



Fw: IDC - Magdalen Laundries

Gerry A. McDonagh to: Therese M. Molyneux, Loretta A. Barrett

10/09/2012 13:27

----- Forwarded by Gerry A. McDonagh/JELR/JSECTOR on 10/09/2012 13:26 -----

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To: <JOMartin@justice.ie>, <'denis_osullivan@dcya.gov.ie'>, <'GAMcDonagh@justice.ie'>, <'JOMartin@justice.ie'>, <'Mary.Moylan@environ.ie'>, <barry_murphy@health.gov.ie>, <Evelyn.Daly@djei.ie>, [REDACTED] <mary_mcgarry@education.gov.ie>, [REDACTED] <donal.enright@environ.ie>
Date: 10/09/2012 12:48
Subject: IDC - Magdalen Laundries

Dear all,

As you know, our next Committee meeting had been scheduled for this Wednesday, 12 September. With apologies for the short notice, we are going to postpone this meeting until slightly later- I will revert to you with an alternative date shortly.

In the absence of a meeting this week, Martin has asked me to send a few requests to you all, as follows.

1. You should all have received a copy of the final JFM submission (hardcopy only- posted to your offices). Can you please review this with particular focus on the areas which fall within your Department's responsibilities and share with us any observations / notes etc on those sections. (Jimmy - you will see there is a considerable portion on the Charity Commissioners - maybe your colleagues could provide some additional information on this issue).

2. As I am already drafting, it is important that the outstanding reports from the HSE and Gardai are received as soon as possible- ideally this week. I know that D/Justice and D/Health & Children have been working on this and that we will be seeing drafts shortly, so thank you for your assistance on that. Other than that (and I leave this to the discretion of each member of the Committee), if any of you think there is any possibility of any final input from the other bodies/ agencies under the aegis of your Departments, this might be the time for one last request.

3. We would be grateful if any outstanding items from Departments could be provided as soon as possible. We realise that some of these tasks are harder than others - for ease of reference, the most important items are listed below. I would really appreciate if you could also provide - even in draft - a copy of the final report of the Department (which would in bulk be a compilation of rolling reports, i.e. detailing file structures, searches conducted as well as items found etc).

- D/Justice: overall report, copies of relevant prison files, copies of court orders found in National Archives
- D/Justice: overall report, including statement of retired inspectors
- D/Environment: overall report (including eg narrative explaining the problem of the uncategorised boxes in National Archives), any further returns from Local Authorities received
- D/Education: overall report and copies of relevant general departmental files and

additional pupil files found (Mary- Nuala Hynes mentioned she had a few more files- this is just so we can arrange to pick them up).

- Health & Children: overall report / main task to coordinate with the HSE!

4. If you had any amendments for the draft minutes of the last meeting (recirculated below, for ease of reference), you might let me know by this Friday 14th.

5. The other issue which we would have discussed at the meeting is when the revised timeline of the Committee's work will be made public. Given that the Dail and Seanad will resume shortly, it is possible that there will be enquiries. Jimmy and Martin will coordinate on this, to ensure the Orders and Groups are made aware at the right time.

Finally just for information – as you know the final JFM narrative submission was received 2 weeks ago. They have yet to deliver additional supporting documentation- this apparently might be delivered this week. I understand that the organisation has a meeting in Leinster House this week (Thursday) - it may be that this will prompt some enquiries / gain some press attention.

As ever, give a shout with any queries – Martin asked me to thank you again for all your work to date – we're nearly there!

All the best,
Nuala

From: Ni Mhuircheartaigh Nuala HQ-LEGAL

Sent: 22 August 2012 09:02

To: 'James O. Martin'; 'denis_osullivan@dcya.gov.ie'; 'GAMcDonagh@justice.ie'; 'JOMartin@justice.ie'; 'Mary.Moylan@environ.ie'; 'barry_murphy@health.gov.ie'; 'Evelyn.Daly@djei.ie'; 'fra_roc@hotmail.com'; 'mary_mcgarry@education.gov.ie'; 'rossa@mcaleese.ie'

Subject: Draft minutes of 13th Committee meeting

Colleagues

Attached please find draft minutes of the last Committee meeting (13 August).

As usual, any amendments or corrections are welcome either by email or at the next Committee meeting.

