Appendices

Appendix 1

The Department’s submission in response to the draft report and the Ombudsman’s response to that submission
Mr. Peter Tyndall,
Ombudsman,
18 Lower Leeson Street,
Dublin 2

Dear Ombudsman

Ombudsman Investigation – the administration of the Magdalen Restorative Justice Scheme

I have your letter of 15 September 2017 enclosing your draft report on the above and seeking my observations thereon.

Firstly, I acknowledge your thanks for the cooperation you received from my staff who gave you unrestricted access to all our policy files on this issue and to the personal files of those applicants who had complained to your office. Although you had in earlier correspondence indicated that you may do so, this letter should record that you did not interview any staff who administer this scheme.

Such direct conversations with my staff would have benefitted your report as I believe it may be based on a fundamental misunderstanding of the scheme.

The thrust of your report and the majority of criticisms contained therein derive from your belief that there was a restricted interpretation of the scheme by officials in my Department. I cannot agree with that interpretation. The officials involved in the scheme operated with integrity and in good faith in applying the terms of the scheme as decided by Government. It is simply not open to those officials, nor to any civil servant, to make a recommendation for payment to an applicant who does not fall within the terms of a scheme as decided upon by the Government.

The principal recommendation in your report is that the scheme should apply to persons who were admitted to industrial schools located on the same campus as one of Magdalen institution covered by the scheme and who may have worked in the laundry at some stage. This would not only involve double payments, as persons in industrial schools have had a separate compensation scheme; moreover, it would involve a very significant increase in the number of potential applicants, way beyond the number envisaged by the Government when the scheme was approved. This amounts to a major change in the scope of the scheme, which only the Government can decide upon.
It is clear that the judgment of 28 July 2017 in the judicial review titled “MKL and DC – v- Minister for Justice and Equality [2017] IEHC 389” also took the view that what was being sought by the applicant was an extension of the scheme.

Following the publication of the McAleese Report, the then Taoiseach on 19 February 2013 gave an apology in the Dáil, on behalf of the State, to all the women for the hurt that was done to them, and for any stigma they suffered, as a result of the time they spent in a Magdalene Institution. The Taoiseach went on to say that the Government had asked Judge John Quirke to undertake a review and to make recommendations on the help that the government can provide in the areas of payments and other supports, including medical cards, psychological and counselling services and other welfare needs.

The scheme that resulted from Judge Quirke’s subsequent report is an ex gratia one. That is to say, there is no statutory basis for the scheme and the Government approved it on the understanding that the State had no obligation in law to provide compensation to the women concerned. The Scheme was introduced at short notice. Because the Scheme dealt with the actions of non-State institutions during a period going back decades when there were limited records, it was impossible to know with any certainty the difficulties there would be in its administration.

The officials operating the scheme from the beginning took an exceptionally proactive and helpful approach to applicants, most of whom were vulnerable. The officials worked to ensure that applicants would receive payments if there were any reasonable grounds for making such payments. As a result of their work, €25.7 m has been paid out to 682 women. There were, of course, expressions of dissatisfaction in certain cases where applicants were refused under the scheme. That said, in the vast majority of cases applicants have been very appreciative of the way the scheme has worked and the manner of those officials from the Department who have dealt with them.

The commonly used term ‘Magdalene Laundry’ may have given rise to confusion. The ex-gratia scheme is intended to address the needs of the women in the ten specified Magdalene Laundries and the two named Training Schools. The Government was aware that there were many other religious institutions throughout the country which had laundries attached to them. The scheme does not apply to these other institutions nor is it intended to be a form of recompense for women who worked without pay in any laundry in those institutions. Furthermore the Government was aware that not all those admitted to Magdalene institutions worked in a laundry (but did other work) and there was never any intention to exclude such women from the scheme.

The phrase "admitted to and worked in" was intended to apply only to women who were both admitted to a named institution and were expected to work there or else the phrase would have been "admitted to or worked in". In particular, the phrase was intended to limit the scope of the scheme. The interpretation proposed by your report would mean, for example, that the nuns themselves would fall within the definition and be eligible for compensation.

Furthermore, the scheme was introduced by the Government on the understanding that it would apply to women who were not eligible for other State schemes e.g. those
covered by the Residential Redress scheme. Indeed, it was for this reason that Judge Quirke was asked to look specifically at the question of women who had been admitted to industrial schools and subsequently transferred to a Magdalen institution and who were entitled to compensation under the Residential Institutions Redress Scheme for the period in the Magdalen institution up to the age of 18. There was concern over the payment of such double compensation but Judge Quirke for practical reasons recommended that the double payment in these limited number of cases should be ignored and that recommendation was accepted as an exception to the general approach.

I do accept that because the circumstances of all the women were not known when the scheme was introduced, a number of grey areas arose which the Department has taken time to resolve. It may not always have been sufficiently clear in a small number of cases the detailed reason why an application was refused. The Department is taking measures to address that.

In summary, the key points from the Department’s perspective are as follows:

- A total of €25.7m has been paid out to 682 women.
- The terms of the scheme as clearly decided upon by Government (which carefully considered all the issues when it made its decision to authorise payments though the scheme) have been properly adhered to by the Department.
- Any significant departure from these terms could not be countenanced without appropriate Government approval.

A more detailed response to the individual points raised is given in the attached annex.

Yours sincerely,

Noel Waters
Secretary General

13 October 2017
Annex

Detailed response to draft report dated 15 September 2017 of Ombudsman Investigation into the administration of the Magdalen Restorative Justice Scheme

In his executive summary, the Ombudsman records that 27 applicants to the scheme complained to your office. Of those 27, 13 had awards made to them under the scheme, 13 are refused as they were not in a relevant institution as defined in the scheme, and the remaining one is in the process of having her case considered again in the light of new information provided.

The administration of a compensation scheme of this type presents particular administrative challenges. Much of the criticism in the draft report appears to operate on the assumption that an existing administrative template existed. This is not the case. Procedures had to evolve over time to deal with challenges in operating the scheme. It is incorrect to characterise this necessary evolution as in some way a change of mind or a shifting of ground as to whom the scheme applied to. The basis of the scheme was clear from the start.

Response to charges of maladministration

At the outset:

1) The Department does not agree with the findings of maladministration particularly leading to the first recommendation. The Scheme administered is that approved by Government and which provided for the exclusion of the RIRB institutions. It is not within the competence of officials administering such a scheme to depart from its government approved terms, and .

2) It is the Department's view that the grounds for a finding of 'maladministration' provided for in section 4(2)(b) of the Ombudsman Act 1980 (as amended) are not met.

Extension of schemes to other institutions

The Ombudsman's first and principal recommendation concerns the extension of the applicability of the Magdalen Scheme to certain institutions. Specifically, he recommends that where there is evidence that a woman worked in one of the listed institutions, but was officially recorded as having been “admitted to” a training centre or industrial school located in the same building, attached to or located on the grounds of one of these institutions, then the Department should fully reconsider their application with a view to admitting them to the Scheme.

At the risk of over-simplifying the position, the basis of this recommendation is:

a) That the phrase in the Scheme “admitted to and worked in” is being misinterpreted by the Department and:

b) Relatedly, the Government did not approve the specific exclusion from the Magdalen Scheme of any institutions listed in the Schedule to the 2002 (Residential Institutions Redress Board) Act.
This recommendation speaks to the issue of policy formation, which is the preserve of the Executive, rather than to the issue of administration. To come to the recommendation and the reasons for it, the report:

(i) seeks to place an unusual construction on specific phrases used in the scheme;
(ii) provides no explanation as to how the extended scheme could logically apply to the cohort involved and
(iii) fails to address the logical consequence of the recommendation.

De-linking of phrase

In relation to point (i) the report acknowledges that the scheme is limited to those who “were admitted to and worked in” the 12 institutions specified in the scheme. You correctly point out that the phrase was provided in the Terms of Reference to Judge Quirke, and was used by all who subsequently were involved in the development of the Magdalen Restorative Justice Scheme. Nonetheless, your report holds that the two components of that phrase should be de-linked, so that the scheme can apply to someone who worked in the institution but who hadn’t been admitted there.

In arriving at that position, the report argues that the phrase “were admitted to and worked in” was not defined at any point and that there was an ‘asymmetry in understanding’ in relation to this phrase between the Department and the applicant women as to whom this Scheme applied to. There is no evidence in the report that such an ‘asymmetry of understanding’ existed at all among potential applicants to the Scheme. The phrase clearly means that both elements of the phrase “were admitted to and worked in” must be satisfied in order to qualify under the scheme. At no point was the Department or anyone else involved in the scheme unsure as to what the phrase meant. The examples of different phraseology used in the paragraph on page 16 of the draft report are simply that – different phraseology. They illustrate no confusion or struggle as to the meaning of the phrase. The ‘asymmetry’ referred to was raised only as a legal argument in the Judicial Review titled “MKL and DC –v- Minister for Justice”, the judgment on which was finalised on 28 July 2017.

That judgement also addressed, inter alia, the related question as to whether persons who qualified for redress under the 2002 Residential Institutions Redress Scheme are also able to seek redress under the Magdalen Restorative Justice scheme for any work done in the specified institutions during the same period. Although the judgement should be read in its totality, one of its findings is that “... It is not appropriate that any applicant under the ex gratia scheme (i.e. Magdalen) should receive compensation, however described from the (Residential) Redress Board Scheme and the ex gratia scheme covering the same wrong.” Nonetheless, that is essentially what the report recommends.

How can ‘work’ solely be compensated under the Scheme?

This brings us to point (ii) above i.e. how could the Magdalen scheme as determined by Government logically apply to those who were not “admitted to” one of the twelve institutions involved? The Ombudsman says that he is not seeking to change the scope of the scheme but his recommendation would require just that.
The Scheme was not intended to be (or designed as) a labour compensation scheme. The purpose of the ex gratia scheme is to contribute to a healing and reconciliation process for the women concerned. The ex gratia scheme was not established to compensate women who entered Magdalen institutions for unpaid work there. The work done was not for or on behalf of the State and if compensation is sought that is a matter for the religious congregations.

One of the grievances of the women who were active in campaigning was that they had not been compensated for working without pay. In order to address that grievance, the terms of reference for Mr Justice Quirke refer to "taking into account criteria determined to be relevant, including work undertaken and other matters as considered appropriate to contribute to a healing and reconciliation process". Judge Quirke does provide for the payment of amounts of money to reflect the work undertaken by the women. However these amounts are purely notional and to the best of our knowledge are not intended to be an accurate reflection of the value of the work done, either measured by the wages paid at the time (adjusted for inflation) or the value to the institutions.

In page 30 of the draft Report the Ombudsman cites a sentence in an email from this Department to his office where we say that part of an award under the Scheme refers to a ‘work payment’ to reflect the work that was done in the institutions for no pay. But clearly this does not imply that it is a work compensation scheme in its entirety and the recommendations in Judge Quirke's report does not lend itself to that interpretation either. The operation of the Magdalen scheme relies on two very simple pieces of information that underscore the correctness of the Department’s interpretation of the scheme. They are: (1) was the applicant in one of the 12 institutions concerned identified in the Magdalen Scheme and (ii) how long was she there? Based on these two pieces of information, we make a standardised award.

The Magdalen Scheme makes no attempt to qualify or quantify the type of work that was done in the laundry. Such information would be needed in the context of adding industrial school or training centre applicants to the scheme given that, by definition, they were not ‘admitted to’ the institution concerned. In reality, a new scheme would need to be drawn up which would involve an assessment, if such is now possible, of how many residents in the Industrial Schools or Training Centres cited by the Ombudsman worked in a Magdalen institution and what was the extent of that work. That is a separate scheme to the Magdalen Scheme, the administration of which is the subject of the Ombudsman’s report, In short, that is a matter of future Government policy, not the administration of any current policy.

**Logic behind recommendation**

As to (iii) above, the implicit principle behind the Ombudsman’s recommendation is that those who were resident in Industrial Schools or Training Centres and who performed work outside should be compensated separately for that work. That being the case, the proximity to a Magdalen institution of the Training Centre or Industrial School involved should have no bearing on the matter. At all events, implementation of the Ombudsman’s recommendation would involve the effective re-opening of the Residential Institutions Redress Board (RIRB) scheme.
Development of Scheme

This brings us to that substantial section of the Ombudsman’s report dealing with the development of the Magdalen Restorative Justice Scheme in which it is implied that the Scheme as finally established was not in accordance with the Governments’ wishes. In his report the Ombudsman recounts:

(i) the establishment in 2011 of the Inter-Departmental Committee charged with establishing the facts of the State’s involvement with the Magdalen institutions and the publication of its report in February 2013 – otherwise known as the McAleese Report
(ii) the subsequent appointment on 20 February 2013 of Judge Quirke to advise on the establishment of a restorative justice scheme
(iii) the publication on the same day of the preliminary expression of interest form on the Department’s website
(iv) The publication of the Quirke Report on 26 June 2013
(v) The issuance by the Department of an application form along with a copy of the Quirke Report to each of the women who had completed a preliminary expression of interest form.
(vi) The establishment of an Inter-Departmental Group to consider how best to implement the recommendations of the Quirke Report and the submission of that Group’s report to Government on 5 November 2013.

As summarised above, deciding how the State should provide redress to persons who had been in Magdalen institutions was an iterative process. The draft report implies that actions and decisions taken during this period, in advance of the Government’s final decision on the scheme in November 2013, were either premature or served to lessen the entitlements of the women concerned.

