

Chapter 19

Concluding comments

- 19.01** This volume of the Commission's report presents the compiled oral evidence of over 1,000 witnesses who attended the Confidential Committee to report their childhood experiences of abuse in Irish institutions between 1914 and 2000. In most instances the reported abuse occurred while witnesses were in the care of the State. They reported being physically, sexually and emotionally abused and neglected by religious and lay adults who had responsibility for their care, and by others in the absence of adequate care and supervision.
- 19.02** The following chapter highlights aspects of the recounted evidence of childhood abuse including; the circumstances in which it occurred, the level of awareness of that abuse in society at the time, the function of the reported abusers in the children's lives and the intergenerational consequences of the abuse witnesses experienced. Proposals for change in order to better protect children in the future are summarised.
- 19.03** Witnesses gave many reasons for attending to give evidence to the Confidential Committee, predominantly a wish to contribute to an official account of the abuse they experienced as children in out-of-home care. Most expressed the hope that a formal record of their experiences would contribute to a greater understanding of the circumstances in which such abuse occurs and would assist in the future protection of children.
- 19.04** The Committee heard oral evidence of abuse in 216 different settings including; Industrial and Reformatory Schools, primary and second-level schools, Children's Homes, hospitals, foster care, schools and residential facilities for children with special needs, hostels, residential group homes, novitiates, laundries and other settings where children were placed away from their families. There were multiple reports of abuse in relation to many of the identified settings.
- 19.05** Witnesses who reported abuse to the Confidential Committee were most often in out-of-home care placements from an early age. Most witnesses were admitted to such care from parental or extended family homes, generally for reasons associated with their social circumstances, including; poverty, parental illness and death, marital separation, non-marital birth, special needs, unemployment and lack of care and protection. With the exception of witnesses who reported being abused in primary and second-level schools the majority of witnesses to the Committee were deprived of contact with their parents, extended family or others to whom they could confide while in the schools, institutions or settings where the reported abuse occurred.
- 19.06** More than 90% of all witnesses reported being physically abused while in out-of-home care. In addition to being hit and beaten witnesses described other forms of abuse such as being flogged, kicked and otherwise physically assaulted, scalded, burned and held under water. Witnesses reported being beaten publicly in front of other staff, residents, patients and pupils as well as in private. Many reports were heard of witnesses being beaten naked and partially clothed, both in private and in front of others. They reported being beaten and physically assaulted with implements that were for the specific purpose of inflicting pain and punishment, such as leather straps, bamboo canes and wooden sticks. In addition, witnesses gave evidence

that everyday implements were routinely utilised for the purpose of striking children. Witnesses described pervasive abuse as part of their daily lives.

- 19.07** Physical abuse was reported to have been perpetrated by religious and lay staff, older residents and others who were associated with the schools and institutions. Detailed accounts were heard of injuries received as a result of physical assaults perpetrated by staff in the institutions, including broken bones, head injuries and lacerations that required medical treatment and hospitalisation. Witnesses consistently commented on the fact that nobody spoke to them or enquired about the cause of their injuries and that efforts were made to conceal injuries.
- 19.08** Sexual abuse was reported by more than half of all the witnesses. Acute and chronic contact and non-contact sexual abuse was reported, including vaginal and anal rape, molestation and voyeurism, in both isolated assaults and on a regular basis over long periods of time. The secret nature of sexual abuse was repeatedly emphasised as facilitating its occurrence. Both residential and day settings provided opportunities for perpetrators of sexual abuse to assault children in the absence of adequate supervision and through the failure of individuals and organisations to recognise potential risk to children.
- 19.09** Witnesses reported being sexually abused by religious and lay staff in the schools and institutions and by co-residents and others, including professionals, both within and external to the institutions. They also reported being sexually abused by members of the general public, including volunteer workers, visitors, work placement employers, foster parents, and others who had unsupervised contact with residents in the course of everyday activities. Sexual abuse was reported to have occurred both within the institutions and when children were taken away for excursions, holidays or to work for others.
- 19.10** Disclosing sexual abuse generally provoked disbelief and further abuse. Witnesses who disclosed sexual abuse were subjected to severe recrimination by those who had responsibility for their care and protection. Female witnesses described, at times, being told they were responsible for the sexual abuse they experienced, by both their abuser and those to whom they disclosed abuse.
- 19.11** Neglect was frequently described by witnesses in the context of physical, sexual and emotional abuse. Neglect of a child's care and welfare occurred both in the form of what was done to them by those who were responsible for their care and what they failed to do to protect and nurture them. Lack of adequate food, warmth, clothing, health care, hygiene and recreation are indicators of neglect of the care of children. Failure to provide for their safety, education and development are further indicators of neglect about which the Committee heard many reports, and which had implications for health, employment, social and economic status in later life.
- 19.12** Emotional abuse was also reported by witnesses in the form of lack of attachment and affection, loss of identity, deprivation of family contact, humiliation, personal denigration, exposure to fear and the threat of harm. Furthermore, many witnesses recalled the devastating emotional impact and feeling of powerlessness associated with observing their co-residents, siblings or others being abused. This trauma was acute for those who were forced to participate in such incidents.
- 19.13** Awareness of the abuse of children in schools and institutions was believed to exist within society at both official and unofficial levels. Professionals, including Government Inspectors, medical practitioners, and teachers had a role in relation to various aspects of children's welfare while they were in schools and institutions. Local people were employed in most of the residential facilities as professional, care and ancillary staff. In addition, members of the public had contact with children in out-of-home care in the course of providing services to the

