

AN ROINN DLÍ agus CIRT agus
COMHIONANNAIS
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DEPARTMENT OF JUSTICE and
EQUALITY
Montague Court
Montague Street
Dublin 2
Ríomhphoist/e-mail:
info@idcmagdalen.ie



Restorative Justice Scheme

Ms [REDACTED]

27 February 2014

Dear [REDACTED]

I refer to your application under the ex gratia scheme for women who were admitted to and worked in the Magdalen laundries, St Mary's Training Centre, Stanhope St. and House of Mercy Training School, Summerhill, Wexford.

It has been confirmed that while you were in the care of the Sisters of Our Lady of Charity you were admitted to An Grianan Teenage Unit from [REDACTED] with no discharge date recorded. Although An Grianan was located in the High Park complex it was recognised as a separate and specific institution in itself and it was provided for under the terms of the Residential Institutions Redress Scheme.

Therefore, I regret to inform you that An Grianan Teenage Unit is not one of the institutions covered under this ex gratia scheme and as such your application cannot be processed any further.

If you do not agree with this decision you can provide us, in writing, with the reasons you do not agree with the decision and your case will then be reviewed by an officer of a higher grade. You will be advised of the outcome of the review in writing within 2 weeks. If you are not satisfied with the outcome of this review, you can appeal to the Ombudsman and we will provide you with details of this process.

Yours sincerely,

Joni Murphy

The Restorative Justice Implementation Unit
Department of Justice and Equality



31 March 2014


Ms Joni Murphy
The Restorative Justice Implementation Unit
Dept of Justice and Equality
Montague Court
Dublin 2
Republic of Ireland

Dear Ms Murphy

Ms 

I refer to your letter of 27 February 2014 and write to inform you that I do not agree with the decision in my case and am requesting that it be reviewed by an officer of a higher grade.

The reasons for not agreeing with your decision are as follows:

1. You state that An Grianan Teenage Unit is not one of the institutions covered under the ex gratia scheme and yet as an inmate of this teenage unit at the age of 14 I was forced to work in the Magdalen Laundry in High Park every day without pay when I should have been getting an education. I shouldn't have to worry over which government department is going to take responsibility for this "failure to protect adequately the constitutional and human rights" of the residents of An Grianan. Neither should I have to debate whether an institution is covered by the scheme or not. The facts are that from  to approximately 18 months later I worked in The Magdalen Laundry in High Park without pay. Therefore I think the Dept of Justice or whoever decided that An Grianan was not covered under the ex gratia scheme needs to reverse this decision. The Dept of Justice should recognise that although An Grianan is recognised as a separate and specific institution in itself this institution put children to work in the High Park Laundry on a daily basis. Therefore it cannot be considered a separate institution – there was some connection that allowed this to happen. The fact that both An Grianan and High Park Laundry were run by the Sisters of Our Lady of Charity suggests that they were one and the same place.

2. Minister Shatter and Minister Lynch announced on Wed 26 June 2013 a scheme of payments for women who were admitted to and worked in the Magdalen Laundries. The Government decided to accept all recommendations in Judge Quirke's report. Judge Quirke also made a range of other recommendations. These included "that any previous payments made to these women under the Residential Redress Scheme should not be taken into account". Therefore any payment made to me under the terms of the Residential Institutions Redress Scheme should not be taken into account. The money paid to me by the Residential Redress Scheme was for emotional abuse and not a payment of wages and PRSI contributions.
3. As far as I am concerned the ex gratia payment made to me of 10,000 Euro by the Residential Redress Scheme was for the emotional abuse of being forcibly removed from my family without reason or explanation and being put into a state run institution and detained without limit of time. I suffered terrible anxiety at being removed from my younger siblings for whom I was responsible for and they in turn were neglected and abused during my absence from the family home. The paltry amount of money paid to me in no way compensated for the damage done to me and my family. In addition the process of the Redress Scheme was so awful that I was sorry I had started on a path that led to me feeling degraded by the solicitor appointed to represent me. He was an absolute disgrace. He had no compassion or respect for my situation. If the Scheme was hoping to achieve a non-adversarial resolution then it failed miserably. On top of which I am almost sure that [REDACTED] solicitors will have received more than the 10,000 euro I received for their services, which makes me sick.
4. Bearing in mind that I was 14yrs old, the period of time I spent working in the Magdalen Laundry as child labour should have been spent in full time education. The gap in my education at this vulnerable time left me without Intermediate or Leaving certificate qualifications. Despite the fact that in later life I went back into education and achieved a Diploma in [REDACTED] and an MBA I cannot rectify this gap in my knowledge and qualifications. This has left me unable to progress in my field of work as I would have liked to. I am lucky to have got where I am today and it grieves me to know that had someone taken the time to develop my literacy and numeracy I may have gone much further in my career. I have had personal experience of being refused a job and promotion because psychometric testing has shown a lack of verbal and numerical reasoning at a level that should have been addressed at school age. At 14 yrs of age when I should have been receiving guidance on the transition from adolescent to adult and an education to help me reach my potential, I was working in the oppressive and frightening environment of a Magdalen Laundry. I feel that this is reason enough to be included in the ex gratia scheme to at least pay me for the work I did.
5. In conclusion, I wish to be financially compensated for the unpaid labour I was required to undertake in the Magdalen Laundry in High Park and that my social welfare contributions for this period of time are added to my PRSI account towards

my pension. Neither of these two issues were addressed under the Residential Institutions Redress Scheme.