The Ombudsman argues that it is unacceptable for schemes to be established and advertised before decisions are made on key issues as to eligibility. He describes the six month period between the publication in February 2013 on the website of an invitation for preliminary expressions of interest and the Government’s approval of a scheme in November 2013 as a ‘delay’. He then goes on to say that failure in the intervening period to provide certainty and clarity around what is meant by the phrase “admitted to and worked in” constitutes ‘maladministration’.

As stated already, we do not accept that there was any general misunderstanding of the phrase. Moreover, it would surely have been ‘maladministration’ to have delayed for six months the invitation of expressions of interest once the McAleese Report had been published and Judge Quirke appointed to advise on a suitable compensation scheme. It needs to be emphasised that the Government decision of 19 February 2013 was as follows:

...... the establishment of a fund in a sum sufficient to meet the recommendations of Mr. Justice Quirke for the benefit of women who were admitted to and worked in the Magdalen Laundries, the subject matter of the McAleese Report and the residential/institutional laundry in the training centre at Stanhope Street, Dublin......
In other words, from the start it was known that a compensation scheme would apply only to applicants who “were admitted to and worked in” the institutions concerned.

This annex should record that there was an urgency attached to getting applications processed as quickly as possible as many of the women who had been in the Magdalen institutions were quite elderly and frail. No provisional offer issued until after the Government Decision of 5 November, 2013 which clarified the commencement date of the scheme – 1 August, 2013. The provisional letter of offer clearly stated that “This provisional assessment is indicative only and does not give rise to any entitlement to a payment or benefit under the Scheme”. It is important to note that no formal letter of offer issued until 31 December, 2013. We cannot stop people applying for something for which they are not eligible. Often those who asked for a form to apply were told that the institution they had been in was not covered by the scheme, but they sought the form nonetheless.

Exclusion of RIRB institutions and ‘double payment’

On page 29 of the draft Report, the Ombudsman noted that “Judge Quirk recommended against identifying payments previously received from the RIRB”. He then goes on to say:

“Notwithstanding this, a decision was subsequently made, apparently with the Department of Justice, that it would be appropriate to exclude any institutions listed in the Schedule to the 2002 (Residential Institutions Redress Board) Act. This operated as a blanket exclusion regardless of whether the applicant worked in a laundry or indeed whether the applicants even made a claim to the RIRB in the first place”

He says further that:

“The footnote provision permitting the exclusion of institutions covered by the RIRB does not stem from the recommendations of Mr. Justice Quirk or indeed of any Government decision. It was a purely administrative arrangement inserted into the Scheme some months after the Scheme was established. However, it nevertheless had the effect of significantly reducing the number of applicants who were admitted to the Scheme.”

The clear implication of these paragraphs is that the Department of Justice and Equality – in isolation from other relevant Departments and in contravention of the wishes of the Government – arbitrarily limited the scope of the scheme to exclude persons who had worked in Industrial Schools. This misrepresents the position. There are a number of points to be made, viz.:

(i) The exclusion from the Magdalen Scheme of any institutions listed in the Schedule to the 2002 (Residential Institutions Redress Board) Act was a recommendation of the Inter-Departmental Group, which was established to consider how best to implement the recommendations of the Quirke Report. That report was approved by Government. It was not a decision ‘apparently’ made by this Department alone. Moreover, it is entirely consistent with the recommendations of the Quirke Report as explained further in point (ii) immediately below.
(ii) The Magdalen Redress Scheme is an ex-gratia one and its terms are as agreed by Government. It is a commonly understood and accepted concept that compensation is not paid ‘on the double’. Neither Judge Quirke, whose report forms the basis of Magdalen Scheme, nor the Government, operated under any other assumption. Indeed, it was precisely because of such an understanding that Judge Quirke specifically addresses one circumstance where a double payment could in fact be made. This relates to females who were initially admitted to Industrial schools and who were subsequently transferred to a Magdalen institution. Arising from the Quirke recommendation, they are entitled to payments under the Residential Institutions Redress Scheme for the period up to their 18th birthday and no account is taken of that payment when granting redress under the Magdalen scheme.

This is illustrated by the following example. A girl goes to an Industrial school at age 12 and she is then transferred to a Magdalen institution at age 16 where she stays until she is 21. She will be paid under the Residential Institutions Redress Scheme for the period when she is 16-18 years of age. She will also be entitled to redress under the Magdalen scheme for the period when is 16-21 years of age. Therefore, in this case there is a double payment for the age period 16-18 years of age.

(iii) Awards made under the RIRB scheme are, by legislation, confidential and not made public. As a consequence, administrators of the Magdalen scheme cannot know if an applicant ‘even made a claim to the RIRB scheme in the first place.’

(iv) As noted in your draft Report, the report of the Inter-Departmental Group to consider how best to implement the recommendations of the Quirke Report was considered and agreed by Government. That Report made clear who was covered by the Scheme – i.e. those “were admitted to and worked in” the 12 specified institutions concerned. Additionally, and what amounts to the same thing, is that excluded from the remit of the Scheme are any institutions listed in the Schedule to the 2002 (Residential Institutions Redress Board) Act.

From an administration perspective, this is the heart of the matter. It is not within the legal competence of officials administering such a scheme to depart from its Government-approved terms. Civil servants would indeed be engaged in ‘maladministration’ in the absence of any Government decision to that effect.

This point is best illustrated in that section on page 30 of the draft report where the Ombudsman cites four former residents of Industrial Schools who were eligible to apply for compensation under the RIRB scheme but who did not do so before the closing date for that scheme. The case that seems to be made by the Ombudsman is that this Department should have provided a ‘remedy’ for these applicants by compensating them under the Magdalen Scheme, despite the latter scheme being of an entirely different nature to the RIRB Scheme. The Ombudsman goes on to describe this ‘lack of flexibility’ as constituting ‘maladministration’. From an objective perspective, surely a Government Department acting unilaterally as a generic ‘sweeper’ compensation provider, in the absence of any authority to do so, would more properly be described as engaging in ‘maladministration’? Again, to make the
point, extending the deadline for the RIRB Scheme or including RIRB institutions within the terms of the Magdalen Scheme are matters of policy, not administration, and describing the actions of civil servants in adhering to existing Government policy cannot be properly described as ‘maladministration’.

**Specific institutions**

The draft report details some of the training centres and industrial schools as referenced in complaints to your office. The one that features most heavily is An Grianán Training Centre, High Park, Drumoonda. This was the subject of detailed correspondence between the Department and the Ombudsman’s office. There was indeed, as noted in the draft report, a ‘grey area’ as regards this entity’s exact relationship with the adjoining High Park Magdalen Laundry, which is one of the twelve institutions specified in the Scheme. The Ombudsman is indeed correct to say that, initially, all applicants under the Scheme who were admitted to An Grianán at any point were refused admission to the Scheme. However, as a result of the dialogue with his Office, we reviewed the issue regarding An Grianan and accepted that those in the Institution prior to 1971 could be considered as being in St Mary’s Refuge and thus within the Magdalen Scheme.

The Department holds, however, that An Grianan Training Centre is not an institution covered under the Scheme.

In that section of its report dealing with “associated institutions” the Inter Departmental Group specifically references An Grianan as being one of the institutions listed in the Schedule to the Residential Institutions Redress Act and that it proposes to specifically exclude An Grianan from the Magdalen Scheme. The Report goes on to say that the basis of the exclusion is that “otherwise a person who was in such an institution could claim twice”.

Ri Villa was a Teenage Unit within the Sean McDermott Street complex. There were two reasons why it was decided to include it in the Magdalen Scheme.

Firstly, we had regard to the fact that - unlike the High Park site, which had a number of units within its complex - the Sean McDermott Street site was a single entity. The description of both sites in the McAleese Report – Chapter 3, page 21, paragraph 23 and page 23, paragraph 28 – bears this out. McAleese advises that there were a number of buildings in the High Park site in addition to the Laundry and living quarters for the women who worked there. These consisted of a Convent, an industrial school, a farm and for a number of years a lodging house for paying guests known as St. Michael’s. The Sean McDermott Street complex is described as a single entity i.e. ”there were no other institutions on site other than the laundry, living quarters for the women and the Convent”.

Secondly, it was accepted that the girls who resided in Ri Villa also worked some hours in the laundry. Therefore, it was deemed appropriate, given that it was excluded from the Residential Institutions Redress Scheme, that Ri Villa would be included in the Magdalen Ex-Gratia scheme.
In relation to the other institutions mentioned in the draft report, the position is again that the Ombudsman wishes to expand the terms of the Scheme, either by adding on institutions to the 12 specified under the scheme or by seeking the inclusion of institutions provided for under the 2002 RIRS that are specifically excluded under the Scheme. Without going into unnecessary detail in this respect the position in relation to each of the centres you cite is as follows:

**Gracepark Training Centre Waterford**

This was considered in the McAleese Report -- Chapter 3 page 31 -- and was deemed not to be a Magdalen institution.

The site included the laundry, living quarters for the women who worked there, a convent and an industrial school.

**Page 22**

St. Joseph’s Reformatory School, St. Mary’s Training Centre,(Rosemount Training Centre) Pennywell Road, Limerick

All are excluded from the scheme. The reformatory school and industrial school were provided for under the 2002 RIRS. The site at Clare Street/Pennywell Road included a laundry, living quarters for the women who worked there, a convent, an industrial school and a reformatory school for girls.

**Page 23**

St. Aidan’s Industrial School and the Teenage Training Unit New Ross

The applicant you refer to here was admitted to the scheme because the Good Shepherd Sisters provided verification that she was admitted to St. Mary’s New Ross on 10 March 1965 and remained there until 20 April, 1966 and not St. Aidan’s industrial school as stated in the draft report.

The industrial school was included in the 2002 scheme.

**Page 23 para 4**

St. Finbarr’s industrial school and Teenage Unit known as Marymount, Sunday’s Well

My office received a complaint from a woman who stated that she worked in the laundry. The Department was of the view that she had resided in St. Finbarr’s

The applicant referred to in your report was in St. Finbarr’s which was provided for under the 2002 RIRS.

**Page 24 para 4**

St Michael’s industrial school Summerhill, Wexford

St. Michael’s was provided for under the 2002 RIRS
St. Anne’s Hostel
My office received 2 complaints from applicants who were in St. Anne’s ……..

St. Anne’s is the subject of Judicial Review proceedings

In relation to St. Anne’s Hostel, the Sisters of Our Lady of Charity have stated that girls in the hostel were for the most part in outside employment and they were not required to work in the laundry. They stated that “they were free to enter the premises of the laundry and many frequently did”

The draft report makes reference to a particular case in respect of an applicant who was in almost full outside employment while resident in the hostel. While it is accepted that there are some gaps in her employment this does not automatically mean that she was required to work in the laundry to pay towards her keep. During those periods of unemployment, some as long as 10 weeks, she had two hospital admissions and many day visits to the out patient section of the Mater Hospital. She was also in receipt of unemployment benefit which she could use to meet her commitments in the hostel. We are reviewing this case.

Reliance on religious records

I will now turn to that section of your report dealing with ‘over reliance’ on the religious records and a failure to follow up on discrepancies in records.

It is critical to understand that the core function of my Department was to establish whether the applicants to the Scheme had been “admitted to and worked” in any of the 12 institutions involved. We had full co-operation from the religious congregations involved. Their records were accepted as evidence that an applicant was admitted to an institution. When entry and exit dates were recorded they were generally accepted by the applicants as correct. These records were historical and the religious had nothing to gain by providing incorrect or false details. Many of the applicants did not have clear memories of that period in their lives and, indeed, some were surprised to learn that they had been longer in an institution that they had remembered.

On pages 34, 35 & 36 of the draft report the Ombudsman deals with religious records and how we managed to arrive at a length of stay in a relevant institution. The impression given in the report is that we accepted the word of the religious orders over that of others and that, as a consequence, women were disadvantaged. This misrepresents the situation.

It is important to record here in this annex that when complete religious records were available to support an application they were for the most part accepted as correct by the women concerned. This situation was welcomed by everyone involved. It meant that the application could be processed quickly and an ex-gratia award issued within weeks.

If there was ever any doubt in the woman’s mind, my officials requested further confirmation from the religious and then, if necessary checked school records,
employment records, Tusla records and others as an additional check to eliminate or otherwise any possibility that the applicant was in the institution for a longer period. If the woman was satisfied with the length of stay provided arising from these further checks we did not invade her privacy further. If a dispute remained unresolved, further enquires were made including a reference back to the religious.

In some cases, the religious were able to provide confirmation that the applicant was admitted to a relevant institution but while an entry date was recorded an exit date was not. In those cases, the woman’s testimony was crucial and this, alongside her employment record, would testify to her exit date from the institution. If she did not enter employment her testimony and that of her family members was accepted.

A very small number of women disputed the religious records when they were available. These applicants are referenced in the draft report. When further checks were carried out for those applicants it was found that the religious records were supported by other official non-religious records. The woman’s testimony was always taken into account but alongside official records. It would have been wrong to ignore religious records and other official records completely in favour of the woman’s testimony.

There were two applicants who provided religious documents in support of their application which had been altered. For that reason, when an applicant provided a photo copy of their religious records the relevant religious congregation was asked to verify the details of the photocopied document.

Protocols were agreed to assist the Unit to deal with applicants who had no records. The absence of records for the most part arose for the two training schools. The last and final register opened could not be located. The religious congregations for both schools engaged with the Unit and provided details and verifications on a range of issues as they arose. They advised that the training courses on offer were generally two years in duration and girls were placed in employment at the end of the training. The girls were placed in the training school by their parents once they had completed their primary education. At that time a child was legally required to remain in education until age 14 years and insurable employment commenced at 16 years. Therefore, in the absence of records, a two year stay was the maximum allowed.