institutions both at a formal and informal level. Witnesses commented that while many of those people were aware that life for children in the schools and institutions was difficult they failed to take action to protect them.

19.14 Contemporary complaints were made to the Gardaí, the Department of Education and others by witnesses, their parents and relatives, generally in the aftermath of an injury, when visible marks of a beating were observed or when a child who had run away was being returned to a children's home, reformatory or industrial school. Gardaí were at times reported to request leniency on the child's behalf when they were returned, in the knowledge that absconders were harshly treated.

19.15 Children with intellectual, physical and sensory impairments and children who had no known family contact were especially vulnerable in institutional settings. They described being powerless against adults who abused them, especially when those adults were in positions of authority and trust. Impaired mobility and communication deficits made it impossible to inform others of their abuse or to resist it. Children who were unable to hear, see, speak, move or adequately express themselves were at a complete disadvantage in environments that did not recognise or facilitate their right to be heard.

19.16 The enduring impact of childhood abuse was described by many witnesses who, while reporting that as adults they enjoyed good relationships and successful careers, had learned to live with their traumatic memories. Many other witnesses reported that their adult lives were blighted by childhood memories of fear and abuse. They gave accounts of troubled relationships and loss of contact with their siblings, extended families and with their own children. They also described lives marked by poverty, social isolation, alcoholism, mental illness, sleep disturbance, aggressive behaviour and self harm.

19.17 Seventy percent (70%) of witnesses reported receiving no second-level education and, while many witnesses reported having successful careers in business and professional fields, the majority of witnesses heard by the Committee reported being in manual and unskilled work for their entire working lives.

19.18 Testimony provided by over 1,000 men and women who attended the Confidential Committee to report their accounts of childhood abuse gave rise to the following proposals for consideration in the Commission's overall recommendations for the future:

- The promotion of a child's health and well-being are dependent on their physical, emotional, educational and social needs being met. Children in out-of-home care require a comprehensive care plan to address those needs.
- An extra duty of care exists in relation to children and young people who are cared for in loco parentis. The history, patterns and risk factors in relation to the abuse of vulnerable children need to be acknowledged, understood and recorded.
- Children from a background of deprivation and poverty are at greater risk of abuse. Effective early intervention programmes which support and assist parents to maintain their children in safe environments minimise the risk of abuse.
- As physical abuse continues to be a commonly experienced form of child abuse, it is essential that education, training, and support services are available to assist those with responsibility for the care of children. The legality of physical abuse requires review.
- Fear, shame, guilt, and loyalty to family and carers militate against disclosing sexual abuse. Grooming and the predatory behaviour of sexual abusers combined with the secret and isolated nature of the abuse itself are common features of the sexual abuse of children, most notably in closed systems.

- Failure to speak directly to children about what happened to them allowed abuse to continue. In order to properly promote the safety and welfare of children and young people services need to take considered account of the childs' perspective and enable their voices and wishes to be heard.
- The need for a secure attachment and affectional bond with a consistent care-giver is critical to the emotional well-being of a child. Institutional care and the associated frequent changes of care-giver and multiple foster care and other placements fail to meet this fundamental need.
- Children need to know who they are, where they came from and the details necessary to establishing their individual identity, such as their birth and health records, photos of people close to them and of themselves at different stages of their childhoods.
- The absence of official records, information and documentation that validate identity had a detrimental effect on the lives of many men and women who were reared in out-of-home care. Contact with parents and extended family and their involvement in planning and decision making regarding all aspects of children's and young people's development is critical to their sense of belonging and identity.
- Civil society has a responsibility to ensure the safety of children. Many people, including extended family members, neighbours, staff in schools, hospitals and other health services, had some awareness of the abuse of children in schools and institutions in the past and failed to act to protect them.
- Procedures to facilitate access to services with a statutory responsibility for the protection of children are required. Raising public awareness regarding the reality of child abuse and establishing clear procedures which enable children, staff and others to make complaints and raise concerns about the welfare of children would assist in the prevention of child abuse.
- Policies that recognise the reality of child abuse are vital to ensure that disclosures of harm and abuse by children and young people are not ignored. Procedures for inter-agency cooperation, including clarification of roles and responsibilities, need comprehensive review, continuous monitoring and evaluation to ensure they remain relevant and effective.
- Children and young people with special needs may be particularly vulnerable due to a disability and require the expertise of specifically trained staff to assist communication and assess risk of abuse. Dedicated in-patient facilities for children and young people with mental illness should be developed.
- The duty of care for children and young people reliant on the care and protection of the State extends beyond the time of discharge. Comprehensive aftercare services that assist young people in the transition to independent living are vital.
- All out-of-home placements for children and young people, whether in primary, secondary or tertiary care, require regular inspection on a statutory basis to ensure the proper duty of care is being fulfilled by those in charge.
- Services where children and young people are cared for away from their families require independent inspection and oversight to ensure that their needs are not compromised. Witness evidence points to the fact that when services are not independently inspected and monitored abuse occurs and continues.



