



Óifig an Ombudsman
Office of the Ombudsman

December 2016

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

Dear Mr. Waters

Notification of Ombudsman Investigation –Magdalen Restorative Justice Scheme

I refer to complaints made to my Office by _____ and other named individuals against the Department of Justice and Equality (details attached). These complaints concern the decision of the Department to refuse their applications under the Magdalen Restorative Justice Scheme and are the cases which are currently under consideration in this Office.

All the complainants state that they worked in one of the Magdalen laundries covered by the Scheme but were never compensated for this work. Their applications were refused for a variety of reasons, including on the basis that the complainants had not been admitted to and worked in one of the laundries. Having conducted a preliminary examination of the complaints, I am satisfied that the complainants have been adversely affected by the actions of the Department and that these actions may have been taken on the basis of one or more of the grounds identified at section 4(2)(b) of the Ombudsman Act 1980, as amended. Accordingly, I have decided to carry out an investigation of these complaints under section 4 of the Ombudsman Act 1980, as amended.

The commencement of an investigation should not be seen as an indication that I will uphold all the complaints, however, it does mean that all of the issues will be examined in detail. The investigation will therefore broadly cover the administration of the Magdalen Restorative Justice Scheme and may incorporate elements which were not explicitly raised by the complainants in their complaints to my Office. Amongst the issues likely to be dealt with in the course of the investigation are:

- whether the application process operated in a clear, open, fair and consistent manner;
- whether the Department relied on irrelevant and/or incomplete information when deciding on a person's eligibility under the Scheme

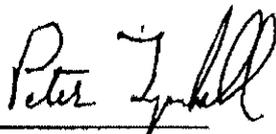
- the various practices of the Department in sourcing, gathering and evaluating information on the institutions covered by the Scheme

In line with our normal procedures, the Department is welcome, if it chooses, to make any written submission it wishes in response to this letter or the enclosed Statement of Complaint. Any such submission should reach this Office by **Tuesday 31 January 2017**.

In order to ensure that the investigation proceeds as efficiently as possible, I would be very grateful if you would nominate a person within the Department to liaise with this Office in respect of this investigation. The person nominated should be familiar with the issues arising and should have the authority to speak on behalf of the Department or, in the alternative, to ensure that the position of the Department can be ascertained speedily and authoritatively.

We may need to interview staff for the purposes of the investigation. If this is the case, we will make the arrangements through the nominated person. If you have any queries, you are welcome to contact Ms. Emer Doyle at (01) 6395608 or by email at emer.doyle@ombudsman.ie. It is my intention to announce the launch of this investigation at the end of January 2017. If you would like to meet before this to discuss the issues involved, I would be grateful if you would contact my Office as soon as possible and we can arrange a suitable time and date.

Yours sincerely



Peter Tyndall
Ombudsman

Ombudsman Investigation – Magdalen Restorative Justice Scheme

STATEMENT OF COMPLAINT

and others

and a number of other individuals have complained to the Ombudsman about the decision of the Department of Justice and Equality to refuse their applications for redress under the Magdalen Restorative Justice Scheme. All the complainants state that they worked in one of the Magdalen laundries covered by the Scheme but were never compensated for this work. However, the applications were refused for a variety of reasons, including on the basis that the complainants had not been admitted to and worked in one of the laundries.

The Magdalen Restorative Justice Scheme was established to provide redress and other supports for women who worked in at least one of the 12 Magdalen laundries covered by the Scheme. These include an *ex-gratia* payment, entitlement to a State Pension (Contributory) and entitlement to a Medical Card. However, there appears to be a lack of clarity in respect of at least some of these institutions in terms of what comprised the laundry and who worked within them.

All the complainants have been adversely affected by the decision to refuse their application under the Magdalen Restorative Justice Scheme. Despite there being evidence in each of the cases under consideration that the complainants worked in a Magdalen laundry, they have not received any redress for this. In light of all of the above, it is submitted that there is *prima facie* evidence to suggest that the decision to refuse the complainants' application may have been taken on irrelevant grounds, based on erroneous or incomplete information, improperly discriminatory and otherwise contrary to fair or sound administration

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List of Complainants (cases currently under consideration in this Office)