In relation to the Magdalen institutions, the numbers who did not have records were fewer and related to the institutions in Galway and Dun Laoghaire. A total of 25 applications were received relevant to those two institutions. Some did have records and as these were older women – 21 years and older- we were able to identify them from the electoral registers. It was agreed that in the absence of religious records and having considered all other available records that a 4 year stay was reasonable – this represented the average stay in the Magdalen institutions based on the applications received.

The report acknowledges that the Department had an interview process in place in respect of a woman whose claim could not be verified by records that were missing or otherwise unavailable. It goes on to say that this interview process was initiated almost a year after the scheme began operation, and that this may have adversely affected women whose cases had been decided earlier. But the report fails to note that
those cases which were decided earlier did not require an interview process as there was sufficient written records to decide their claims. We did indeed prioritise those cases over those for whom additional interviews were required. This Department believes that this prioritisation process was sensible and does not amount to maladministration.

It would be pointless to provide detail of the processes gone through in all of the individual cases cited in the draft report. But we should take just one example - that of – to rebut the arguments of the Ombudsman as to how individual applicants were treated.

On page 36 of the draft the Ombudsman states in summary the following in respect of

The Department of Education provided in response to a request from the Department, further details on time spent in industrial schools and stated as follows “as per her application to Dept. of Justice she was in Magdalen institution from 1968 to 1971”. At no point does it appear that the Department followed up with the Department of Education as to what it meant by this statement. Instead it makes a decision based on the information provided by the congregation (and without having sight of the original records) amounting to a total stay of 3 months.

Firstly, the words in quotes constituted a standard line in all responses from the Department of Education. Effectively, the line repeated what the applicant herself had stated on her Magdalen application scheme form. This was used by Department of Education simply as a reference phrase when they were searching for records for this Department. It has no other relevance and this was clearly understood by the staff of the Magdalen Unit. It did not amount to the Department of Education telling us something that we didn’t already know and which we failed to check out any further.

The interpretation of this phrase by the Ombudsman, who had full access to our file on this case, and his account of how application was dealt with, can only be described as misleading. The religious records indicated committed offences and that a Probation Officer had been assigned to her. Numerous queries were sent to the Sisters of Our Lady of Charity and to the Probation Service to establish the facts of this case. Records also indicated that she was at times a “child at risk” on which basis enquiries were sent to the ISPCC. We made every effort to locate her school records. We contacted four schools but to no avail.

called in to the Department unannounced on 31 May, 2016 where she was brought her to the conference room and given as much time as she needed to explain her situation. The official note of the interview indicated her to be very confused.

The facts above rebut the findings of the Ombudsman in this case and a similar rebutal would apply to any of the other cases cited by him.

Women lacking capacity

The draft report criticises the delay in making payments to these women – of whom there are now 18, 16 of whom reside in nursing homes. Payment to these 18 women had been delayed pending the commencement of the Assisted Decision-Making
(Capacity) Act 2015 which was signed into law on 30 December 2015. The Act provides a modern statutory framework to support decision-making by adults with capacity difficulties. New administrative processes and support measures, including the Decision Support Service, must be put in place before the substantive provisions of Act can be commenced. These are outside the control of the administrators of the redress scheme and, as noted in your report, we accepted that dealing with this issue through that Act was taking longer than we wished. We have now gone down the road of requesting the women's guardians to make them Wards of Court that will allow them get the awards made under the Magdalen Scheme. Plainly, had we known in advance of the delays in implementing that Act we would have gone down the alternative route sooner. To that extent, we accept the criticism in your report but we do not accept that this amounts to maladministration.

Guidance on future schemes

We accept the Ombudsman’s recommendation that any future restorative justice or redress schemes benefit from the learning from the operation of this scheme. It is unlikely that the Magdalen scheme will be the last of its kind and that the State should be a learning entity.
9 November 2017

Mr. Noel Waters
Secretary General
Department of Justice and Equality
51 St. Stephen’s Green
Dublin 2

Ombudsman Investigation – the administration of the Magdalen Restorative Justice Scheme

Dear Mr. Waters,

I refer to your letter dated 13 October 2017 and enclosures regarding the above investigation. Thank you for this response which I have now had an opportunity to fully consider.

I am attaching a detailed response to some of the issues which you have raised. However, at the outset, I would like to make the following observations –

I cannot agree that the report is based on a “fundamental misunderstanding” of the Scheme. It is instead based on a very thorough examination of all available records (including those held by the congregations), all of which were available to the Department. I am not seeking to add new institutions to the Scheme.

You refer to the recent judgment in MKL and DC v Minister for Justice and Equality. I also make reference to this judgment in my attached response. However, at this point I would like to stress that I am of the view that the judge in that case did not make any finding that what was being sought by the applicants was an extension of the Scheme.

I note that a total of €25.7m has been paid out to 682 women. I also note that the total overall estimated cost for the Scheme was originally between €34.5m and €58m based on an estimate of 555 to 1000 applicants.

Your response to the draft report and this reply will be attached as an appendix to my report which I intend to publish within the next few weeks.

Once again I would like to thank you and your staff for your co-operation and courtesy throughout the investigation which was much appreciated.

Yours sincerely,

[Signature]

Peter Tyndall
Ombudsman
Ombudsman investigation – the administration of the Magdalen Restorative Justice Scheme

Note on the response from the Department of Justice on the draft report (received 13 October 2017)

De-linking of phrase “admitted to and worked in” (p. 2 of Annex)

"Your report holds that the two components of that phrase should be de-linked so that the scheme can apply to someone who worked in the institution but who hadn't been admitted to".

Nowhere in the report do I hold this and to state otherwise misses the point of my argument. In fact, I deliberately stay away from this argument. I state as follows – "I have consistently maintained that I am not seeking to add new institutions to the Scheme. Instead, and as outlined above, my Office has had sight of a significant amount of evidence which, at the very least, suggests that these units and the Magdalen laundries were inextricably linked and could be considered to be one and the same institutions.

In relation to "admitted to and worked in", my argument has always been that the women were admitted to these institutions as the laundry/training centre/industrial school was one and the same for the purposes of this Scheme. That is why I went into such detail in relation to each of the institutions to highlight the close relationship between the laundry and training centres (and sometimes industrial schools) located in the same building or on the same grounds. I have never sought to de-link the phrase.

I do not make any finding in relation to the phrase “admitted to and worked in”. Instead I highlight inconsistencies such as the fact that the phrase does not appear in the preliminary expression of interest form and that Mr. Justice Quirke delinked the phrase in correspondence with the women. Both of these are statements of fact. I also highlighted the fact that at no point did the Department publicly clarify or set out what the phrase meant and instead sometimes confused it with residency.

Compensation for work without pay (p. 2-3)

The Department has stated that the Scheme was not intended to be a labour compensation scheme. “The purpose of the ex gratia scheme is to contribute to a healing and reconciliation process for the women involved...In order to address that grievance (that the women had not been compensated for working without pay), the terms of reference for Mr. Justice Quirke refer to “taking into account criteria determined to be relevant, including work undertaken and other matters as considered appropriate to contribute to a healing and reconciliation process. Judge Quirke does provide for the payments of amounts of money to reflect the work undertaken by the women”.

I have no issue with the above statements. Mr. Justice Quirke is indeed clear that the award is not about actual work done but instead is to reflect the expression of reconciliatory intent. My report says much the same thing – “this Scheme is a restorative justice scheme, one aspect of which is to offer some element of redress for those who spent time working in very harsh conditions for no pay”). Nowhere in the report is it implied that it is a work compensation scheme in its entirety - it was a factor to be taken into consideration.
In reality, a new scheme would need to be drawn up which would involve an assessment, if such is now possible, of how many residents in the Industrial Schools or Training Centres cited by the Ombudsman worked in a Magdalen institution and what was the extent of the work.”

To a large extent this information is readily available and held by the congregations. For example, from looking at records held by the Good Shepherd Sisters, it is evident that between 1.00 and 3.45 each weekday, the girls in Gracepark worked in the laundry.

Development of the Scheme (p. 45)

“The Ombudsman argues that it is unacceptable for schemes to be established and advertised before decisions are made on key issues as to eligibility.”

“He [the Ombudsman] describes the six month period between the publication in February 2013.... and the Government’s approval of a scheme in November 2013 as a delay.... Surely it would have been maladministration to have delayed for six months the invitation of expressions of interest once and the McAleese Report had been published and Judge Quirke appointed to advise on a suitable compensation scheme “.

It is quite clear in my report that the “delay” referred to is in relation to the delay between receiving the first application forms and finalising the Terms of Scheme – that is the period between June and December 2013. It does not relate to the period from when the preliminary expression of interest was published on the website. I am not criticising the Department for the delay itself. Instead my finding is that the delay in finalising the Terms of the Scheme (nearly 6 months after the first application was received) and, in particular the eligibility criteria, created, at best, a misleading impression for some applicants.

“It is important to note that no formal letter of offer issued until 31 December 2013” – in other words after the terms of Scheme were finalised. This may be correct, however, the Department does not indicate how many formal offers differed from the provisional offers made before the Terms of the Scheme were finalised. Also, it should of course be noted that no formal letters of offer issued to those who were deemed not to be eligible.

The Department argues - “Often those who asked for a form to apply were told that the institution they had been in was not covered by the Scheme but they sought the form nonetheless”. Any woman who completed the preliminary expression of interest form was sent out the application form. They did not seek the form themselves.

Exclusion of RIRB institutions and “double payment” (p. 5-7)

I cannot agree that Mr. Justice Quirke did not recommend that double payment "in these limited number of cases" should be ignored. Mr. Justice Quirke was asked to make a recommendation in relation to one circumstance - he was not asked for nor did he express a view in relation to any other circumstances apart from this one. This is also pointed out by the High Court in MKL – (para 18) "the report did not consider the position of applicants, who were in other institutions on the same campus as the laundries but who were forced to work in the laundries as children".
The Department quotes from the judgment in MKL that “it is not appropriate that any applicant under the ex-gratia scheme should receive compensation, however, described from the Residential Redress Board Scheme and the ex gratia scheme covering the same wrong”. The key words here are covering the same wrong. The Department does not address the arguments in relation to the different features of the two schemes. In its reply, the Department itself refers to the Magdalen scheme being “of an entirely different nature to the RIRB scheme”. It also does not include the High Court’s other comments in relation to this issue – for example (para. 30) – “the respondent is quite correct to ensure that there is no double recovery by way of payment under the scheme for that which the applicant has already been compensated under the redress scheme. The court appreciates that this exercise in differentiating the two may be difficult but not impossible”.

Contrary to what the Department is now trying to assert, the exclusion from the Scheme of any institutions listed in the Schedule to the 2002 Act was not a recommendation of the Inter-Departmental Group (a report which was “noted” not “approved” by Government). There is absolutely nothing in what I have seen to suggest that the decision was taken by anyone other than the officials in the Department. Furthermore, it is not, as asserted by the Department, entirely consistent with the recommendations of the Quirke report,

“Awards made under the RIRB scheme are, by legislation, confidential and not made public. As a consequence, administrators of the Magdalen scheme cannot know if an applicant even made a claim to the RIRB scheme in the first place”. This statement is disingenuous. One of the questions on the preliminary expression of interest form asks whether the applicant had ever previously received compensation for a period spent in an institution. The RIRB scheme was the only compensation scheme for those who spent time in an institution, so there is no way that the Department could not foresee that the applicant would provide details of compensation received from the RIRB.

The Department alludes, throughout its response, to the fact that it was a Government decision to exclude institutions covered by the RIRB and that therefore there is nothing they can do – “from an administrative perspective, this is the heart of the matter. It is not within the legal competence of officials administering such a scheme to depart from its Government-approved terms. Civil servants would indeed be engaged in maladministration in the absence of any Government decision to that effect”.

But the evidence suggests that this is precisely what happened. It was an administrative decision to exclude institutions covered by the 2002 Act – the administrative note excluding these institutions and added on to the end of the Terms of Scheme (dated 13 December 2013) was after the Government decision on the implementation of the Quirke recommendations (dated 5 November 2013).

“The case that seems to be made by the Ombudsman is that this Department should have provided a “remedy” for these applicants by compensating them under the Magdalen Scheme, despite the latter scheme being of an entirely different nature to the RIRB Scheme”.

That is not the case being made. These cases where highlighted primarily to show that double-recovery was not actually a live issue in all the cases, i.e.: although a number of applicants were in an institution listed in the Schedule, they did not apply to the RIRB.

Specific institutions (p. 7-9)
Ri Villa

The part of the response referring to Ri Villa is word for word the same as a previous response from the Department on the issue – a response I addressed in the report (but not referred to in the Department’s response). The section from my report dealing with this is reproduced below. I don’t think it is necessary to add anything further.

"While the Department advises that Ri Villa was included as it was considered to be the "single entity" occupying the same site on Sean McDermott Street, the facts indicate that the same was true for An Grianán (which was located in the same building as the laundry) and, in the early years at least, for some of the other training centres, for example Gracepark Training Centre and Rosemount Training Centre. It should also be noted that St. Anne’s Hostel was also part of this "single entity" on the Sean McDermott Street site but was nevertheless excluded from the Scheme.

Likewise, if the exclusion of Ri Villa from the Residential Institutions Redress Scheme (which is discussed in greater detail in the next section) was one of the deciding factors, then it is unreasonable and inconsistent that other training centres with similar characteristics which were similarly excluded from the Residential Institutions Redress Scheme were not treated in the same way and included within this Scheme. In these circumstances, it is my view that the actions of the Department in including Ri Villa within the Scheme and excluding similar training centres constitutes maladministration on the grounds that the actions were improperly discriminatory and otherwise contrary to fair and sound administration”.