**AN BILLE UM CHOIMISIÚN CHUN DROCHÚSÁID LEANAÍ A FHIOSRÚ, 2000
COMMISSION TO INQUIRE INTO CHILD ABUSE BILL, 2000**

EXPLANATORY MEMORANDUM

General

The purpose of the Bill is to establish a commission to be known as the Commission to Inquire into Child Abuse. The Commission will have three primary functions. Firstly, to provide for people who suffered abuse in childhood in institutions a forum in which they can tell of that abuse. Secondly, to inquire into allegations of abuse and to determine its nature, the circumstances in which it occurred and its extent as well as establishing the extent to which institutions, management and regulatory authorities had responsibility for the abuse. Thirdly, to publish a report to the public. In its report the Commission may identify institutions in which abuse occurred, and the persons who committed it. It may also make findings as to the responsibility in respect of abuse of the management, supervisory and regulatory authorities and may identify persons who carried out, or failed to carry out, their functions. The report may also contain recommendations relating to the measures necessary to address the continuing effect of abuse on people who suffered it and recommendations relating to the prevention of child abuse in institutions.

Provisions of the Bill

Section 1 defines the terms used in the Bill:

“abuse” is given a broad definition and includes causing physical injury to a child; using a child for sexual gratification; failure to care for a child where this seriously affects a child's health, development, behaviour or welfare and any other act or failure to act which results in serious damage to the health, development, behaviour or welfare of a child;

“child” is defined as a person who has not reached 18 years of age at the time the abuse was committed;

“institution” means any place where a child is cared for other than in the family setting. It includes a school, an industrial school, a reformatory school, an orphanage, a hospital or a children's home;

“relevant period” is defined in such a way as to allow flexibility to the Commission to decide what period its inquiries will cover. The definition specifically refers to the period from 1940 up to 1999, but the Commission can investigate incidents of abuse before and indeed after this date if it so decides.

The definitions section also provides in *subsection (2)* that references to abuse in institutions include abuse which occurred outside an institution to a child who was at the time resident there and which was assisted or contributed to in any way by a person connected with the institution.

Section 2 provides that the Minister for Education and Science will by order determine the day when the Commission is to be established.

Section 3 provides that the Commission to Inquire into Child Abuse will be established on a day decided by the Minister for Education and Science. It will have corporate status with a separate legal identity. *Subsection (3)* specifically provides for the independence of the Commission, and its members, in the performance of their functions. Once the Minister is satisfied that the Commission has completed its task, he or she may by order dissolve it. This will not be done without consulting the Chairperson of the Commission.

Section 4 sets out the main functions of the Commission. These can be broadly divided into two main areas. Firstly, the Commission will give an opportunity for people who have suffered abuse in an institution to tell of that abuse. The other main function of the Commission will be investigative in nature. The Commission, through its Committees, will investigate the abuse of children in institutions; determine the causes, nature, circumstances and extent of the abuse; and determine the extent to which the institutions, their management, administration and regulation contributed to abuse. The Commission will also prepare and publish a report on its findings (for more details on the report see *section 5*). Investigations carried out by the Commission will be conducted in whatever way the Commission decides is most appropriate. *Subsection (4)* provides that the Government may confer additional powers on the Commission which are connected with the functions provided in the Bill. The purpose of this provision is to allow for some flexibility should the Commission find as it progresses in its work that it needs additional functions to carry out its mission effectively.

Subsection (6) of this section addresses the unique circumstances and difficulties associated with a commission inquiring into abuse of people in childhood. The Bill requires the Commission and its Committees to bear in mind the need of people who have suffered child abuse to tell others of that abuse, the difficulty they may experience in doing this and the possible benefits that may result in telling their story. The Commission is obliged to try to ensure that the atmosphere in which the telling of abuse occurs is one which is as sympathetic and informal as possible, given the rights of others and the requirements of justice. The Commission proceedings are also to be as informal as is possible in all the circumstances.