Best wishes
Nuala

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aire:

phost seo faoi phribhléid agus faoi rún.
sa an duine a bhí beartaithe leis an teachtaireacht seo a fháil, scrios é le do thoil agus
seoltóir ar an eolas.
n údar amháin aon dearcaí nó tuairimí a léirítear.

an r-phost seo le Ironport agus deimhníodh go raibh sé saor ó víoras leis an
chomhad atá in úsáid faoi láthair.
a ráthú leis seo áfach nach bhfuil ábhar mailíseach ann.



----- IDC meeting 13 - draft minutes Rev.docx

Inter-Departmental Committee

to establish the facts of State involvement with the Magdalen Laundries

Thirteenth meeting of the Committee, 13 August 2012 - Draft Minutes

The thirteenth meeting of the Inter-Departmental Committee to establish the facts of State involvement with the Magdalen Laundries was held on 13 August at Montague Court, Montague Street, Dublin 2.

The meeting was attended by the Independent Chair Senator Martin McAleese, his adviser Nuala Ní Mhuircheartaigh, Jimmy Martin (Department of Justice & Equality), Mary Moylan (Department of Environment, Community & Local Government), Francis Rochford (Department of Jobs, Enterprise & Innovation), Barry Murphy (Department of Health), Denis O'Sullivan (Department of Children & Youth Affairs) and Mary McGarry and Nuala Hynes (Department of Education & Skills).

1. At the outset of the meeting, the minutes of the 12th Committee meeting (13 July 2012) were agreed, as previously circulated.

Update on progress relating to searches conducted by Chair / N Ní M:

2. The Chair first provided an update on his and Ms Ní Mhuircheartaigh's continuing research and work. Beginning with the **financial records** of the religious orders, he recalled that there were three aspects to this examination – first, the extent to which they can reveal state funding; second, state contracts for laundry services, and third, the overall financial viability of the laundries. This last aspect was, strictly speaking, outside the terms of reference of the Committee. However it was a matter of considerable public interest and the information available would allow some comment.
3. Regarding state contracts, the accountant of the Order of Our Lady of Charity had done some additional work on the ledger of contracts for Sean McDermott Street laundry. Including public hospitals (as agreed at a previous Committee meeting) the average level of state contracts was 18% over the 6 years for which information was available. He said that a more detailed breakdown would be circulated by email.
4. Concerning the viability of the laundries, the Chair confirmed that the accountants for each Order were now carrying out analysis of available records. The accountants to the Good Shepherds and Order of Our Lady of Charity were continuing to work on this. He had met the accountant for the Religious Sisters of Charity the previous week; and would meet the accountant for the Sisters of Mercy over the coming period. The picture which seemed to be emerging was that the laundries were generally run on a subsistence rather than a commercial basis – as an example, he referred to the accounts of Peacock Lane, Cork, where a breakdown of finances suggested that the average profit per worker / resident was approx 5 pounds per week and this was before any consideration of wages..
5. The Chair next confirmed that **meetings with the women who were still in care** in nursing homes or sheltered houses owned by the religious orders had been arranged. He and Ms Ní Mhuircheartaigh would meet with the residents of Beechlawn (formerly of High Park) that afternoon. It had been agreed with the other Orders that similar visits would be arranged for the women in their care over the coming period.

