

From: Brendan.O'Neill [mailto:Brendan.O'Neill]

Sent: Friday, June 20, 2014 4:48 AM

To:

Subject: Ombudsman - Ref:

Our Reference :

20 June 2014

Dear Ms.

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.

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

Brendan O'Neill
On behalf of the Ombudsman