Section 5 provides that the Commission will publish a report to the general public within two years of its establishment setting out the result of its inquiries and its findings. In the report the Commission may make recommendations on how the effects of abuse on victims can be addressed and on measures to prevent abuse in institutions. If the Commission is satisfied that abuse of children occurred in a particular institution, it can name the institution concerned and the people responsible for the abuse. The report can also include findings in relation to the management, administration, operation and regulation of the institution and the people who exercised these functions. However, the report must not identify people who were abused or contain findings in individual cases of alleged abuse. *Subsection (4)* provides that in the case of findings based on findings of the Confidential Committee, the report must state that the evidence relating to such findings was not and could not be challenged and was not corroborated (unless it has been corroborated). These provisions arise from the fact that the Confidential Committee (*see section 15*) will receive evidence in total confidence from people who do not wish to have their allegations of abuse inquired into. The Commission may publish interim reports if this is necessary.

Section 6 provides that the Commission will be composed of a chairperson and a number of ordinary members. The Chairperson will be appointed by the Government. The ordinary members will also be appointed by the Government, following consultation with the Chairperson.

Section 7 provides for arrangements for the holding of meetings and provides that the Commission itself will determine the manner in which it will conduct its procedures and whether meetings will be held in public or not. *Subsection (4)* provides for the making of a record of the Commission's proceedings and how the records of the Commission are to be dealt with after the Commission is dissolved.

Section 8 provides for the seal of the Commission.

Section 9 provides for the appointment and secondment of members of staff of the Commission. The Commission may appoint its own staff subject to the consent of the Minister for Education and Science and the Minister for Finance. In addition, the Minister for Education and Science and the Minister for Health and Children may second members of their staffs to assist the Commission.

Section 10 provides that there will be two committees established within the Commission — a Confidential Committee and an Investigation Committee. Each member of a Committee will be a member of the Commission and a person is prohibited from serving on both committees. It will be possible for a Committee to hold hearings outside the State.

Section 11 provides for the meetings and procedures of Committees. Meetings of the Confidential Committee will be held in private. Meetings of the Investigation Committee during which evidence is given about individual cases of alleged abuse will be held in private. Other meetings of the Investigation Committee will be held in public or in private as the Committee decides. The Committees will determine their own procedures.

Section 12 provides for the main functions of the Investigation Committee — to give victims of abuse an opportunity to tell their story; to investigate that abuse; to determine the nature of the abuse and why it happened; to determine the extent to which the institutions, and the way they were managed and regulated, contributed to the abuse and to report to the Commission as a whole.

Section 13 provides that the Investigation Committee will prepare a report on the results of its inquiries and present it to the Commission. If it is satisfied that abuse of children occurred in a particular institution, the Committee can include this in its report, and can name the institution and the people responsible for the abuse. The report can also include findings in relation to the management and regulation of the institution and as to the people responsible for these functions. The report will not contain findings on any particular case of alleged abuse. The Committee may make interim reports.

Section 14 provides for the Investigation Committee's powers. These include powers to compel witnesses to attend the Committee and to produce documents either in person or by sending them to the Committee; to make discovery of documents in a similar manner as arises in High Court proceedings and to give any other directions necessary for the carrying out of its inquiries. In exercising these powers the Committee shall have the powers, rights and privileges of the High Court. If a person fails to comply with a direction of the Committee, the Committee may apply to the High Court for an order directing the person to comply. A person who fails to comply with a direction of the Committee, who refuses to take the oath or refuses to answer a question or who otherwise acts in a way which if done before a court would be contempt of court will be guilty of a criminal offence and subject to the penalties set out in *section 35*. The Committee may examine witnesses on commission outside the State. A person who gives false evidence to the Committee will be guilty of an offence and will be liable to a penalty in the same way as a person who commits perjury before a court.

Section 15 provides for the functions of the Confidential Committee. Its primary purpose is to provide an opportunity for abuse victims who wish to tell of the abuse suffered by them but who do not wish to have that abuse inquired into. This Committee therefore is largely therapeutic in its functions and as a result it will make general findings only.

Section 16 provides that the Confidential Committee will prepare a report setting out its general findings. The report must not identify people who were abused or contain findings in individual cases of alleged abuse. The report will be presented to the Commission. The Committee may make interim reports.

Section 17 provides that statements by members of the Commission or a person working for the Commission will enjoy absolute privilege. This applies to statements made since the establishment of the commission to inquire into child abuse established by a Government decision of 11 May, 1999.

Section 18 provides that a person who provides evidence to the Commission, an inquiry officer or to a person appointed by the Commission to interview witnesses outside the State will be covered by the same privileges and immunities as a witness before the High Court.