I must note the use of the word “we” in its response on this issue (in other words “we” decided to include Ri Villa) when the Department has been at pains elsewhere to stress that in no circumstances could it ever depart from a Government decision.

Gracepark Training Centre

“This was considered in the McAleese Report and was deemed not to be a Magdalen institution”. It was not the role of McAleese to determine what was and was not a Magdalen institution. In fact, it was specifically prohibited from doing so. This response also fails to address the fact that the relevant complainant to this Office was actually “admitted” to St. Mary’s.

St. Joseph’s Reformatory School, St. Mary’s Training Centre (Rosemount), Pennywell Road, Limerick

“All are excluded from the scheme”. The reformatory school and industrial school were provided for under the 2002 RIRS”. That may be true but the Department is silent as to why the training centre is excluded.

St. Aidan’s Industrial School and the Teenage Training Unit New Ross.

“The applicant you refer to here was admitted to the Scheme because the Good Shepherd Sisters provided verification that she was admitted to St. Mary’s New Ross...and not St. Aidan’s Industrial School”. This is not correct. The applicant was admitted to St. Aidan’s
Industrial School and slept in St. Aidan’s every night. She was sent over to work in the laundry every day.

St. Finbarr’s Industrial School and Teenage Unit (Marymount), Sundays Well, Cork.

"The applicant referred to in your report was in St. Finbarr’s which was provided for under the 2002 RIRS”. As with Limerick, this is true. However, again the Department is silent in respect of the Teenage Unit.

St. Michael’s Industrial School, Summerhill, Co. Wexford.

"St. Michael’s was provided for under the 2002 RIRB”. This is true.

St. Anne’s Hostel, Sean McDermott St.

The Department does not provide a view on this – it is the subject of judicial review proceedings. However, it now appears to be reviewing one of the cases mentioned in the report on the basis of “new information”. While I welcome this, As far as I can ascertain, this new information is my report pointing out that a so-called “continuous” employment record (which was cited as conclusive proof that she couldn’t have worked in the laundry) actually had a number of unexplained gaps in it. This was at all times evident from the file and therefore begs the question whether there are more cases like this.

Reliance on religious records (p. 9-11)

"It is important to record here in this annex that when complete religious records were available to support an application they were for the most part accepted as correct by the women concerned”. However mistakes were still made – for example, in the case of the late electoral registers showed that she was in St. Mary’s High Park for at least a year longer than the official record showed.

"If there was ever any doubt in the woman’s mind, my officials requested further confirmation from the religious and then, if necessary checked school records....” The Department only began checking school records following this Office’s intervention in a case. This was made clear in my report. (A similar issue arises in relation to the electoral registers).

"In some cases, the religious were able to provide confirmation that the applicant was admitted to a relevant institution but while an entry date was recorded an exit date was not. In those cases, the woman’s testimony was crucial....”

I saw no evidence of this from the cases I examined. Instead I refer in my report to a case where the Department refused to accept testimony on the basis that the Department’s consideration was “records-based”. The Department does not refer to this in its response. Furthermore, the Department are still viewing the congregations as providing “confirmation” on a point as opposed to just being a possible source of information.

"[The report] goes on to say that this interview process was initiated almost a year after the scheme began operation and that this may have adversely affected women whose cases had been decided earlier. But the report fails to note that those cases which were decided earlier
did not require an interview process as there was sufficient written records to decide their claims”.

There are two points to make here. Firstly, it was actually 14 months before the interview process commenced. Secondly, it was the Department who decided whether the written records were “sufficient” or not and therefore which cases required an interview process.

It is important to state that I am not automatically taking account of events as fact. The inclusion of this case was to highlight that some potentially conflicting information was received from another Department which was not followed up on – “as per her application...she was in Magdalen Institution from 1968 to 1971”. I took as per on its usual meaning – in accordance with – and thought that at least this statement should have been checked. The Department has stated that the words in quotes constituted a standard line in all responses from the Department of Education, was used as a reference phrase and was clearly understood by the staff of the Magdalen Unit. The Department did not provide any evidence of this. I have also not seen another example of this phrase being used in correspondence with the Department of Education

I have included an additional statement from the Department in the body of the report to clarify this. It may be simply a case of awkward language use. In any event, my point is that even if the phrase was incorrect or did not mean what it appeared to mean, this should have been checked with the Department of Education. The other records referred to by the Department in relation to this case were not definitive either way.

“The facts above rebut the findings of the Ombudsman in this case and a similar rebuttal would apply to any of the other cases cited by him”.

The Department has not however provided a rebuttal to any of the other cases.

**Women lacking capacity (p. 11-12)**

“Plainly had we known in advance of the delays in implementing that Act (the assisted decision-making (Capacity) Act, we would have gone down the alternative route sooner”.

The delay was flagged from the outset – not just by Mr. Justice Quirke but also by the Inter-Departmental Group and by officials within the Department itself. This is made clear in the report.
Appendix 2

Preliminary Expression of Interest Form
Registration of preliminary expression of interest in the receipt of benefits from the Magdalen Laundry Fund

The Government decided on 19 February 2013 to establish a Fund for the benefit of those who spent time in a Magdalen Laundry or St Mary’s Stanhope Street.

Mr Justice Quirke has been asked to advise on the establishment of a Scheme under the Fund (to operate on a non-adversarial basis) including identifying the criteria and factors to be taken into account (such as work undertaken in the Laundries for no remuneration). He will advise on the operation of the Fund and, in particular, the nature and amount of payments to be made out of the Fund. Until he reports back to the Government, no decisions will be made on the detailed operation of the fund.

The purpose of this form is to allow you to register an interest in being considered for benefits from the fund in due course. If you complete the form below, you will be contacted as soon as a decision has been on the nature of the Scheme.

This form is not a legal document nor should it be construed as giving any person an automatic entitlement to benefit from the fund.

Please return the form to:

Magdalen Fund, 3rd Floor, Montague Court, 7-11 Montague Street, Dublin 2
or by e-mail to info@dcmagdalen.ie

In due course applicants will be required to produce documentary evidence, such as a birth certificate, official photographic identification (passport, driving licence) and any records pertaining to their stay in the relevant institution.

Please note that an application will only be considered if it relates to an individual, who is still alive, who spent time in a Magdalen Laundry a list of which is below or St. Mary’s Stanhope Street.

<table>
<thead>
<tr>
<th>Personal Details</th>
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<tbody>
<tr>
<td>First Name</td>
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<tr>
<td>Family Name</td>
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<tr>
<td>Maiden name</td>
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<tr>
<td>(if different)</td>
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<tr>
<td>Date of birth</td>
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Registration of preliminary expression of interest in the receipt of benefits from the Magdalen Laundry Fund
OPPORTUNITY LOST
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<table>
<thead>
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<th>PPSN (or equivalent)</th>
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<tbody>
<tr>
<td>Postal address</td>
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</tr>
<tr>
<td>Telephone Number</td>
<td></td>
</tr>
<tr>
<td>E-mail address</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Information relevant to registration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Institution*</td>
</tr>
<tr>
<td>Date of entry</td>
</tr>
<tr>
<td>Length of stay</td>
</tr>
<tr>
<td>Date of exit</td>
</tr>
<tr>
<td>Age at entry</td>
</tr>
<tr>
<td>Where were you before entry</td>
</tr>
<tr>
<td>How did you come to be there</td>
</tr>
<tr>
<td>Where did you go to following exit</td>
</tr>
<tr>
<td>Do you have records from the Institution</td>
</tr>
<tr>
<td>Have you previously received compensation for a period spent in an Institution</td>
</tr>
</tbody>
</table>

Registration of preliminary expression of interest in the receipt of benefits from the Magdalen Laundry fund
* The Institutions considered relevant to this expression of interest are:

Sisters of Our Lady of Charity of Refuge:
St Mary’s Refuge, High Park, Grace Park Road, Drumcondra, Dublin;
Monastery of Our Lady of Charity Sean McDermott Street (formerly
Gloucester Street), Dublin 1;

Congregation of the Sisters of Mercy:
Magdalen Asylum / Magdalen Home, No. 47 Forster Street, Galway;
St Patrick’s Refuge, Crofton Road, Dun Laoghaire, Co. Dublin;

Religious Sisters of Charity:
St Mary Magdalen’s, Floraville Road, Donnybrook, Dublin;
St Vincent’s, St Mary’s Road, Peacock Lane, Cork;

Sisters of the Good Shepherd:
St Mary’s, Cork Road, Waterford;
St Mary’s, New Ross, Wexford;
St Mary’s, Pennywell Road, Limerick;
St Mary’s, Sunday’s Well, Cork.

And while not a Magdalen Laundry but included in the Fund:

Religious Sisters of Charity:
St Mary’s, Stanhope Street, Dublin 7 (laundry operated in the Training Centre)

Contact details:
Magdalen Fund, 3rd Floor, Montague Court, 7-11 Montague Street, Dublin 2
e-mail: info@idcmagdalen.ie
phone: 01 – 476 8649
Appendix 3

Application Form and Covering Letter for admission to the Magdalen Restorative Justice Scheme
Restorative Justice Scheme

The Government has decided to implement the recommendation on the payment of a lump sum to the women who were admitted to a designated laundry and worked there (Recommendation 3, pages 42 to 43) and that the recommendations made in the report also apply to women who resided in and worked in the laundries at St Mary's Training Centre, Stanhope Street; and House of Mercy Training School, Summerhill, Wexford. The report sets out the amounts which may be paid which vary between €11,500 and €100,000. You can apply for these monies straight away.

The Government has also agreed to implement the other recommendations contained in the report subject to an Interdepartmental Group addressing the steps necessary to implement the recommendations made. Further contact will be made at a later stage regarding these other recommendations.

What should you do now?

The application form should be fully completed, signed and returned to the Restorative Justice Implementation Team, Department of Justice and Equality, Montague Court, Montague Street, Dublin 2 along with the requested support documentation. If you need help in completing the form you are welcome to contact the Team at 01-4768660 or call to your Citizens Information Centre. It is important to complete all sections of the form as an incomplete form will be returned and may cause a delay in processing your application.

You may have nominated a third party as a contact person. However, it is important that you include on your application form, if you have not already done so, a current home address at which you normally reside.

Support Documentation

Along with the completed application form you will need to provide some support documentation:

- Proof of your current place of residence -- a Gas bill or Electricity bill or Telephone bill will suffice.
- Proof of your identity -- for example a photocopy of your Passport, or of your Driving Licence (Photo ID)
- Proof of your PPS Number -- for example a photocopy of your Social Welfare Card or of your Medical Card
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- Photocopies of records or other evidence of residence in one of the relevant Magdalen institutions; or in St Marys Training Centre, Stanhope Street; or in House of Mercy Training School, Summerhill, Wexford.
- A recent passport size photograph.

At this point you don’t need to seek legal advice. The purpose of this application is to verify your residence in a relevant institution and assess your eligibility for the lump sum payment.

You will be contacted again once that process is completed and at that point you may decide to seek legal advice.

If you don’t have records or evidence of your residence in one of the relevant institutions you will need to contact the religious order to request a copy of whatever documents they hold in relation to your time in residence with them (see list of religious institutions).

If the religious congregation have no record or incomplete records for you, all you need to do is forward us a copy of your request to the religious congregation and their response. We will then be in touch with you to see how we can best confirm that you resided and worked in the designated institution in question.

Restorative Justice Implementation Team
26 June, 2013
## Religious Institutions

### Contact Persons for the Religious Orders who operated the Laundries relevant to the Mr. Justice Quirke’s report

<table>
<thead>
<tr>
<th>Religious Order</th>
<th>Relevant institution/Laundry</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Good Shepherd Sisters</strong></td>
<td>St Mary’s Cork Road, Waterford</td>
</tr>
<tr>
<td>Write to: Sr. Brid Mullins</td>
<td>St Mary’s New Ross, Wexford</td>
</tr>
<tr>
<td>Good Shepherd Sisters</td>
<td>St Mary’s Pennywell Road, Limerick</td>
</tr>
<tr>
<td>Hennessy’s Road</td>
<td>St Mary’s Sunday’s Well, Cork.</td>
</tr>
<tr>
<td>Waterford</td>
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<tr>
<td>Ring: Sr. Brid Mullins</td>
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<tr>
<td>051-873241 Office</td>
<td></td>
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<tr>
<td>051-874294 Convent</td>
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<tr>
<td><a href="mailto:mbridmullins@eircom.net">mbridmullins@eircom.net</a></td>
<td></td>
</tr>
</tbody>
</table>

| **Sisters of Our Lady of Charity**   | St Mary’s Refuge, High Park, Grace Park Road, Drumcondra, Dublin 8                         |
| Write to: The Ministries Desk        | Monastery of Our Lady of Charity Sean McDermott Street (formerly Gloucester Street), Dublin 1; |
| Sisters of Our Lady of Charity      |                                                                                             |
| 63 Lower Sean McDermott Street       |                                                                                             |
| Dublin 1                             |                                                                                             |
| Ring: Ms Valerie Coonagh             |                                                                                             |
| Tel: 01 8711109 or 087 7719723        |                                                                                             |
| ministriesdesk@olc.ie                |                                                                                             |

| **Sisters of Mercy**                 | Magdalen Asylum / Magdalen Home, 47 Forster Street, Galway                                  |
| Write to: Ms. Marianne Cosgrave      | St Patrick’s Refuge, Crofton Road, Dun Laoghaire, Co. Dublin                                |
| Catherine McAuley Centre             | Summerhill Training Centre, Wexford (Laundry operated in the Training Centre)              |
| 23 Herbert Street                    |                                                                                             |
| Dublin 2                             |                                                                                             |
| Ring: Ms. Marianne Cosgrave          |                                                                                             |
| 01-6387521                           |                                                                                             |
| info@mercyarchives.ie                |                                                                                             |

| **Sisters of Charity**               | St Mary Magdalen’s, Fioraville Road, Donnybrook, Dublin                                     |
| Write to: Sr. Christina Gorman       | St Vincent’s, St Mary’s Road, Peacock Lane, Cork                                             |
| Mary Aikenhead House                 |                                                                                             |
| St. Mary’s                           |                                                                                             |
| Donnybrook                           |                                                                                             |
| Dublin 4                             |                                                                                             |
| Ring: Sr. Christina Gorman           |                                                                                             |
| 01-2698744 or 087-2127245            |                                                                                             |
| generalate@rscscaritas.com           |                                                                                             |
|                                                                                         |
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Application Form