I look forward to hearing from you.

Kind regards,

[REDACTED]

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DEPARTMENT OF JUSTICE and
EQUALITY
Montague Court
Montague Street
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Facsuimhir/Fax:

[REDACTED]

16 April 2014

Re: Ex-gratia Scheme for the benefit of those women who were admitted to and worked in Magdalen laundries, St Mary's Training Centre, House of Mercy Training School, Summerhill.

Review Decision

Dear Ms [REDACTED]

I refer to your letter of 31 March 2014 disagreeing with the decision made by the Restorative Justice Implementation Team that you were not resident in an institution covered under the Scheme.

I have reviewed all of the documentation in support of your application and considered the points you raised in your letter.

The Sisters of Our Lady of Charity have confirmed that you were admitted to An Grianan Teenage Unit on [REDACTED] but with no discharge date recorded for you. There is no disputing that you worked in the laundry during your stay there.

An Grianan Teenage Unit evolved over a period of time from the mid 1960s to 1980. Although An Grianan was located in the High Park Complex it was recognised, for this full period of time, as a specific and separate institution in itself and it was provided for under the terms of the Residential Institutions Redress Scheme.

Institutions listed in the schedule to the Residential Institutions Redress Act, 2002 are not provided for under the Restorative Justice ex gratia scheme. On this basis, I am, therefore, agreeing with the original decision made that you do not come within the remit of this ex-gratia scheme.

If you are not happy with the decision you can appeal it to the Ombudsman's Office. You can do this by sending a letter to Ms Deborah Smyth, Enquiries Unit, Ombudsman's Office, 18 Lower Leeson Street, Dublin 2 setting out the reasons why you disagree with this review decision.

Yours sincerely



Gerry McDonagh
Principal Officer
Restorative Justice Implementation Unit
Department of Justice and Equality



14 May 2014

Ms Deborah Smyth
Enquiries Unit
Ombudsman's Office
18 Lower Leeson Street
Dublin 2
Republic of Ireland


Dear Ms Smyth

Ms 

Dear Ms Smyth

I refer to Gerry McDonagh's letter of the 16 April 2014 and my previous letter to the Dept of Justice and Equality (copies attached).

I disagree with the decision of the Dept of Justice and Equality for the reasons listed below and would like the Ombudsman's Office to review my case.

1. As there is 'no disputing' the fact that I worked in the laundry then I should be given an ex-gratia payment for the unpaid labour carried out by me during the period from  up until the time I was discharged approximately 18 months later.
2. If the reason for non payment of the ex gratia amount is because the Restorative Justice ex gratia scheme does not include An Grianan then the scheme rules need to be changed to include An Grianan. By not including An Grianan in the scheme they are excluding a group of vulnerable children whose first experience of working life was the scary atmosphere of an industrial laundry. It is a double injustice to deny payment for the work undertaken.
3. The Residential Institutions Redress Act 2002 (AN ACT TO PROVIDE FOR THE MAKING OF FINANCIAL AWARDS TO ASSIST IN THE RECOVERY OF CERTAIN PERSONS WHO AS CHILDREN WERE RESIDENT IN CERTAIN INSTITUTIONS IN THE STATE AND

WHO HAVE OR HAVE HAD INJURIES THAT ARE CONSISTENT WITH ABUSE RECEIVED WHILE SO RESIDENT AND FOR THAT PURPOSE TO ESTABLISH THE RESIDENTIAL INSTITUTIONS REDRESS BOARD TO MAKE SUCH AWARDS AND TO PROVIDE FOR THE REVIEW OF SUCH AWARDS BY THE RESIDENTIAL INSTITUTIONS REVIEW COMMITTEE AND TO PROVIDE FOR RELATED MATTERS. [10th April, 2002] was not a scheme to provide an ex gratia payment for unpaid labour. The emotional abuse I was subjected to by being admitted to An Grianan was a different matter to the unpaid labour I carried out for The Sisters of Our Lady of Charity.

4. The Vatican may have an excuse for confusing the two schemes (<http://www.irishtimes.com/news/world/europe/vatican-s-envoy-accuses-irish-government-of-mishandling-compensation-1.1785764>) however I would have expected the Dept of Justice & Equality to understand the difference. Surely that is why Ministers Shatter & Lynch said "that any previous payments made to these women under the Residential Redress Scheme should not be taken into account"?

Yours sincerely

[REDACTED]

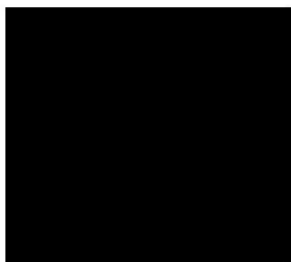


Years Putting It Right
Bliain Á Chur Ina Cheart

Office of the Ombudsman
Oifig an Ombudsman

Our Reference : [REDACTED]

20 June 2014



Dear Ms [REDACTED]

I refer again to your complaint to the Ombudsman about the Department of Justice and Equality (the Department) and the Restorative Justice Implementation Team (the Implementation Team).