Section 19 provides that, a victim of abuse may decide to stop giving evidence to a Committee, decide not to give any evidence to any Committee or decide to change Committees. If a victim decides to change Committees, the evidence given will be disregarded other than in a prosecution for perjury or obstructing the Commission.

Section 20 provides that the Minister for Education and Science may draw up a scheme whereby witnesses at the Commission or a Committee may be paid reasonable expenses. *Subsection (4)* provides in particular for the paying of expenses relating to the discovery process.

Section 21 contains a number of provisions relating to the giving of evidence to the Commission or Committees. A person will not be entitled to refuse to answer a question or to refuse to hand over a document to the Investigation Committee on the ground that the answer or the document might incriminate him or her. On the other hand a statement or admission made before the Commission or a Committee, to a person taking evidence abroad, to an inquiry officer or in a document prepared for any of these bodies or people will not be admissible against the person making it or his or her employer. These provisions are aimed at encouraging maximum co-operation with the Commission's investigation functions.

Section 22 provides for the taking of evidence on oath.

Section 23 provides for the appointment of inquiry officers whose primary function will be to carry out preliminary inquiries with witnesses and potential witnesses before the Commission or the Committees. The purpose of this exercise is to assist the Commission and the Committees by establishing in advance the kind of evidence which witnesses propose to give and the areas where evidence of one person will be contested or agreed by others. The inquiry officers will operate on the basis of the consent of the witnesses concerned. In effect, if a witness refuses to co-operate, the Commission may rely on its compellability and other powers.

Section 24 enables the Commission to appoint advisers and researchers.

Section 25 empowers the Commission to seek the approval of the High Court for any act it proposes to carry out or on any matter relating to such an act. The purpose of this provision is to give legal certainty to the acts and decisions of the Commission and thereby avoid litigation. The Court may make whatever order or direction it considers appropriate. In general the Court is to give priority to such requests.

Section 26 provides that the High Court may order the disclosure of information to the Commission or the Investigation Committee where it considers this to be in the public interest, even if the disclosure is prohibited by law. The provision is an added guarantee that the Commission and Committee cannot be hampered in their investigations.

Section 27 relates to information provided to the Confidential Committee. Since this Committee will hear evidence of abuse only from people who do not wish to submit to the investigation process and whose evidence will not be challenged or inquired into, the section places a prohibition on any disclosure of information provided to the Committee. *Subsections (2)* and *(3)* provide the only exceptions to this general prohibition — where the disclosure arises in the course of the performance of a function under this Bill when enacted *e.g.* the making of a report under *section 16*; where disclosure is to a legal representative and is necessary in judicial

review proceedings against the Committee; to the Garda authorities where the person making the disclosure believes it is necessary in order to prevent a serious offence; to an appropriate person under the Protections for Persons Reporting Child Abuse Act, 1998 (usually a Garda or designated health board officer) if the person believes that the disclosure of the information is necessary to prevent, reduce or remove a substantial risk to life or to prevent the continuance of abuse of a child and to a court in judicial review proceedings involving the Committee and where the court so orders. *Subsection (5)* provides a further and continuing protection for the confidentiality of the Confidential Committee's proceedings by providing that the records of the Committee will not come within the provisions of the National Archives Act, 1986.

Section 28 provides for much less restriction on the disclosure of information to the Commission and the Investigation Committee than the restrictions in respect of the Confidential Committee. A person cannot be obliged by law to disclose information provided to the Commission or the Investigation Committee but a disclosure must be made to the Garda authorities where the person making the disclosure believes it is necessary in order to prevent a serious offence and to an appropriate person under the Protections for Persons Reporting Child Abuse Act, 1998 (usually a Garda or designated health board officer) if the person believes that the disclosure of the information is necessary to prevent, reduce or remove a substantial risk to life or to prevent the continuance of abuse of a child.

Section 29 makes it an offence to obstruct the Commission, a Committee or a person taking evidence abroad.

Section 30 imposes a duty on a person, who has documents in his or her possession or control which is relevant to the work of the Commission, to preserve the document until the Commission has completed its work and makes failure to preserve the document an offence.

Section 31 gives certain protection to the records of the Commission or the Committees from discovery in legal proceedings. An order for discovery shall not be made against the Commission or the Committees in proceedings to which they are not a party. In addition, where, upon the dissolution of the Commission, it places documents in the custody of a person, other than the original owners of the documents, a discovery order cannot be made against the custodian of the documents. Finally, *subsection (3)* ensures that the mere fact that the Commission is in possession of a document does not prevent discovery being made against the owner of the document. The document is deemed to be in the possession and control of the owner and the Commission is obliged to make it available to him or her.

Section 32 ensures that the Official Secrets Act, 1963, does not restrict the giving of evidence to the Commission or a Committee.