6. On analysis of records, Ms Ní Mhuirheartaigh was going to Cork to the **Central Statistics Office (CSO)** in the coming week to finalise the coding of records and production of statistics based thereon. Two main areas would be addressed – duration of stay; and profile of the women who entered. On duration of stay, this would be broken down into those who stayed less than a year, 1-2 years, 2-3 years, 3-5 years, 5-10 years as well as those who stayed in the laundry until death. The profile of the women would detail the average age on entry, those from rural and urban backgrounds, parents living or dead at time of admission, those previously institutionalised, and the number reclaimed by their families.
7. Next the Chair shared with the Committee the information received from the Office of the **Revenue Commissioners** on charitable tax exemptions. It seemed there had been no formal application process for a charity number until 1996. Until that point, the process was that an organisation would, after a taxable event, apply for repayment of tax. If they met the test for the charitable exemption, they would be issued a charity number to speed up future claims. He said that he had asked the Revenue Commissioners for clarification of a few issues around the process, including whether one charity number would have been assigned for an Order as a whole; or whether there would have been multiple charity numbers for each location or activity of the Order. He would inform the Committee of the response received.
8. Ms Ní Mhuirheartaigh described further exchanges with the **Office of Births, Deaths and Marriages** (Kieran Feely, GRO Roscommon). The Office was prepared to check the registration of all deaths within the laundries. Unfortunately there was no facility to search their databases by location of death; but the lists provided by Ms Ní Mhuirheartaigh of deaths within laundries could all be checked against the GRO database. On the basis of test searches carried out on the practice in the 1920s, the pattern seemed to show appropriate registration of deaths, although not necessarily immediate registration – e.g. in Sunday's Well, three deaths were registered in December 1924 relating to women who had passed away on separate dates that summer. The Committee would be updated on the full outcome of the GRO searches in due course.
9. The Chair next referred to ongoing contact with relevant **historians**. Maria Luddy had provided a note on the pre-1922 history of the Magdalen Laundries – this was circulated to all Committee members. Eoin O'Sullivan would also provide a note on some relevant issues – the Chair suggested that he might usefully be requested to attend the next meeting of the Committee for an exchange of views. This was agreed. Diarmaid Ferriter was working on a short note on issues such as institutionalisation during the time-period. Last, the Chair referred to Moira Maguire: details of her publication "Precarious Childhood in Post-Independence Ireland" had previously been circulated. There was some discussion of the view taken in the book on handling of infanticide cases. It was agreed that the Chair would contact Ms Maguire to discuss relevant issues further.
10. Regarding **Doctors** who acted as GPs for the residents of the Magdalen Laundries, the Chair recalled that this process of consultation was begun in an attempt to fill the gap caused by the absence of records in the Sisters of Mercy locations, but had developed more broadly when it emerged that the doctors in some cases retained records of patients treated. It was still the case that one account remained to be received – that from Galway. The other 5 accounts received were all consistent with one another as concerns the general health of the population in question, the general absence of evidence of traumatic injury and so on. On possible links with psychiatric hospitals, the retired Inspector of Mental Hospitals Dermot Walsh had indicated he would be willing to meet with the Chair to discuss his work and experience. It was agreed this could be useful.

11. The Chair informed the meeting that contact had eventually been made with the **Salvation Army**. The responsible officer for Ireland - Major Alan Watters - had agreed that the organisation would review the contents of their museum (based in London) for any materials on their role in the voluntary probation officer system. Nothing new had yet been found by the **Legion of Mary** on their part in the voluntary probation officer system. The Chair recalled that the referrals by the Legion of Mary could also have involved regular, social or good samaritan type roles of the organisation and not only probation referrals.
12. The **ISPCC** was the next organisation on which the Chair provided an update. He recalled that the ISPCC had provided copies of all surviving case-files which suggested involvement in cases of referrals to the Magdalen Laundries. These included two different types of cases- referrals of a girl by or with the assistance of the NSPCC inspector ('cruelty man'); and second, cases where a mother (following application of the NSPCC inspector) was convicted of abusing or neglecting a child and may have been referred to a Magdalen Laundry. In addition to case-files, the organisation was providing information on its funding in the relevant time-period; the basis or authority on which it operated; and any policy materials which they may have access to.
13. There was nothing new to report on either the **Dublin Lions** or **Redemptorists** - both would provide a written account of the general information already provided; in the case of the Lions Club an account of entertainment and social contacts with the women of Sean McDermott Street; and in the case of the Redemptorists information on the number of women (split into 'penitents', 'auxillaries' and 'consecrates'. In some laundries 'consecrates' were also referred to as 'magdalenes' or 'contemplatives') at each location where they carried out retreats.
14. Finally, contact had been made with **Ordnance Survey Ireland**, in light of the Committee's interest in the layout and development of the laundry sites. That Office was reviewing its records to identify any available surveys and maps of the 10 institutions within our mandate. It should be noted that not all locations were regularly surveyed (especially outside cities) - but whatever was found would be made available to us.
15. There followed some discussion of **other reports and materials** identified and flagged by email in advance of the meeting. Ms Ní Mhuircheartaigh provided an account of the contents of the *1930 Conference on Public Health* held by the Department of Local Government and Health with the participation of all Health Authorities. The *Inter-Departmental Committee on Suppression of Prostitution 1948* was discussed next. Ms Hynes (D/Education) informed the Committee of the relevant materials found in her Department on the subject: it appeared, on the basis of those materials, that cases of prostitution relevant to the Laundries at the time were quite low. She referred in that regard to the reports of Dr Anna McCabe. Mr Martin (D/Justice) next provided a short point of information on the *Inter-Departmental Committee on Prevention of Crime and Treatment of Offenders 1962* - no report had been published, but there were 18 substantive files on its work and the minutes of the meetings would be retrieved for examination. Finally, the *2nd Interim Report of the Henchy Committee on Mentally Ill and Maladjusted Persons 1974* - Ms Ní Mhuircheartaigh referred to a section of the Report on residential accommodation for girls, which might possibly refer to some of the Magdalen Laundries. Mr Martin said that three relevant files had been found, which may assist in determining whether the reference was to Magdalen Laundries or to other institutions such as psychiatric institutions.