I have now completed my examination of your complaint which involved reviewing the Implementation Team's file relating to your case and considering all of the points you had made to it, and to this Office. I have to tell you that, based on my examination, the Ombudsman will not be upholding your complaint about the refusal of your application under the 'Ex Gratia Scheme for Women who were Admitted to and Worked in Magdalen Laundries ...' (the Scheme). I have set out my reasons below.

At the outset, I would like to explain that the Ombudsman's role in the examination of complaints about this Scheme is to look at whether decisions by the Implementation Team are consistent with the terms of the Scheme which were agreed by the Government. In this regard, the Government accepted all of the recommendations contained in a report by Mr Justice Quirke, President of the Law Reform Commission, and the Scheme itself was informed by that report. Where the Ombudsman finds that a decision by the Implementation Team was consistent with the Scheme as agreed by the Government, it is not open to him to seek to have that decision changed.

In your complaint you said that you had been in An Grianan Training Centre ('An Grianan') and that, during your time there, you had also worked in the laundry which was on the same site. In essence, your case is that although you have previously received an award under the Residential Institutions Redress Act 2002 in respect of your time in An Grianan, you feel that you should be entitled to an award under this Scheme in respect of the work you had done in

the laundry. I must tell you that we have received a number of similar complaints from former residents of An Grianan and we have looked very closely at the background to, and the terms and conditions of the scheme, and we have also looked at the history and evolution of An Grianan.

Under the terms and conditions of the Scheme, in order to be eligible a woman had to have been admitted to, and worked in one of the 12 institutions which come within the scope of the scheme. One of these institutions was St Mary's Refuge, which was located at High Park, Grace Park Road, Drumcondra, Dublin 9. In addition to St Mary's Refuge, two other services for women and teenage girls were provided by the Sisters of Our Lady of Charity in High Park. These were Teenage Units (which became known as An Grianan) and Martanna House Hostel, and the evidence is that these were separate to, and provided a different service to St Mary's Refuge which, according to Mr Justice Quirke's report, historically was established to provide refuge to women who needed it, but did not have any educational role.

According to the available information, the history of An Grianan Teenage Unit is that during the 1960s there was an increase in the numbers of teenagers being admitted to the care of the Sisters of Our Lady of Charity and over a number of years a more focussed response to their needs evolved. The first phase of this was from 1965 to 1970 when alterations were carried out within the refuge to provide some personal space by constructing separate cubicles for each teenager to replace the large open dormitories, and classes in reading, writing, typing, sewing and cookery were introduced. During this period the teenagers did work in the laundry. From 1971 to 1979 further alterations were carried out which separated the teenagers from the older women by partitioning off the second floor of St Mary's Refuge to create a completely separate living space with its own access - this newly created unit was called An Grianan Centre. Classes continued on a more formal basis and teachers were employed. During this period the teenagers worked some hours each week in the laundry. From mid 1980 until its closure in 1992 a full school schedule was in place with classes up to 3:30pm each day and in 1990 the residential part of the centre was moved to a purpose built family group home in Collins Avenue which became known as An Grianan Teenage Unit but classes continued to be held in the original Grianan Training Centre in the main building. From 1980 onwards teenage residents accommodated in An Grianan Teenage Unit did not work in the laundry. EACH DAY!

As I have said above, to qualify under this scheme a woman had to have been admitted to, and worked in one of the 12 specified institutions. In the case of High Park, from where a number of different services were operated, only the St Mary's Refuge is a qualifying institution. The evidence is that you had been admitted to, and resided in An Grianan throughout and, although the residents of An Grianan did work in the laundry which was also located in the complex, it was not a qualifying institution for the purposes of the Scheme. Unfortunately, the Scheme does not contain any arrangements under which a payment can be made to a person to reflect work undertaken in a laundry, where that person had not been admitted to, and resided in one of the 12 specified institutions.

Having carefully considered all of the available details relating to your particular case, I have concluded that the decision of the Restorative Justice Implementation Team was made in accordance with the terms and conditions of the Scheme and, consequently, I must accept that it is correct. In this regard, I am satisfied that An Grianan is not one of the 12 specified institutions covered by the Scheme and therefore its former residents do not come within the

scope of the scheme. I would like to say that, having thoroughly examined your case, I do fully understand the rationale behind the arguments that you have advanced in support of your case, and I do sympathise with you and the other former residents of An Grianan who all had the same experience. However, as I explained above, because the decision of the Implementation Team is in accordance with the terms and conditions of the Scheme as agreed by the Government, there is no basis on which the Ombudsman could ask the Implementation Team to further review your case.

I am sorry that the Ombudsman cannot be of assistance to you in this matter.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Brendan O'Neill', written over a horizontal line.

Brendan O'Neill
On behalf of the Ombudsman