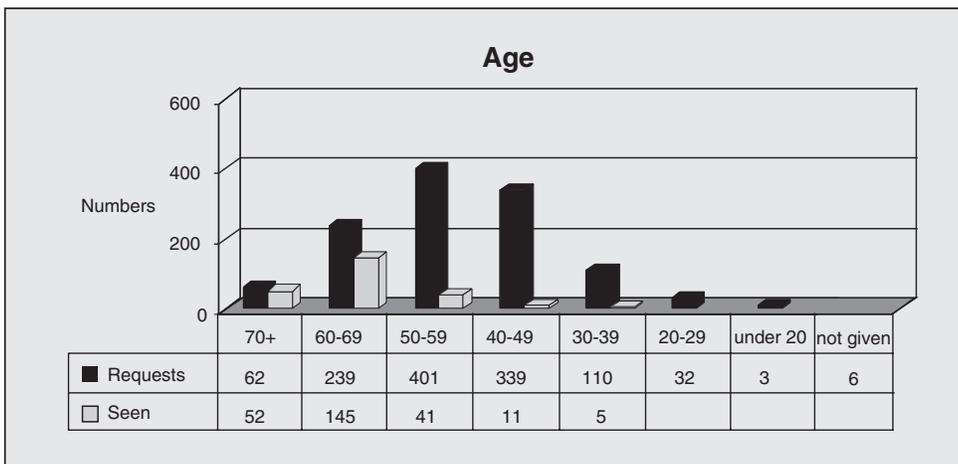
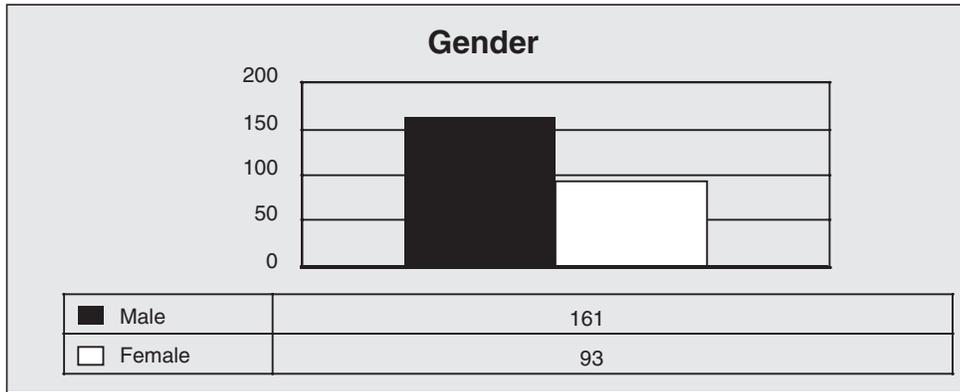
The breakdown is as follows:



Appendix B: Part 2

Confidential Committee Statistics

Total number of hearings completed: **254**

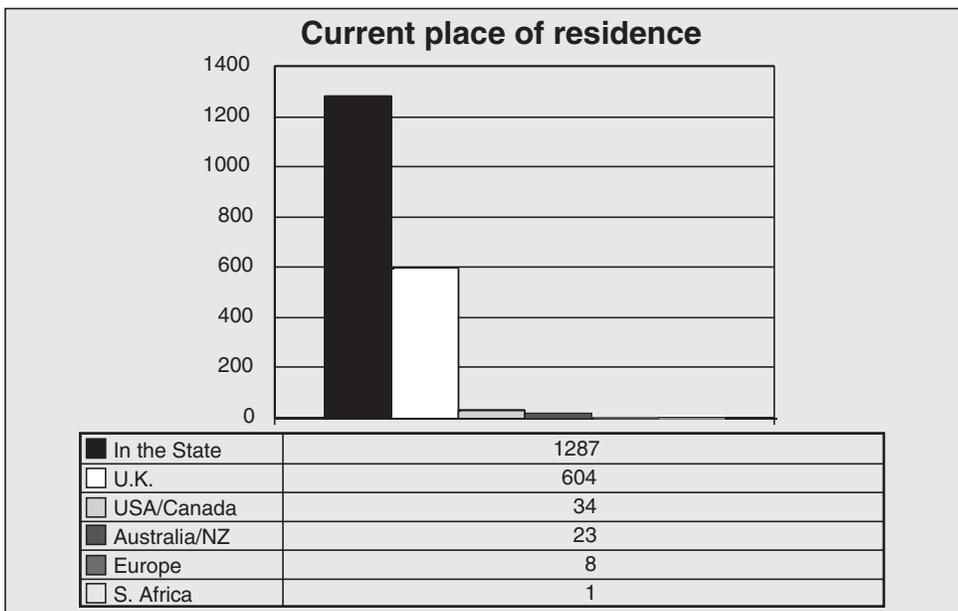
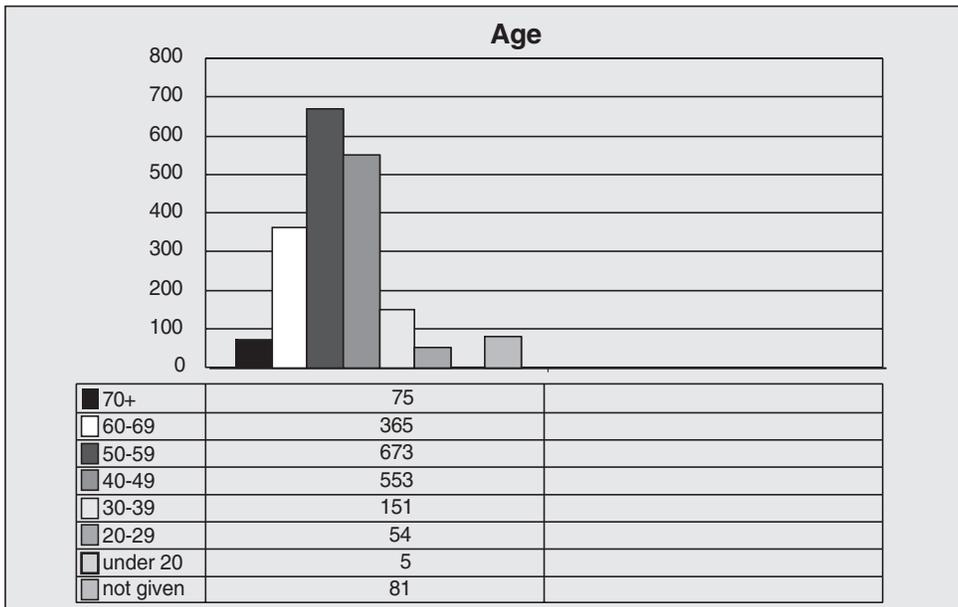
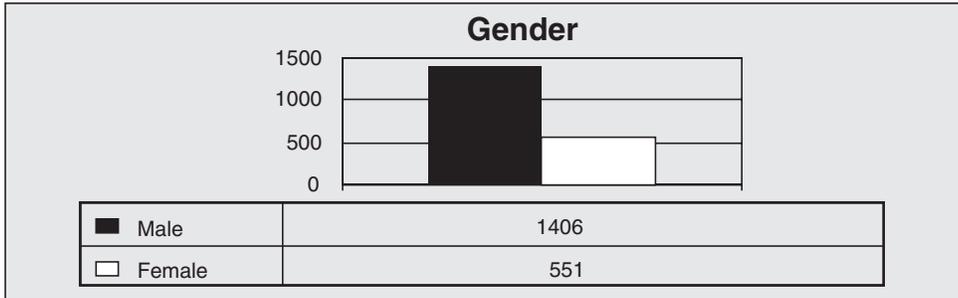