- Please complete this form using BLOCK CAPITALS
- Please tick all boxes as appropriate
- Please note that failure to complete this form as fully as possible may delay consideration of your application
- An acknowledgment will automatically issue within three weeks of receipt of your application
- Please send the completed form to the following address:

  Department of Justice and Equality, 3rd Floor, Montague Court,
  7-11 Montague Street, Dublin 2

1. Personal Information

   Surname: ......................................................................................................
   Maiden name: ............................................................................................
   First name(s): ............................................................................................
   Any other first or last name(s) used: ............................................................
   Any other name(s) by which you were known in the Institution: ..................
   Date of birth: 
   Day | Month | Year
   ............................................................................................................
   Current Address: ......................................................................................
   ............................................................................................................
   Daytime telephone no: ..............................................................................
   Email address: ....................................................................................... 
   P.P.S./National Insurance no.* .................................................................
   *mandatory
2. Evidence of Identity

- Please forward a photocopy of each of the following
  a) Birth Certificate (long version)
  b) Proof of your PPS number
  c) Proof of your address e.g. utility bill etc.
  d) Official photographic ID e.g. passport, driving licence, travel pass etc.
  e) A passport size photo of the applicant.

- Please state your home address when you were first placed in the Institution:


3. Details of person applying on behalf of an applicant who needs assistance completing the application

- This section should only be completed where you are applying on behalf of another person.

- An application may be made on behalf of an applicant if the applicant is incapable of managing her own affairs at the time of the application.

- This Scheme will only apply to persons who were in the Magdalen laundries, St. Mary's Training Centre Stanhope Street and House of Mercy Training School, Summerhill, Wexford. Relatives of deceased women are not covered by the Scheme with one exception. Where a woman was alive on 19 February 2013 and an expression of interest has been registered, an application will be processed to finality even if the woman passes away before a payment can be made.

  My surname(s):

  First name(s):

  Relationship to the applicant:

  Address:

  Daytime telephone no.:

  Email address:
4. Institution(s) in which the applicant was resident

- Please give the names and addresses of the Institution(s) in which you, or the person on whose behalf you are applying, were resident and the dates of residence as precisely as possible. A list of the institutions considered relevant to the Scheme is attached for reference.

- Please also state any name or number given to the applicant in the institution.

- Please forward a copy of any records relating to your time in the institution with your application. If you have not previously requested records, information on how to proceed is attached. If you have not been able to obtain records relating to your time in the institution, copies of correspondence with the religious congregations seeking records and their reply should be included.

<table>
<thead>
<tr>
<th>Name of Institution</th>
<th>Address</th>
<th>Dates of residence</th>
<th>Name/number given in the institution</th>
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5. If you wish to add anything to the information you have given above, please do so in the space below:

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6. Declaration

PLEASE READ THIS SECTION CAREFULLY BEFORE YOU SIGN THIS FORM

- I declare that the information which I have given in this form is true to the best of my knowledge, and understand that I am personally responsible for it.

- I understand that the Department of Justice and Equality may request any person to produce to it any document which may relate to this application.

- I agree to tell the Department of Justice and Equality in writing if there are any changes either in my circumstances or those of the person on whose behalf I am applying before any settlement or making of an award.

- I agree to give the Department of Justice and Equality full assistance in the conduct of this application.

- I understand that this application and all attachments may be provided to any person and to the representative of any institution named in this application.

- I consent to the provision of personal information to the Department of Justice and Equality by any Government Department, agency, health or educational institution and the religious congregations for the purpose of verification in relation to my application.

*Signature of applicant: ______________________________

*Signature of person applying on behalf of an applicant: ______________________________

Date: ______________________________

*As applicable
7. Documents enclosed with this application

Checklist:

- Please tick the relevant box to indicate which documents are enclosed with this application.

Photocopies of the following documents are enclosed with this application:

1. □ Birth Certificate
2. □ Proof of PPS number
3. □ Proof of Address e.g. utility bill
4. □ Official photographic ID e.g. passport, driving licence, travel pass
5. □ Records or other evidence of residence in institution
6. □ Passport size photograph of the Applicant
7. □ Other (please specify):

- If it is not possible for you to make a photocopy of the original document, please forward your application, and original documents, by registered post or delivery. The Department of Justice and Equality will photocopy the original of any of the documents received by it, and return them to you by registered post as soon as possible.

- Please note that documents are sent at your own risk and while the Department of Justice and Equality will take all reasonable steps to safeguard them while in its possession, the Department cannot be held liable in the event of any loss or damage which may arise.

PLEASE AFFIX A CURRENT PASSPORT SIZED PHOTOGRAPH OF THE APPLICANT TO THE BOX BELOW.

PHOTOGRAPH
Appendix 4

Public Statements on the Magdalen Restorative Justice Scheme
Tuesday 19 February 2013

Minister for Justice and Equality (Deputy Alan Shatter): Today is a very important day for former residents of the Magdalen laundries. It is the day the Taoiseach, on behalf of the State, acknowledged their hurt and apologised for their suffering as a result of their being admitted to and working in a Magdalen laundry and the stigma many of them have felt throughout their lives. It is the day the State acknowledged the extent to which time spent in the laundries tragically blighted the lives of so many, and it is the day the State is finally opening its heart and accepting its moral duty to those who felt abandoned and lost and believed they had no future.

Dr. McAleese, in the introduction to his report, says that, for many years, the chronicle of the laundries was characterised by secrecy, silence and shame and, therefore, I express my deep gratitude to the women of the Magdalen laundries who began a journey a long time ago to have the truth of what happened told and acknowledged. There must have been times on that journey when they wondered if it was ever going to end, if indifference and evasion were the only responses they would receive. With courage and tenacity, they persisted. Due to their efforts, the veil of secrecy surrounding the laundries has at last been lifted and it can never be replaced.

This is not a day for recriminations about past failures to respond to these women's quest to establish the truth. I merely want to record that, upon my appointment as Minister for Justice and Equality, I was determined our Government would address the wrong done to those consigned to the Magdalen laundries and determined to see this day come. We will all accept that the work done by Dr. McAleese and all those who assisted him has been vital in allowing us to get where we are today. I am deeply grateful that he accepted my invitation to head a committee that would, once and for all, establish the truth of the State's involvement in the laundries. As I said in the House last week, I am personally grateful for the calm compassion with which he approached his task. I undertook in the House that we would publish the report once we had it and then consider our response. That is what the past fortnight has been about. We owe it to the women concerned to read and fully understand this story before responding and meeting them.

While today is primarily about acknowledging and seeking to make amends for the hurt experienced by the extraordinary women, some of whom I am pleased are with us this evening, we would do a great disservice to ourselves and to future generations if we did not try to learn lessons from what happened. For decades, our society was prepared to use institutions, including but not limited to the Magdalen laundries, to deal with a host of problems and perceived problems. Apart from the girls and women placed in the laundries by the State, the range of purposes for which society used the Magdalen laundries can also be seen in the report - some were young girls rejected by their foster parents when maintenance from the authorities ceased; some were young women who had been orphaned or who were in abusive or neglectful homes; others were women with either mental or physical disabilities; others still were simply poor or homeless; and many girls and women were placed in the laundries by their own families for reasons that we may never know or fully understand but which the report indicates "included the socio-moral attitudes of the time as well as familial abuse".

The women's accounts, as cited in the report, describe the laundries as cold, harsh and lonely places. Sadly, this reflects a truth we must all recognise: that Ireland itself, for many decades,
could be a cold and harsh place for the vulnerable among us. That is not for a moment to suggest that what went on in the laundries was acceptable or to minimise what was endured by girls and women there but if we are to learn what we can from what happened, we must not blind ourselves to what are, we hope, the past realities of Irish society. The report found that a significant number of women admitted themselves to the laundries voluntarily. Presumably, this was because they had nowhere else to turn or because they felt that life would be better there than anything else which society offered. It is tragic to think of those women and the choices they faced but this again is a reality on which we must reflect.

Dr. McAleese points out at the beginning of the report that there is no single or simple story of the Magdalen laundries. More than 10,000 women are known to have entered the laundries from the foundation of the State in 1922 until the closure of the last laundry in 1996. Each of those girls and women were individuals with their own stories and experiences, before, during and after their time in the Magdalen laundries. It would be a great injustice to them to define their lives by the fact that they were in the laundries.

There is an obligation on us to address the women's needs arising from the hurt they experienced during, and due to, their time in the laundries. We wish not only to acknowledge the experiences many of the women had in these institutions but also to look to addressing their future needs. In particular, I want to pursue measures that will promote healing, reconciliation and, in so far as possible, provide closure to them. Attributing blame or taking an adversarial approach to this issue will not promote the well-being of the women concerned.

The Taoiseach has gone to some lengths to meet as many of the women concerned as possible. The largest grouping of women are those represented by the Irish Women Survivors Network based in the UK. The Taoiseach, the Minister of State at the Department of Justice and Equality, Deputy Kathleen Lynch, and I travelled specially to the UK to meet this group last Saturday. In Ireland, the Taoiseach and the Tánaiste met women represented by the Magdalen Survivors Together and the Taoiseach also met women currently living in nursing homes or sheltered accommodation under the care of the religious congregations. I had met many of these women in the past, prior to the establishment of the McAleese committee, and Dr. McAleese also met many of them once he took up his appointment.

The concerns they expressed on their own behalf in all of these meetings were quite consistent. They had felt ignored for many years and wanted their stories listened to. Through the mechanism of the McAleese committee established by the Government, the women have had the opportunity to tell their stories, to have them listened to, acknowledged, recorded and believed. We have received letters or messages of thanks from both representative groups for this, expressing their appreciation for, and satisfaction with, this process and the manner in which it was conducted.

Another major concern expressed directly by the women themselves was their lasting concern and undeserved sense of shame due to the stigma they felt attached to them because Magdalen laundries were associated in the popular mind with what used to be referred to as "fallen women". The facts set out in the McAleese report clearly address this point and put an end forever to any stigma of this or any other kind.

The question of an apology has been addressed by the Taoiseach and, as Minister for Justice and Equality, I unreservedly endorse that apology. What remains is the question of what
supports should be provided in the future. The Government decided earlier to establish a fund for the benefit of the women who were in these institutions. The Government does not wish to see any of this fund wasted on lawyer’s fees nor does it wish to go down the road of an adversarial approach where individual women will have to prove they were traumatised. We are concerned about providing speedy and effective practical help and support. This is also a message we received clearly from the women directly concerned.

The Government has given consideration to a number of purposes to which the fund might be put. As I mentioned, the largest single group of women who have come forward are based in the UK and represented by the Irish Women’s Survivors Network. The Irish Survivors Advice and Support Network, ISASN, has worked with and provided advice and support to more than 2,000 survivors of industrial schools and laundries. It is proposed that the step-by-step centre for Irish survivors be established as a holistic and person-centred service that not only would offer accessible specialist advice and support to those affected, but also focus on ensuring their future health and well-being. The Government has made a decision in principle to pay out of the fund an initial sum of €250,000 to the UK step-by-step centre for Irish survivors of industrial schools and the laundries. I envisage this payment being made as soon as the legal technicalities have been clarified.

The fund is aimed at women who spent time in Magdalen laundries. However, the stories of a certain number of women who were admitted to and worked in the residential laundry in Stanhope Street in Dublin reflect those of the women in the Magdalen laundries. In recognition of that, the Government has decided to include the women who worked in the Stanhope Street laundry without pay within the scope of the fund. A number of women, in particular those represented by Magdalen Survivors Together, were keen to have some form of memorial for the story of the Magdalen laundries as we now know it.

It is appropriate that the women themselves now consider the nature and location of a memorial they would deem suitable.

The needs of individual women vary considerably and, as I noted, the Government wishes to have a system in place that will be open and transparent and at the same time will avoid a complicated administrative system. While I appreciate that any further lapse of time may not be very welcome, I hope, on balance, the women will see the advantages in our decision to appoint an independent person to advise on these matters in a relatively short timeframe. To this end, the Government has appointed retired High Court judge and current president of the Law Reform Commission, Mr. Justice Quirke, to examine how, taking into account the McAleese report, the Government might best provide supports, including health services such as medical cards, psychological and counselling services and other welfare needs for the women who need such supports as a result of their experiences. Mr. Justice Quirke is being asked to advise on the establishment of a scheme under the fund, which is to operate on a non-adversarial basis, to make payments to individuals from the fund. This will include identifying the criteria and factors to be taken into account, such as work undertaken in the laundries for no remuneration. He will advise on the operation of the fund and, in particular, the nature and amount of payments to be made out of the fund. He will further set the procedure for the determination of applications in a manner that ensures the money in the fund are directed only to the benefit of eligible applicants and not on substantial legal fees and expenses.