Update re contact with representative and advocacy groups

16. The Chair provided an overview of additional contacts with representative and advocacy groups. JFM had indicated it would make its final submission the next day. The submission had been prepared by Raymond Hill (UK lawyer). The materials on which the submission was based would also be re-supplied to the Committee.

17. The Chair then said that Sally Mulready of Irish Women Survivors UK had indicated there were another 4 women who she hoped to bring to Ireland to meet with him. This would be done later in the summer. There was nothing new to report in terms of contact with Magdalen Survivors Together.

Update on drafting of Report and time-line for completion

18. At this point, a revised outline of the Report was circulated. The Chair noted that this was simply a different structure for the elements previously agreed in the Report Outline. When drafting commenced, it became apparent that the elements of the Report which were outside the terms of reference were interlaced with core elements of the Committee's work. The revised structure more clearly differentiated these two elements, treating the issues outside the strict mandate of the Committee as a block. This was of course not set in stone – he said it was simply a basis for drafting; and any comments would be welcome as the process continued.

19. There was also discussion of the appropriate time-line for completion of the Committee's work. As agreed at the previous Committee meeting, a letter would now be sent to the Minister for Justice and Equality providing an update. A draft would be circulated for comments that week.

Rolling reports and inputs from Departments on searches and files identified

20. Ms McGarry and Ms Hynes (D/Education) provided an update on searches within the Department. Ms Hynes confirmed that keyword searches had been carried out on the database of industrial and reformatory school records. This search had identified 144 cases of children; and 68 cases involving women in a Magdalen Laundry while their child or children were in an industrial or reformatory school. Of the 144 cases of children, 43 appeared to have been transferred to a Laundry on licence, shortly before the date of their intended discharge from industrial school (i.e. in most cases shortly before their 16th birthday). Pupil files existed for some of these cases- copies of all those cases were provided, along with summaries of all searches carried out and results found.

21. She then detailed to the Committee the information found on release of children from industrial school – release on licence prior to the intended date of discharge; and continuing (automatic) supervision following discharge until the age of 18 or, after 1941, until the age of 21. It was agreed that the Department would attempt to secure additional information on release on licence and after-discharge supervision, including (if possible) information on whether there had been any guidance for School Managers on what act carried out while on supervision might trigger recall [and by what process] of the former student.

22. Mr O'Sullivan (D/Children) and Mr Murphy (D/Health) provided a joint update on the searches by their Departments. On payments, Mr O'Sullivan confirmed that records of payments under s.35 of the Public Assistance Act 1939 had been found; as well as records of payments under s.65 of the Health Act 1953. He said that records had not been found of all the payments recorded in the records of the religious orders (as captured in the schedules

circulated by Ms Ní Mhuircheartaigh), however there was no reason to question the accuracy of those details. There was discussion around the process for approval of grants, as appeared to be indicated by the file on the s.65 payment to Dun Laoghaire. This seemed to involve inspection of the laundry prior to approval of payment. Mr Murphy recalled that he had seen on the files some records of inspections at Dun Laoghaire and Gloucester Street.

23. Mr O'Sullivan noted that it remained the case that evidence of direct connection to the laundry, as opposed to the campus, was difficult to identify. The Chair reflected that given the ages of many of the relevant women, it was reasonable to assume the referral was to the laundry rather than the school (where a school was on campus). It was agreed that a form of words could be found to resolve this issue.

24. Mr O'Sullivan next provided an update on the searches of the HSE. Mr Phil Garland of the HSE had visited Donnybrook, as the HSE had a continuing funding relationship with St Margaret's Centre, which accommodated a number of women who were formerly in the laundry. Funding now appeared to be taken from the disability budget.

25. Mr O'Sullivan further noted that a draft report by the HSE was also at an advanced stage. Unfortunately as there is no archive system in the HSE, this was not a complete account. The draft set out the policy backdrop, the relevant legislation, the relationship with the voluntary providers of care, and information on what specific records were found in searches. He said it suggested a real and lively relationship between health services and the Magdalen Laundries; and showed the interdependency of the religious orders and the State (insofar as concerns the provision of a service; and funding of those services).