Appendix C

Investigation Committee Statistics

Total number of requests: **1,957**

The breakdown is as follows:



Appendix D

Choice of Committee

The Investigation Committee

As was pointed out in the Opening Statement delivered at the first Public Sitting of the Commission on 29 June, 2000, it will be open to the Investigation Committee to reach conclusions, which will be recorded in its Report as findings, where it is appropriate to do so on the evidence, that abuse occurred in a particular institution during a particular period and to name the institution and the person who committed the abuse. Because of this, the Investigation Committee must give every person who, and every institution or other body which, may be the subject of a conclusion which would adversely reflect on him, her or it the opportunity to defend himself, herself or itself.

A person who wishes to give evidence to the Investigation Committee about abuse he or she suffered in an institution (Complainant) must give or produce to an inquiry officer a statement which contains details of the allegations which he or she wishes the Investigation Committee to hear. A copy of the statement and any documents which accompany it are sent by the inquiry officer to every person and every body (Respondent) against whom an allegation is made in the statement. Each Respondent must submit a statement to the inquiry officer responding to the matters set out in the Complainant's statement. On receipt of the statements, the inquiry officer pursues such lines of inquiry as are considered necessary. When such inquiries are completed, the inquiry officer submits the papers to the Investigation Committee with recommendations as to the witnesses who should be called at the hearing, documents the production of which should be required, and such like. In other words, in the course of the preliminary inquiry by the inquiry officer, the facts alleged by the Complainant may be challenged by the Respondents and the inquiry officer takes steps to fully investigate the facts with a view to putting evidence to establish the truth before the Investigation Committee.

At the hearing before the Investigation Committee each individual Respondent against whom an allegation of abuse is made is entitled to be present, as is the representative of the body which managed the institution in which the abuse is alleged to have occurred at the time it is alleged to have occurred. The representative of the regulatory body responsible for the institution at that time, for example, in the case of an industrial school or a reformatory school, the Department of Education and Science is also entitled to be present. In addition to the members of the Investigation Committee, each of the parties present or the legal representative of each is entitled to address questions to the Complainant and to challenge the truth of the evidence which the Complainant gives on oath. Moreover, each party present is entitled to give evidence on oath. Such further witnesses as the

Investigation Committee considers may be able to assist it in establishing the truth are also called to give evidence on oath.

Each party involved in a hearing before the Investigation Committee is entitled to be accompanied at the hearing by his, her or its solicitor and counsel. A family member, companion or counsellor accompanying a party to a hearing is not permitted to be in attendance at the hearing, except while he or she is giving evidence, if called as a witness. Waiting rooms are available for accompanying persons in the Commission's premises.

The Confidential Committee

As it was pointed out in the Opening Statement, a person against whom, or an institution in respect of which, an allegation of abuse is made before the Confidential Committee will not be notified of the making of the allegation and will not have an opportunity to answer the allegation or to defend himself, herself or itself. However, the Confidential Committee may not name, or disclose information which would lead to the identification of, the witnesses before the Confidential Committee or the persons they allege committed abuse or any institution or any other person.

Hearings of the Confidential Committee are held in private, usually in the presence of a division of two members of the Committee. Each hearing is scheduled for 10 a.m. or 2 p.m. on a working day so as to ensure that the person testifying can recount his or her experiences in full and without any time pressure. He or she may be accompanied by a companion at the hearing or by a professional counsellor. A detailed information pack is sent to each person before attendance to help him or her fully prepare for the hearing.