Mr. Justice Quirke is being asked to report back within three months. Everyone concerned is
anxious to avoid unnecessary delays and I share this concern. For this reason, I have instructed officials in my Department to start the process now in anticipation of the entry into operation of the fund. To this end, with effect from tomorrow, people may contact my Department to register their interest in being considered to receive benefits or supports from the fund when it enters into operation. This will allow people time to gather the necessary basic documentation that will be required to verify their identity and stay in one of the relevant institutions. It may also give some indication of the numbers who have an interest in such a fund. I hope the religious congregations will co-operate in facilitating the operation of the system which will facilitate the making of payments to those who seek them.

The contact details will be as follows: Magdalen Laundry Fund, c/o Department of Justice and Equality, Montague Court, Montague Street, Dublin 2. There will be a notice on my departmental website, which will provide a telephone number, e-mail addresses and a website, www.idcMagdalen.ie. I do not expect anyone to remember the website addresses but the details will be readily accessible on my Department's website at www.justice.ie. My Department will also be in touch with the representative groups on this matter.

It will be a matter for Mr. Justice Quirke to decide how he will carry out his task. He will receive whatever assistance he needs from the relevant Departments and will, no doubt, take into consideration the views expressed by representative and advocacy groups. We are determined that the money in question will be solely for the benefit of the women. In that context, I am confident Mr. Justice Quirke will devise a scheme which will be straightforward and include every administrative assistance for applicants.

I know the women present this evening will be the first to agree that we should also remember that the greater number of women who were admitted to and worked in the laundries are, sadly, no longer with us. There are other women too, as the report points out, who never want to tell anyone of their time in the laundries. That is their right but I hope today that they, too, if only privately, can take some comfort from this day of acknowledgment.

We accept that what we have done today may not completely satisfy everyone concerned. No matter how much we want to, we cannot undo the hurt that has been done. However, what we have tried to do, having listened to the response of the women concerned to the report, is to attempt to resolve the issues faced by them in a fair and compassionate way, in so far as that is possible. Beyond what we have set out today, the greatest respect we can pay to their stories of the laundries is to say that those stories and the lessons from them will never be forgotten and are truly believed. We are committed to do whatever we can to be of assistance.
Wednesday 27 February 2013

Minister for Justice and Equality (Deputy Alan Shatter): I would like to thank those on all sides of the House who have contributed to this important discussion since it commenced.

Last Tuesday, 19 February 2013, was a very important day for former residents of the Magdalen laundries. It was the day when the Taoiseach, on behalf of the State, acknowledged their hurt and apologised for their suffering as a result of their being admitted to and working in Magdalen laundries and the stigma many of them have felt throughout their lives. It was the day when the State acknowledged the extent to which time spent in the laundries tragically blighted the lives of so many. It was the day when the State finally opened its heart and accepted its moral duty to those who felt abandoned and lost and believed they had no future. It was a day of extraordinary events in this Chamber, when many of the women who had resided in the Magdalen laundries sat and listened and finally understood that what they had to say was believed and that the State acknowledged that what they had been saying for so many years was true. It was a day when the State stopped ignoring their plight, as it had done for far too many years. It was a day on which this House responded appropriately to the report published by the former Senator Dr. Martin McAleese. It was also an extraordinary day because it is one of the only times I can recollect when Members on all sides of this House stood to applaud those in the Visitors Gallery. It was, in brief, a day of genuine and high emotion.

It is important to remind ourselves again of the long journey taken by these women and to thank them for having the courage, determination, tenacity and persistence over so many years to ensure their stories were told, heard and ultimately believed. Despite the many obstacles in their way and all the difficulties they faced, they did not allow themselves to be dissuaded from their pursuit of truth and justice. Most importantly, the veil of secrecy surrounding the laundries has at long last been fully lifted and can never again be replaced.

From the outset, the Government, commencing with the appointment of Dr. McAleese to chair an interdepartmental committee, was determined to address this issue, which had been ignored for so many years. Upon taking up office as Minister for Justice and Equality I was determined that this issue would be addressed and within three months of our entering government the decision was made that a committee such as this would be formed and the work required would be undertaken. I again thank Dr. McAleese for his report, which chronicled the reality and harshness of life in the laundries and the extent to which not only the State but Irish society was involved, and which shed light on what happened within those walls and how so many of our people - citizens of this State - came to be admitted to and work in the laundries. I am grateful to Dr. McAleese and the interdepartmental committee which he chaired so capably. I also thank those who assisted him - most importantly, the women who experienced life in the laundries; the various Departments and State agencies which co-operated fully and trawled extensively through records going back over the decades that provided so much new information; and the representative and advocacy groups. We must also thank the religious congregations who co-operated fully with the committee and who made their records available. I realise these are difficult times for them too and it is important to recognise their co-operation and their contribution to this process. On all sides records were made available that had not for decades seen the light, which have helped to fill out the full and comprehensive story of the decades of the Magdalen laundries.
As Dr. McAleese pointed out at the start of his report, there is no single or simple story of the Magdalen laundries. More than 10,000 women are known to have entered the laundries from the foundation of the State in 1922 until the closure of the last laundry in 1996. We must now address the needs of those who are still with us, arising from the hurt they experienced during and due to their time in the laundries. That is the intention of this Government and that is what we are doing.

Since publication of the McAleese report, the Taoiseach has met with as many of the women who experienced life in the laundries as possible. The Taoiseach, the Minister of State, Deputy Kathleen Lynch, and I recently travelled to the UK to meet with the Irish Women Survivors’ Support Network, which represents the largest grouping. Here in Ireland, the Taoiseach and the Tánaiste met with women represented by Magdalene Survivors Together and the Taoiseach met also with women living in nursing homes or sheltered accommodation under the care of the religious congregations. The Minister of State and I also met with representative groups since the debate in this House on Tuesday of last week.

As announced last week, the Government has decided to establish a fund for the benefit of those who were admitted to and worked in Magdalen laundries, and also those who worked without pay in the residential laundry at Stanhope Street. The Government has appointed the retired High Court judge and current president of the Law Reform Commission, Mr. Justice Quirke, to examine how, in view of the McAleese report, the Government might best provide supports, including health services such as medical cards, psychological and counselling services and other welfare needs, for the women who need such supports as a result of their experiences.

It is important not only to acknowledge the experiences of many of the women in the laundries, but also to consider how to address their future needs. It is especially important to pursue measures that will promote healing and reconciliation and will, as far as possible, provide closure to them. Mr. Justice Quirke has been asked to advise on the establishment of a scheme under the fund including identifying the criteria and factors to be taken into account, such as work undertaken in the laundries for no remuneration. He will advise on the operation of the fund and, in particular, the nature and amount of payments to be made out of the fund. He will report back to the Government in three months when a decision will be made on the detailed operation of the fund. I know the work Mr. Justice Quirke has been asked to undertake is already under way. He will also set the procedure for the determination of applications in a manner that ensures the moneys in the fund are directed only to the benefit of eligible applicants and are not used for legal fees and expenses. Let me make it very clear that women who have already received payments under the residential institutions redress scheme are not being excluded. There is one small area of possible overlap. I understand that under the redress scheme a woman who went straight from an industrial school to a Magdalen laundry may have received a redress payment for the period spent in the Magdalen laundry up to the age of 18. Mr. Justice Quirke has been asked to take this into account and to address how we might deal with this aspect of the matter.

On Tuesday, 19 February, contact details for the Magdalen laundry fund were made available to enable people to register their interest in being considered for receipt of benefits or supports from the fund when it enters into operation. These contact details are as follows: Magdalene Laundry Fund, Department of Justice and Equality, Montague Court, Montague Street, Dublin 2. The telephone number is 01 4768649. An e-mail address and website are also available. To date, more than 700 women have made contact. This registration process
will allow people time to gather the necessary basic documentation that will be required to verify their identities and their stays in the relevant institutions. It may also give some indication of the numbers who have an interest in such a fund or in receiving assistance.

As announced last week, the Government has decided in principle to pay out of the fund an initial sum to the proposed UK Step by Step centre for Irish survivors of industrial schools and laundries. This payment will be made as soon as the legal technicalities have been clarified, and work is under way on this.

The Minister of State, Deputy Kathleen Lynch, and I have again, since last week's debate, been in touch with the representative groups. One of the issues under consideration is the establishment of some form of memorial for the story of the Magdalen laundries as we now know it. The women who spent time in the laundries have been asked to consider the nature and location of a memorial they would deem suitable. The Minister of State and I will shortly meet with the four religious congregations to discuss matters arising out of the McAleese report, including the need to access the records of the laundries again in the context of the operation of the scheme that is being established.

This Government commenced the process of addressing the issue of the Magdalen laundries and is determined to see it through. We will try to do this as quickly, effectively and compassionately as possible. That is the least we can do for the women who were admitted to and worked in the laundries.

That is what they deserve and that is what the State must do. I, as Minister for Justice and Equality, along with the Government, am committed to this. I thank Members for their earnest and considered contributions to this debate. Some questions were raised during the debate as to how the proposed redress scheme will operate. These are all questions that will be answered when Mr. Justice Quirke has concluded his work on the matter which he has already commenced. I look forward to bringing those answers to the House when the work is concluded and we receive a report from Mr. Justice Quirke as to how we best deal with these matters in the interests of the women concerned.
Restorative Justice Scheme for former Magdalen Residents announced - Government accepts all recommendations of Quirke Report

Minister Shatter and Minister Lynch today (Wednesday 26 June, 2013) announced a scheme of payments for women who were admitted to and worked in the Magdalen Laundries, St Mary's Training Centre Stanhope Street and House of Mercy Training School, Summerhill, Wexford. This follows the publication of the report by Justice Quirke, President of the Law Reform Commission, on the establishment of an ex-gratia scheme and supports for the women affected.

Speaking on the publication of the Quirke Report today, the Minister for Justice, Equality and Defence, Alan Shatter, TD, said, "For the former residents of the Magdalen Laundries; St Mary's Training Centre Stanhope Street and House of Mercy Training School, Summerhill, Wexford, today is a profoundly important day. They have given so much of their time, their energy, their courage, and their vision of human dignity to make this day come true. Today is about justice."

"For far too long the plight of the Magdalen women was ignored by the State. This Government was determined to see justice done. The publication of the McAleese report and that historic day in Dáil
Eireann when An Taoiseach, Enda Kenny, apologised to the Magdalen women on behalf of the State, the Government and our citizens have led us to today. And today, in accepting the recommendations contained in Judge Quirke’s Report, we are not only acknowledging the painful past experiences of the Magdalen women but are taking steps to address, in very real and practical ways, their present and future needs."

Minister for State, Kathleen Lynch added, "I want to thank the women who came forward to tell their stories of their experiences in a Magdalen Laundry and the effect this had on their lives. Their stories were told with great dignity and, most importantly of all, they have been believed. I would also like to thank the representative groups who so actively and for many years campaigned diligently on their behalf. I know only too well the work involved – I long campaigned on their behalf – and I appreciate fully the difficulties faced but which thankfully were eventually overcome."

The Government would like to express their sincere appreciation to Mr Justice Quirke for producing such a comprehensive and professional report in such a short period of time.

The Government has decided to accept all recommendations in Judge Quirke’s report.

Mr Justice Quirke’s most significant recommendation is that the women in question should all receive cash payments in the range €11,500 (duration of stay 3 months or less) to €100,000 (duration of stay of 10 years or more). Full details of payments are in Appendix A and Appendix D of the Report. If the cash payment due is above €50,000, Justice Quirke recommends that it should paid in the form of a lump sum of €50,000 plus an annual payment related to the notional remaining lump, sum to be paid weekly. The amount to be paid depends on the duration of stay of a resident in a Magdalen home.
Arrangements have been put in place in the Department of Justice and Equality to start processing applications immediately. A copy of Justice Quirke’s report and an application form with appropriate detail was posted on Tuesday 25 June 2013 to women who have already registered an expression of interest with the Department. If they do not receive an application form within the next 7 days they should contact the Department. For those who have not yet registered an interest, they may contact the Department to obtain an application form.

Queries can be directed to

**Telephone Number:** 01-476 8660

**Email:** info@idcmagdalen.ie

**Postal Address:** Restorative Justice Scheme, Department of Justice and Equality, Montague Court, 7-11 Montague Street, Dublin 2

The Citizen’s Information Board is being invited to assist and advise any person who wishes to receive independent advice on the matter.

The verification process for some applicants will take time depending on the availability and extent of records.

The Department of Justice and Equality is in discussions with the Office of the Ombudsman regarding the establishment of an independent appeals process.

Judge Quirke also made a range of other recommendations. These include that:
OPPORTUNITY LOST
An investigation by the Ombudsman into the administration of the Magdalen Restorative Justice Scheme

(a) the Magdalen women should all be granted access without charge to a wide range of services (GP, hospital, drugs, dental counselling etc.) i.e. an enhanced medical card;

(b) all Magdalen women who have reached pensionable age should have an income equivalent to the State contributory pension;

(c) all Magdalen women who have not reached pensionable age should have an income from the State of €100 per week;

(d) the cash payments should be exempt from income and other taxes and should not be taken into account for the purposes of means testing social welfare or other entitlements and should not affect funding under sections 38 and 39 of the Health Act 2004;

(e) the creation of a dedicated unit to provide advice and support, assistance in meeting with the religious congregations, social opportunities to meet other such women and to provide for the creation and maintenance of a memorial park;

(f) the extension of the Nursing Homes Support Scheme Act 2009 so that persons are appointed to look after on an individual basis the best interests of Magdalen women;

(g) any previous payments made to these women under the Residential Redress Scheme should not be taken into account.