Section 33 gives an exemption from the Data Protection Act, 1988, for data in the possession of the Commission and a Committee. In the case of the Confidential Committee the exemption is permanent and extends to any data given into the custody of a person after the dissolution of the Commission.

Section 34 restricts the application of the Freedom of Information Act, 1997, as regards records held by public bodies where access could prejudice the effectiveness of the Commission. In reaching an opinion on the extent to which prejudice could be caused or where the balance of public interest lay, the public body head must consult with the Chairperson of the Commission. Where records of the Confidential Committee are transferred to a public body for safekeeping on the dissolution of the Commission access shall not be given to them under the Act.

Section 35 sets out the penalties which are to be imposed in respect of offences set out in various sections of the Bill.

Section 36 is a standard provision relating to expenses which are to be met from public funds.

Section 37 provides for the short title of the Bill when enacted.

*An Roinn Oideachais agus Eolaíochta,
Feabhra, 2000.*



AN BILLE UM CHOIMISIÚN CHUN DROCHÚSÁID LEANAÍ A FHIOSRÚ (LEASÚ) 2005 COMMISSION TO INQUIRE INTO CHILD ABUSE (AMENDMENT) BILL 2005

EXPLANATORY MEMORANDUM

Introduction

The purpose of this Bill is to give effect to the recommendations of the Report to the Government of the Review Group on the Commission to Inquire into Child Abuse, and the Report and subsequent recommendations of Mr Justice Ryan on the workings of the Commission. The amendments proposed in the Bill will better enable the Commission to complete a full inquiry into child abuse within a reasonable timeframe and at reduced cost. The Bill will also establish a statutory framework for the operation of an Education Fund for former residents of institutions and their families. Finally, the Bill will make a number of technical amendments to the Residential Institutions Redress Act 2002.

Provisions of the Bill

PART 1

Preliminary and General

Section 1 sets out the short title of the Bill and that parts of it can be interpreted and cited in combination with the legislation it is amending.

Section 2 defines “Principal Act” in the Bill as the Commission to Inquire into Child Abuse Act 2000.

PART 2

Amendments of Principal Act

Section 3 amends certain definitions used in the Commission to Inquire into Child Abuse Act 2000 (*ie* the Principal Act). The change to the definition of “abuse” is designed to allow the Commission to make a finding of abuse where it might be reasonable to assume that the acts or omissions concerned caused serious harm to the person.

Sections 27 and 28 of the Principal Act require the disclosure of information given to the Commission or its committees to the Gardaí if the person is acting in good faith and reasonably believes that the disclosure is necessary in order to prevent a serious offence occurring. The new definition of “serious offence” will widen this obligation to prevent an offence carrying a sentence of at least 1 year's imprisonment instead of the current requirement for the offence to carry a 5 year prison term.

Section 4 amends section 4 of the Principal Act by changing the functions of the Commission in a number of respects. It extends the functions to include a duty on the Commission to inquire into the manner in which children were placed in institutions and the circumstances in which they continued to be resident there. It also removes the requirement that it be satisfied that abuse occurred in order to determine the nature, causes and circumstances of abuse. This will remove the requirement for a two phase process in hearing evidence which would have led to unnecessary delays and costs in the Commission carrying out its functions. In effect, the section removes the obligation on the Investigation Committee to hear all complainants and gives it a discretion as to which witnesses it considers should be called to a full hearing to ensure that the Inquiry's functions are fulfilled.

Section 5 amends section 5 of the Principal Act by allowing the Commission to include in its report findings that abuse of children occurred in a particular institution where it would be reasonable to reach such a conclusion. This reduces the burden on the Commission which, at the moment, must be satisfied that a particular person actually suffered serious harm as a result of the acts they have complained of. The Commission will now be able to conduct its inquiry as a whole in one phase in respect of any particular institution or period. The Commission will also be able to identify the institution where the abuse took place and the person who committed the abuse provided that he or she has been convicted of an offence relating to the abuse.

In preparing its report the Commission will be required, insofar as its report is based on evidence recorded by the Confidential Committee, to have regard to the fact that the evidence received by the Confidential Committee could not be tested, challenged or corroborated.

Section 6 changes section 11 of the Principal Act by permitting the Investigation Committee to hold meetings in public if it considers this appropriate and to hold joint hearings which can be attended by survivors and their representatives, and respondents and their representatives, again where the Committee considers this appropriate. This will allow the Committee, for instance, to jointly take the evidence of a number of survivors who have made similar allegations in relation to particular individuals in a particular institution.

This section will also allow a Committee to sit in single member divisions. They could deal with non-controversial matters and thereby speed up the work of the Committee.