26. **Mr Martin (D/Justice)** circulated a number of documents recording the results of searches by his Department. A list of 211 cases was provided, of which 93 matched entries on the lists drawn from the records of the religious orders; and the remainder of which did not. Ms Ní Mhuircheartaigh undertook to check these cases against the merged list of all entries to the Magdalen Laundries- it was noted that the 'unmatched' cases may have either been from the locations for which records do not survive (Dun Laoghaire or Galway) or alternatively, they may have been recorded in the registers of the religious orders without any detail on the source of referral.

27. Mr Martin further noted that that prison records were being checked and any matching files would be recalled. There was some discussion of the types of cases which might be represented in prison referrals: the two most likely categories were cases of women who had been initially in prison on remand or otherwise; or alternatively cases of women who had received life sentences and, possibly homeless upon release, were provided the option of residing at a Magdalen Laundry. Finally, he noted that the Gardaí were continuing their searches and would make a report as soon as possible.

28. **Ms Moylan (D/Environment)** was next to provide an update. Only a partial list of the uncatalogued files held in National Archives had been found. Of that list, only 1 file appeared possibly relevant – it related to the survey of institutions following the Report of the Tribunal of Inquiry into the Fire in the Cavan Orphanage. Reference was made to the Fire Protection Standards for Public Buildings and Institutions 1950- D/Education undertook to check their files for this document. More generally concerning fire, Mr Rochford (D/Jobs) noted historic correspondence his Department had found between the Minister for Labour and the Minister for Environment regarding the unsatisfactory response of the local authorities to fire notifications from Factories Inspectors.

29. Ms Moylan then noted that work on electoral registers was almost complete- where Local Authorities did not have the registers, these were being sourced from the National Library. Searches on the housing files was complete and nothing of relevance had been found – where capital grants had been provided, these had typically been to voluntary housing bodies rather than to the Orders.

30. Some work had been carried out on rates and rates exemptions. When a building was used exclusively for charitable purposes, it appeared that it was not rateable. However a building which had uses of commercial value could be rateable. She noted the High Court decision (in the 1930s) which upheld the rating of the Good Shepherd laundry by the Waterford local authorities. Different approaches may have been taken by other local authorities. There was some general discussion of the apparent inconsistency between that High Court decision and the approach of the Revenue Commissioners.

31. Ms Moylan next referred to the Local Government (Temporary Provisions) Act 1923. These had been discussion at the prior meeting on whether the provision in the Galway scheme (by which so-called second offenders were to enter the Magdalen Laundry at Galway or, otherwise, be barred from public assistance) was the exception from a policy perspective or not. Oireachtas debates on the Bill had resolved this issue – the Minister during Seanad debates said that that relevant provision in the Galway scheme would be inoperative, due to the provisions of the Bill – public assistance could not lawfully be refused on that ground. Ms Moylan noted that this essentially represented an attempt by Galway to introduce a sanction for women who refused to enter the Magdalen Laundry – but that this had been struck down by central authorities.

32. Finally, Ms Moylan referred to debate around the Report of the Poor Law Commission 1928. It seemed that there had been a view that the County Home was not an appropriate place for unmarried mothers – Bessborough was cited as a good example of an alternative.

33. The final update of the meeting was provided by **Mr Rochford (D/Jobs)**. He first referred to the (pre-State) UK position on laundry inspections. Two categories were referred to – the so-called s.5 list (which referred to institutions requested to submit to voluntary inspection); and the so-called s.6 list (inspection of State institutions). Mr Rochford noted that, during the voluntary regime, 9 of the laundries relevant to the Committee's work had accepted inspection. A Circular had been found in the Report of the Inspector of Lunatic Asylums and Mr Rochford noted that it seemed these arrangements had continued for a long time- the oldest of the retired factories inspectors recalled inspection of the asylums under those arrangements.

34. He added that the retired Factories Inspectors had all now finalised statements capturing their memories of inspections of Magdalen Laundries. The final searches of the HSA offices and final sign-off from the Labour Inspectorate were now being secured.

Next meeting

37. Finally, the next (fourteenth) meeting of the Committee was agreed for **Wednesday 12 September 2012**.

Nuala Ní Mhuircheartaigh