The Government has decided in principle to implement these recommendations in full but, as implementation of some of them is quite complicated and may require legislation, the Government has established a committee with key Departments and the Office of the Attorney General who are to examine how best to implement these other recommendations and to
report back within a 4-6 week time frame.

Minister Shatter and Minister Lynch have met with the religious congregations and they have been asked to make a contribution to the implementation of the Quirke recommendations.

26 June 2013

ENDS

Note to Editors:

The Magdalen Commission Report is available to download in full here: http://www.justice.ie/en/JELR/Pages/PB13000255
Government agreed details of implementation of Quirke Scheme for women in Magdalen laundries

The Minister for Justice, Equality and Defence, Alan Shatter TD, today announced that the Government has agreed the details on how to implement the recommendations of Judge Quirke for an ex-gratia scheme for the benefit of those who were admitted to and worked in the Magdalen laundries, St Mary’s Training Centre, Stanshope Street and House of Mercy Training School, Summerhill, Wexford. It is expected that the Department of Justice and Equality will be in a position to issue the first offers of payments within the next 4 to 6 weeks.

On the 26 June 2013, the Government accepted Judge Quirke’s recommendation for an ex-gratia lump sum payment scheme for women affected, and also accepted in principle his other recommendations in full, subject to their examination by an Inter Departmental Group. That Group’s report was considered by the Government this week and details of the scheme finalised.

i) Eligible women will be entitled to a “lump sum” payment of between €11,500 and €100,000 depending on duration of stay, with amounts over €50,000 to be paid by weekly instalments as recommended by Judge Quirke. These payments will be tax free. The initial lump sum payments will be made by the Department of Justice and Equality subject to a waiver to be signed by the recipient. Regarding signature of the waiver, a maximum contribution to the cost of legal advice of up to €500 plus VAT will be made by the Department. Where a woman has registered an expression of interest with the Department or submitted an application but has passed away before payment, the lump sum of up to €50,000 will be paid to her estate. Subject to finalisation of the necessary documentation in consultation with the Office of the Attorney General, the first payments for applications which have been verified are expected to commence in 4 to 6 weeks.
ii) Eligible women will be entitled to enhanced medical services similar to that available to
the holders of the Health (Amendment) Act 1996 card. This will be provided through the
Department of Health and will require legislation to implement. The Department of Justice
and Equality will work with the Department of Health to ensure early enactment of the
necessary legislation.

(iii) Judge Quirke also recommended that eligible women should, in addition to the lump
sum payments, receive weekly top up payments, net of existing State benefits*, to
bring their income from the State up to €100 if under 66 years of age and to the
equivalent of the State Contributory pension (€230.30) if over 66 years of age. For
example, a woman already in receipt of the full State contributory pension will not receive
any additional payment under this heading. These payments will be tax free and be made
through the Department of Social Protection. Additional processing will be required as the
amounts have to be calculated on an individual basis taking into account existing
payments. The Government have decided that only primary State benefits will be taken
into account. These arrangements will require a period of time to put in place but arrears
will be paid dating from August 2013.

(iv) No account will be taken of monies already paid under the Residential Institutions
Redress Scheme to women who went from industrial schools to Magdalen institutions for
the period they were under 18.

(v) A number of measures will be taken to protect vulnerable women. As indicated above,
all women will be encouraged to take legal advice before signing the waiver. Payments of
the lump sum will only be made into an account in the sole name of the recipient.
Legislation will be introduced to ensure that in the case of women lacking capacity, a
court can appoint a person to act on behalf of that woman taking into account her wishes.

Speaking today, Minister Shatter said "I am delighted to be in a position to announce
approval of the details of the scheme. Since I have taken up office as Minister for
Justice and Equality, it has been one of my priorities to address the hurt felt by
women who were in Magdalen laundries. As a result we have had the McAleese
Report documenting the facts about Magdalen laundries and the Quirke Report on
the establishment of an ex-gratia scheme and a comprehensive range of supports
for the women involved. This week, the Government agreed the details of its
implementation.

"To avoid any unnecessary delay my Department has already been active in
encouraging women to submit applications and around 600 have been received to
date. Over 250 of those have been processed to an advanced stage and I would
hope to see the offers of payments on these applications issuing in the next 4-6
weeks.

"If an individual accepts the provisional offer, the next step will be a formal offer subject to the signature of the waiver. Once the waiver is signed and returned, the payment of the lump sums can be made."

Full details of the scheme will be made available on the Justice website in the coming days (www.justice.ie).

7 November 2013

ENDS

Note for Editors

*Judge Quirke recommended that the women 66 years or older should receive the equivalent of the State Pension (Contribution) currently €230.30, but "women who are already in receipt of other State benefits (such as a State Widow's pension or a State Non Contributory Pension), should not receive that payment in addition to those existing benefits, but rather a payment sufficient to top up to the amount of the State Contributory Pension". The Government have decided that rather than taking into account all State benefits for this purpose, only primary benefits will be considered. For example a 70 year old woman on a non contributory pension who has living alone and rent supplement might be receiving in excess of €230.30 in State benefits but for the purpose of this scheme only her primary benefit - i.e. her non contributory pension of €219 - will be taken into account so she will receive a weekly top up of €11.30 to bring her up to €230.30. This will not affect her other benefits.
Appendix 5

Terms of the Magdalen Restorative Justice Scheme
TERMS OF AN EX GRATIA SCHEME

FOR WOMEN WHO WERE ADMITTED TO AND

WORKED IN MAGDALEN LAUNDRIES,

ST MARY’S TRAINING CENTRE STANHOPE

STREET

AND

HOUSE OF MERCY TRAINING SCHOOL

SUMMERHILL, WEXFORD

December 2013
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INTRODUCTION

1. The Government has decided to provide, on an ex gratia basis, a scheme of payments and benefits for those women who are determined, under the application process set out below, to have been admitted to and worked in one of the 12 institutions listed at Appendix 1. Payments and benefits under the scheme will only be made to those women who comply with all of the terms of this Scheme (including the signing of the Form and Declaration at Appendix 2) and who waive any right of action against the State or against any public or statutory body or agency arising out of their admission to and work within one of the 12 institutions concerned.

2. The scheme is informed by the Report of Mr Justice John Quirke "On the establishment of an ex gratia Scheme and related matters for the benefit of those women who were admitted to and worked in the Magdalen Laundries" May 2013 which is referred to in this scheme as the Quirke Report.

3. A Restorative Justice Implementation Unit has been set up in the Department of Justice and Equality, for a limited period, to process applications and payments under the Scheme.

APPLICATION PROCESS

Application forms

4. Where a person is applying on their own behalf, an application form must be completed. Applications forms can be requested from the Restorative Justice Implementation Unit in the Department of Justice and Equality at telephone number +353 1 4768660.

5. Completed application forms must be accompanied by:
   - Proof of residence (e.g. a household bill)
   - Proof of Identity (e.g. Birth Certificate (long version), Passport, Driving Licence, Marriage Certificate or Pension card)
   - Proof of your Personal Public Service Number (PPSN number) (e.g. your Social Welfare Card or Medical Card). For those resident outside the State, your Tax File Number or your National Social Insurance Number.
   - Photocopy of your records from the Institution that you resided in and worked in stating the period of time you were there.

6. Incomplete forms will be returned and if all the necessary support documents have not been provided a further written request will issue requesting those documents. This letter may be supplemented by a telephone call if telephone contact details have been provided. The applicant will be advised that the processing of their application is suspended pending receipt of the outstanding information/documents.

7. The application forms also request applicants to consent to the provision of personal information to the Department of Justice and Equality by any
Government Department, agency, health or educational institution and the religious congregations for the purpose of verification in relation to their application.

8. At any stage of the application process, the Restorative Justice Implementation Unit may request an applicant to meet with a staff member of the Unit for any purpose connected with her application including the verification of any matter relevant to the application or required under the scheme or the confirmation of the applicant’s identity or capacity.

9. It is the responsibility of the applicant to notify the Restorative Justice Implementation Unit of any changes of address or contact details.

Acknowledgement of application

10. A written acknowledgment of receipt of the application will be sent to the applicant normally within 5 days of receipt of application. Original documents once copied will be returned to the applicant by registered post.

Term of the Scheme

11. The Scheme will run to at least the end of December 2014. When a decision is made to close the Scheme to new applications after that date, advance public notice will be given.

Applications on behalf of eligible women unable to make an application

12. Where a woman who was in one of the 12 institutions listed at Appendix 1 lacks the capacity to make an application, the application can be made on her behalf by a person properly authorised to do so. The Restorative Justice Implementation Unit will accept that a person is so authorised only where he or she provides the appropriate evidence—
   a) as to the identity of the applicant;
   b) that the woman who was in one of the relevant institutions is incapable of making an application, and
   c) that the applicant is authorised to act on behalf of the woman who was in one of the relevant institutions for the purpose of the application.

Processing of Applications on behalf of eligible women who have died

13. Relatives of deceased women who were admitted to and worked in one of the 12 institutions are not covered by the Scheme with one exception. As recommended by Judge Quirke, where a woman who comes within the scheme was alive on 19 February 2013 and an expression of interest was or is received by the Department of Justice and Equality before her death, an application may be made on behalf of her estate. Such an application will be processed to finality even if the woman is now deceased or passes away before a payment can be made.
14. The lump sum to which the deceased person would have been granted under this Scheme will be paid to the estate of the deceased person. No weekly instalments, payments or other benefits will be made in respect of a deceased woman.

Commencement Date for Scheme

15. On 5th November 2013, the Government decided that the 1st August 2013 was to be the commencement date for the Scheme. Where a woman is determined to be eligible for the scheme, any weekly instalments on the lump sum and weekly payment due from the Department of Social Protection will be backdated to the 1st August 2013.

DECIDING WHETHER A PERSON FALLS WITHIN THE SCOPE OF THE SCHEME

Notification of Provisional Assessment

16. The first phase of processing a properly completed application will be the making of a provisional assessment as to whether the applicant comes within the scope of the scheme. This assessment will be made on the basis of the records of the institutions concerned and any other records or statements available. On this basis, a decision will be made as to whether, on the balance of probabilities the applicant was admitted to and worked in one of the 12 institutions covered by the scheme and, if so, an assessment will be made of the length of time which she spent in the relevant institution. This provisional assessment will be set out in a letter to the applicant. An estimate of the lump sum payment which will be paid to the applicant subject to the requirements set out below will also be provided for information purposes. (The lump sum payment is just one of the benefits under the scheme but some of the other benefits which may be offered will depend on personal circumstances and a further process is required to determine exactly what other benefits will be due to persons under the scheme.)

17. The applicant will be asked whether she agrees with the provisional assessment. If she agrees with the provisional assessment, an applicant is required to notify the Restorative Justice Implementation Unit of her agreement within 2 months of the date of the letter. A formal offer in the same terms and subject to the signing of an Acceptance Form and statutory declaration will then be made, see below. If an applicant disagrees with the provisional assessment, she can seek a review of the assessment and should state the reasons why she disagrees with it and what evidence she has to support her view. If an applicant disagrees with the provisional assessment and seeks a review, she must notify the Restorative Justice Implementation Unit within 2 months of the letter. If an applicant fails to indicate her agreement or disagreement with the provisional assessment within 2 months of the date of the letter, her application will be deemed to have been withdrawn.

18. Where the Applicant has been determined to be eligible under the Scheme, as a condition precedent to the making of any payment or provision of any other benefit under this Scheme, she will be required to sign an Acceptance Form and complete a Statutory Declaration (see paragraphs 24 - 31 below). (An applicant
can indicate in writing that she only wishes to receive specified parts of the payments and benefits under the scheme.)

**REVIEW/APPEAL PROCESS**

19. If an applicant does not agree with a provisional assessment made by the Restorative Justice Implementation Unit, on whether she comes within the scope of the scheme or the duration of her stay in one of the relevant institutions, she can seek a review of that assessment within 2 months of the date of the letter of provisional assessment setting out her reasons. The application will be reviewed by an officer of a higher grade in the Department of Justice & Equality who will, having considered the matter, make a decision on the case and give written reasons for that decision. The applicant will be informed in writing of the decision, and the reasons for the decision and will also be advised that if she is not satisfied with the review decision, she may appeal that decision to the Office of the Ombudsman.

**CALCULATION OF LUMP SUM PAYMENT**

20. The lump sum payment includes a general payment and a payment to reflect the work done in the laundries. These payments will be made after a formal offer has been made and accepted and the Acceptance Form and statutory declaration have been signed. The amount to be paid and how it is to be paid will be calculated in accordance with recommendations 3 and 4 and Appendix A of the Quirke report and is based on the time spent in the laundries. The Quirke Report provides a number of tables (Pages 65 – 67) showing precise calculations, for example, a woman who spent 5 months in the laundry will receive a general payment of €11,000 plus a work payment of €2,500 which will give her a total payment of €13,500. If a woman was in the laundry for 10 years or more she will receive a general payment of €40,000 and a work payment of €60,000 which would give her a total of €100,000.

21. However, Judge Quirke has also recommended (Recommendation 4) that if an applicant is to be given a cash payment above €50,000 it should be paid in the form of a lump sum of €50,000 plus an annual instalment related to the notional remaining lump sum to be paid weekly on the following basis:

- If the applicant is 66 years of age or older annual instalments will be calculated on the basis of Appendix D.1, page 75 of the Quirke Report.