Section 7 amends section 12 of the Principal Act by providing that the Investigation Committee will provide an opportunity to survivors to recount the abuse they suffered in institutions as far as is reasonably practicable. This amendment, in combination with the amendment in *section 4*, will allow the Committee to call before it people whose accounts it considers will provide it with the greatest possibility of arriving at the truth of what occurred.

This section will also permit the Investigation Committee to inquire into the manner and circumstances in which children were placed and resident in institutions.

Section 8 amends section 13 of the Principal Act. It removes the obligation on the Investigation Committee to satisfy itself that abuse took place in individual cases before reporting its findings in relation to abuse of children in a particular institution. It also restricts the capacity of the Committee to name individual perpetrators of abuse to where a person has been convicted of a criminal offence involving abuse or has pleaded guilty to this kind of offence. Finally, the section will allow the Committee to produce interim reports which are final in relation to the issues they deal with.

Section 9 amends section 14 of the Principal Act by conferring additional powers on the Investigation Committee in its taking of evidence. It will now be entitled to require the discovery of documents, to furnish interrogatories (or questions) which must be replied to, and to require parties to admit facts, statements and documents. The evidence obtained will be presumed to be *prima facie* evidence of the matters it relates to. Where a person, without good reason, refuses to comply with one of these requirements, or with a direction issued under section 14(1) of the Principal Act requiring the giving of evidence to the Committee, the chairperson of the Committee can award costs against him or her. Finally, the section provides that the

Investigation Committee will take evidence of a person's conviction for abuse of a child as evidence before the Committee of that abuse.

Section 10 amends section 15 of the Principal Act. Following on from the findings of the Supreme Court in the *Abeylara* case, it removes the power of the Confidential Committee to make findings of a general nature. Instead, the Committee will have power to make general proposals with a view to having them considered by the Commission in deciding what recommendations it should make in its report.

Section 11 amends section 16 of the Principal Act by removing the power of the Confidential Committee to include in its report findings of a general nature. Instead, the Committee will now have power to prepare a report based on the evidence it has received and containing proposals of a general nature.

Sections 12, 13, 15 and 20 amend sections 17, 18, 21 and 31 respectively of the Principal Act by replacing the term “inquiry officer” with the term “authorised officer”. These amendments are linked with *section 16* of the Bill.

Section 14 amends section 19 of the Principal Act. It provides that a person may cease giving evidence to the Investigation Committee subject to the consent of that Committee, the rights of others and the requirements of justice and may, with the consent of the Confidential Committee, give evidence to it of the abuse being alleged.

Section 16 amends section 23 of the Principal Act. “Inquiry officers” will now be known as “authorised officers” and may be consultants as well as members of staff of the Commission. In addition to their existing functions, they will also perform whatever other functions the Investigation Committee determines in order to assist it or the Commission carrying out their tasks.

Section 17 amends section 25 of the Principal Act by allowing applications to the High Court by the Commission for a direction to be heard in public or private, which will be at the discretion of the Court.

Section 18 allows the Commission to direct one committee to hear evidence in relation to a longer period of time than the other committee. In performing its functions, the Commission must take account of any reports made in relation to that longer period.

Section 19 provides a statutory procedure of judicial review in relation to Commission or Committee decisions. A person may question a determination of the Commission or a Committee by applying to the High Court for a judicial review within 2 months of the determination. The High Court will grant leave if it is satisfied that there are substantial grounds for believing that the determination is invalid or ought to be expunged. The 2 month period can be extended if the Court considers that there are good reasons for doing this. An appeal of a decision on a judicial review by the High Court may be brought to the Supreme Court only if the High Court agrees that its decision involves a point of law of exceptional public importance and that it is in the public interest for the Supreme Court to hear the appeal.

Section 21 ensures the smooth transition of the Commission's work pending the enactment of this amending legislation.

PART 3

Education (Former Residents of Certain Institutions for Children) Finance Board

Section 22 provides for definitions to be used in this part of the Bill.

Section 23 requires that within one year of the Act being passed by the Oireachtas the Minister must set a day to be the day the Education (Former Residents of Certain Institutions for Children) Finance Board is established.

Section 24 provides for the establishment of the Education (Former Residents of Certain Institutions for Children) Finance Board which will be a corporate body. The Board will be

independent in the performance of its functions. Provision is also made for dissolution of the Board on completion of its work.

Section 25 states that the principal functions of the Board are to pay grants to former residents of institutions and their relatives, to determine and publish criteria on which decisions to pay grants will be based, and to provide information in relation to the educational services for which grants are available.

Section 26 requires the Minister for Finance to pay to the National Treasury Management Agency the sum of €12.7 million which was paid to the State as part of an agreement with certain religious congregations, plus any interest which that sum has since earned, less any sums paid before the Act is passed to former residents of institutions and their relatives to assist them to avail of educational services. The Agency will deposit the money in an investment account. The Agency will invest any monies not required in a given financial year in securities or authorised investments and returns from those investments will be paid into the account. Each year the Agency will pay a grant to the Education Finance Board to meet the Board's expenditure.