- If the applicant is under 66 years of age the instalments will be calculated on a two part basis:

  (a) an instalment to be made until the applicant reaches the age of 66 calculated on the basis of Appendix D.2 page 76 (but not to exceed €130 per week) and
OPPORTUNITY LOST
An investigation by the Ombudsman into the administration of the Magdalen Restorative Justice Scheme

(b) any part of that portion of the lump sum exceeding €50,000 remaining after the payments in paragraph (a) above to be paid in instalments calculated on the basis of Appendix D.1, page 75.

22. Depending on the amounts involved, smaller weekly instalments will be accumulated and be paid on a monthly basis. If calculations give rise to potentially very small weekly instalments (e.g. less than €5 per week) the lump sum amount will not be converted to weekly instalments but will be paid as part of the lump sum.

23. Payments under this element of the scheme are not liable to Irish income tax or capital gains tax.

FORMAL OFFER

24. If the applicant confirms in writing that she will accept the provisional determination, then a formal offer in the same terms as the provisional assessment will be made in writing and payment will be conditional on the signing of an Acceptance Form and a statutory declaration:

a) agreeing to participate in the scheme,
b) accepting its terms,
c) attesting to the truth and accuracy of the information and documentation submitted in her application and on foot of which the offer is made;
d) confirming that she is of sound mind (subject to paragraph 27 below)
e) accepting the offer made;
f) waiving any right of action against the State or any public or statutory body or agency arising out of her admission to and work in the institution or institutions concerned.
g) agreeing to discontinue any proceedings instituted by her against the State or any public or statutory body or agency arising out of the circumstances of her application.
h) acknowledging the implications of making a false or misleading application including the acknowledgement that the making of a false statement in a statutory declaration is an offence.

25. This Acceptance Form must be witnessed by a practising solicitor and the Statutory Declaration must be witnessed by one of the persons specified under section 1 of the Statutory Declarations Act 1938 and set out in the template declaration form attached at Appendix 2.

26. If a solicitor witnesses the declaration, his or her fee for this service may be included in the fee for legal advice referred to below and, if so included, will be discharged by the Restorative Justice Implementation Unit and subject to the overall cap on the contribution which will be made towards legal fees outlined below.
27. Fees incurred by an applicant if the statutory declaration is witnessed by any other category of witness will not be discharged by the Restorative Justice Implementation Unit.

28. Before signing the Acceptance Form and statutory declaration the applicant is strongly advised to obtain legal advice. A contribution of up to a maximum of €500 + VAT will be made available to applicants residing either in Ireland or abroad towards the cost of obtaining their own legal advice. Any legal costs incurred by an applicant in excess of €500 + VAT will not be paid for by the State.

29. The applicant will be given 6 months from the date of the letter of formal offer to make a decision on the offer and to sign and return the properly completed and witnessed Acceptance Form and statutory declaration. However if it is established within that period that the applicant lacks the capacity to make the decision and there is no person with lawful authority to act on her behalf, that 6 month period will be extended until after the necessary legislation referred to below is enacted and commenced. The Restorative Justice Implementation Unit may ask for proof as to the capacity of an applicant and a medical certificate or other evidence may be required to be produced to the Unit before any payment can be made.

30. If the applicant accepts the offer and signs the Acceptance Form and statutory declaration, the applicant will be deemed to fall within the scheme.

31. If, on receipt of the letter of formal offer and prior to its acceptance, the applicant identifies any factual or methodological or other substantive error which has been made in the provisional assessment (and repeated in the letter of formal offer) and notifies the Restorative Justice Implementation Unit of that error and provides information to the Unit setting out what the applicant understands to be or maintains is the correct position then, notwithstanding her earlier indication of acceptance of the provisional assessment, that assessment will be reviewed in accordance with paragraph 20 above.

**WOMEN LACKING CAPACITY**

32. Special arrangements have to be made for a woman who does not have the capacity to apply, to make a decision regarding acceptance of the offer or to sign an Acceptance Form or statutory declaration. In such a case, only a person who has a legal power to act on behalf of the applicant may make the decision to accept an offer and sign an Acceptance Form or statutory declaration on her behalf. The fact that a person has made an application on behalf of a woman who may be eligible under the scheme does not mean that person has a legal right to act on behalf of the applicant. Where the applicant is a ward of court or has signed an enduring power of attorney, the relevant person or body appointed by the Court or empowered under that instrument will be entitled to act on behalf of the applicant. For other cases, as recommended by Judge Quirke, legislation is being introduced to cater for these cases where an applicant lacks capacity. It will provide for the appointment of a person by a court to act on behalf of the applicant.
for the purposes of this Scheme, including accepting an offer and signing an Acceptance Form and statutory declaration on her behalf.

**PAYMENT**

33. When a person has accepted the offer and signed the Acceptance Form and statutory declaration, arrangements will be made to process the lump sum payment. Such payment will only be paid into an account in a financial institution held in the sole name of the applicant. As referred to above, the Restorative Justice Implementation Unit may ask for proof as to the capacity of an applicant and a medical certificate or other evidence may be required to be produced to the Unit before any payment will be made.

**OTHER SUPPORTS UNDER THE SCHEME**

34. The Department of Justice and Equality will notify the other relevant Departments and agencies that a decision has been made that the applicant is eligible for benefits under the scheme once the offer has been accepted and the Acceptance Form and statutory declaration have been signed. In the case of weekly payments to be made by the Department of Social Protection, that Department may require further details to enable the payments to be calculated and paid. Similarly additional information may be required before a card providing access to medical services can be provided. The relevant Department or agency will contact the applicant to obtain the necessary information.

**ACCESS TO MEDICAL SERVICES**

35. Applicants who are determined to be eligible under the scheme and who have accepted the offer made to them and signed the Acceptance Form and statutory declaration will be granted access to a range of public health services within the State once the necessary legislation is in place.

36. The range of public health services offered will (subject to Oireachtas approval) depend on the needs of the Applicant and may include general practitioner services, prescribed drugs and medicines (subject to the prescription charge), all in-patient public hospital services in public wards including consultants services, all out-patient public hospital services including consultants services, dental, ophthalmic and aural services and appliances.

37. Legislation is required to provide this benefit. As a result this benefit will not become available until after the legislation is enacted and commenced.

**WEEKLY PAYMENT**

38. Applicants who are determined to be eligible under the scheme for a payment in excess of €50,000 and who have accepted the offer made to them and signed the Acceptance Form and the statutory declaration will in addition and without regard to the lump sum payments receive **weekly top up payments** of up to €100 if under 66 and up to the equivalent of the State Contributory pension - €230.30 - if
over 66. These payments are to be calculated net of other Irish State benefits, see examples below.

- A person over 66 years of age receiving only a State non contributory pension of €219 would receive an additional €11.30 a week to bring her up to the figure recommended by Judge Quirke (if over 80 years of age the difference would be an additional €1.30 per week).
- A person receiving primary State benefits in excess of the threshold recommended by Judge Quirke would receive no additional weekly payment.
- A person who has for example a private pension or income and is not receiving any State benefits would receive the full amount of €230.30 if over 66 and €100 if under 66 years of age.

39. Only primary benefits will be taken into account when calculating what amount an applicant is receiving from the State above the minimum threshold (€100/€230.30) specified by Judge Quirke. Therefore, for example, an applicant on a non contributory pension who has living alone and rent supplement might be receiving in excess of €230.30 in State benefits but for the purpose of this scheme only her primary benefit - i.e. her non contributory pension of €219 - will be taken into account so she will receive a weekly top up of €11.30 to bring her up to €230.30. This will not affect her other benefits.

40. Weekly payments to women, under the Scheme, from the Department of Social Protection will date from 1st August 2013. These payments will not be liable for assessment for income tax purposes.

41. It should be noted that the Department of Social Protection may not be in a position to commence these payments until early 2014. Applicants will be paid the arrears dating back to 1st August 2013.

UK RESIDENTS

42. Provision will be made for the additional payment of a maximum of STG£1,000 in the case of an applicant who is determined to be eligible under the scheme and who has accepted the offer made to her and signed the Acceptance Form and statutory declaration and who resides in the UK towards the cost of establishing a personal injury trust fund, if they wish to establish such a fund. Contact should be made with the Restorative Justice Implementation Unit before incurring any expenditure on the establishment of such a trust fund.
APPENDIX 1

The twelve institutions covered under the Magdalen Scheme

- **THE TEN MAGDALEN LAUNDRIES**

  **Good Shepherd Sisters**

  The Magdalen Laundries at
  - St Mary’s Cork Road, Waterford
  - St Mary’s New Ross, Wexford
  - St Mary’s Pennywell Road, Limerick
  - St Mary’s Sunday’s Well, Cork.

  **Sisters of Our Lady of Charity**

  The Magdalen Laundries at
  - St Mary’s Refuge, High Park, Grace Park Road, Drumcondra, Dublin 9
  - Monastery of Our Lady of Charity Sean McDermott Street (formerly Gloucester Street), D1;

  **Sisters of Mercy**

  The Magdalen Laundries at
  - Magdalen Home (formerly Magdalen Asylum), 47 Forster Street, Galway
  - St Patrick’s Refuge, Crofton Road, Dun Laoghaire, Co. Dublin

  **Sisters of Charity**

  The Magdalen Laundries at
  - St Mary Magdalene’s, Floraville Road, Donnybrook, Dublin
  - St Vincent’s, St Mary’s Road, Peacock Lane, Cork

- **TWO OTHER INSTITUTIONS**

  **Sisters of Mercy**

  House of Mercy Training School Summerhill, Wexford (Laundry operated in the Training School)

  **Sisters of Charity**

  St Mary’s Training Centre Stanhope Street (Laundry operated in the Training Centre)

  **Note**

  Institutions listed in the Schedule to the Residential Institutions Redress Act 2002 are not covered by this Scheme.
APPENDIX 2

Template – Acceptance Form and Statutory Declaration

ACCEPTANCE FORM

EX GRATIA SCHEME FOR WOMEN WHO WERE ADMITTED TO AND WORKED IN MAGDALEN LAUNDRIES, ST MARY’S TRAINING CENTRE STANHOPE STREET AND HOUSE OF MERCY TRAINING SCHOOL SUMMERHILL, WEXFORD

I, A.B., of [insert address] having made an application under the above Scheme hereby:-

43. agree to participate in the above Scheme and I accept all of the terms of the Scheme as set out in the document entitled "Terms of Ex Gratia Scheme for Women who were admitted to and worked in Magdalen Laundries, St. Mary's Training Centre Stanhope Street and House of Mercy Training School Summerhill, Wexford."

44. accept the offer made to me by the Restorative Justice Implementation Unit by letter dated [insert date of letter].

45. waive any right of action against the State or any public or statutory body or agency arising out of my admission to and work in [insert name of institution or institutions concerned].*

46. agree to discontinue any proceedings instituted by me against the State or any public or statutory body or agency arising out of the circumstances of my application.

47. confirm that I understand and acknowledge that any false or misleading documentation or information submitted by me in relation to this application will result in a withdrawal of the offer or, if the offer has been accepted, will result in a requirement to repay all moneys received by me under this Scheme and all benefits granted to me under this Scheme will be withdrawn. Further, I understand that the making a false statement in a statutory declaration is an offence.

48. acknowledge that, prior to signing this document, I have been advised by the Restorative Justice Implementation Unit in the Department of Justice and Equality of my entitlement to obtain my own legal advice as to its meaning and effect in law and I understand that it would be in my best interest to obtain such advice. [I further acknowledge that I have received such advice before signing this document] (delete as appropriate)

Signed: [A.B.]
Witnessed: [name and address of solicitor]
Date: [insert]
FORM OF STATUTORY DECLARATION

EX GRATIA SCHEME FOR WOMEN WHO WERE ADMITTED TO AND WORKED IN MAGDALEN LAUNDRIES, ST MARY’S TRAINING CENTRE STANHOPE STREET AND HOUSE OF MERCY TRAINING SCHOOL SUMMERHILL, WEXFORD

I, A.B., of [insert address] and being of sound mind do solemnly and sincerely declare that:-

i. I have made an honest and truthful application under this Scheme;

ii. The documents which I have submitted, and on foot of which an offer has been made to me under the Scheme, are true and genuine documents and, where copies of documents have been furnished by me, they are true copies of the relevant document;

iii. The details set forth in those documents and any other material submitted by me in relation to this application (including the details on the application form submitted) are true and accurate;

iv. I have waived any right of action against the State or any public or statutory body or agency arising out of my admission to and work in [insert name of institution or institutions concerned].*

and I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1938.

[Signed] A.B.

[Address]

Declared before me..........................................................[name in capitals] a [solicitor] [notary public] [commissioner for oaths] [peace commissioner] [person authorised by [insert authorising statutory provision]....................................................... to take and receive statutory declarations] by A.B.

[who is personally known to me],
or

[who is identified to me by C.D. who is personally known to me] or

[whose identity has been established to me before the taking of this Declaration by the production to me of

passport no. [passport number] issued on [date of issue] by the authorities of [issuing state], which is an authority recognised by the Irish Government]
or
national identity card no. [identity card number] issued on [date of issue] by the authorities of [issuing state] [which is an EU Member State, the Swiss Confederation or a Contracting Party to the EEA Agreement]

at....................................................[place of signature] this.......day of.........................[date]

......................................................

[signature of witness]".
OPPORTUNITY LOST
An investigation by the Ombudsman into the administration of the
Magdalen Restorative Justice Scheme