Section 27 permits the Board to pay grants to former residents of institutions or relatives of former residents to assist them to avail of educational services. The Board will have discretion as to the amount of the grant, the educational service for which it is paid, the frequency of payment, and the conditions to be attached to the grant. It will have to decide on criteria by which decisions on grants will be made and will have to publish those criteria.

Section 28 requires the Board to develop and publish the procedures governing the applications for grants, how the Board considers the applications, and how communication between the Board and applicants will happen. Grants paid to applicants can only be used to pay for the educational services specified by the Board. The Ombudsman will be entitled to investigate decisions on grants made by the Board.

Section 29 provides that the Board will consist of a chairperson and 8 ordinary members appointed by the Minister for Education and Science. Four of the members must be former residents of institutions.

Section 30 provides for the employment of staff by the Board, their remuneration and terms and conditions of service.

Section 31 provides for the keeping of accounts by the Board and for the audit of such accounts by the Comptroller and Auditor General. The Minister will be required to have the accounts and the C&AG's report on them laid before the Houses of the Oireachtas.

Section 32 requires the Board to publish an annual report and to provide a copy of it to the Minister who must lay it before the Houses of the Oireachtas. The Board must provide the Minister with such information on its activities as requested by him or her and may also provide information relating to applications and decisions relating to grants to any other appropriate person. However, the Board will be precluded from providing information that could lead to the identity of an applicant being disclosed.

Section 33 provides for a procedure to remove the Board from office where the Minister believes that it has failed, neglected or refused to perform any or its functions, has failed to perform any of its functions effectively, or has contravened the Act in some other way. Provision is also made for the appointment of a replacement Board by the Minister.

PART 4

Miscellaneous

Section 34 provides for a number of amendments to the Residential Institutions Redress Act 2002 including the following—

- The offence of giving false evidence to the Redress Board or the Review Committee is extended to any person who gives such evidence, regardless of whether or not they have made an application for an award
- In future, where an award is made but the applicant dies before deciding whether or not to accept it, the award will not die with them. Where they are survived by a spouse or child, he or she may proceed with the application on the deceased's behalf. If the deceased does not have a spouse or child, the applicant will be deemed to have accepted the award which will be paid to their estate
- The Board will have a discretion in deciding whether or not it needs to request a medical report on the applicant and removes the obligation on the applicant to appear in person at a Board hearing
- The Board will now have a discretion in relation to the evidence it is required to rely upon in cases where an application is made on behalf of a deceased person
- The Board will have power to establish a committee to regulate its procedure and business
- A cooling-off period will be provided for permitting an applicant who appeals an award to withdraw the appeal within 2 weeks of submitting it to the Review Committee
- Where the Board directs that an award must be paid in instalments or some other manner because the applicant is incapable of managing the monies, he or she will have 1 month to appeal this direction to the Review Committee
- The Board may arrange for awards payable in instalments to be administered by the Courts Service for the applicant's benefit in accordance with the direction and rules of court. The applicant will be entitled to apply to the Court to vary the terms on which the award is administered
- A number of changes are made to the names of institutions to delete duplications and correct errors in their names as they currently appear.

Section 35 provides for the Minister's power to make regulations and orders and the requirement that they be laid before the Houses of the Oireachtas. It also confirms the Government's power to extend the life of the Commission which will need to be extended by Order in May 2005.

The *Schedule* is concerned with the membership and meetings of the Education Finance Board. It provides for the seal of the Board, tenure of office, the offices of chairperson and deputy chairperson, meetings of the Board, minutes of meetings and its power to act notwithstanding vacancies and through standing orders or otherwise.

An Roinn Oideachais agus Eolaíochta,
Márta 2005.

Appendix 3

Members of the Confidential Committee

Confidential Committee Commissioners

Member	Date of appointment	Date of resignation (if applicable)
Mr Bob Lewis CBE Retired Director of Social Services Stockport United Kingdom	23 rd May 2000	19 th July 2000
Dr Patrick Deasy Retired Consultant Paediatrician	23 rd May 2000	30 th April 2003
Dr Kevin McCoy Retired Chief Inspector Social Services Inspectorate Northern Ireland	21 st November 2000	30 th April 2003
Ms Norah Gibbons Childcare Director	23 rd May 2000	
Ms Anne McLoughlin Social Work Senior Clinician	23 rd January 2002	
Ms Mary Fennessy Head Social Worker	19 th April 2004	

Confidential Committee Administrative Staff

Member	Date of appointment	Date of resignation (if applicable)
Ms Mary Durack Witness Support Officer	16 th August 1999	12 th August 2005
Ms Helen Lynch Administrator	25 th August 1999	2 nd March 2006
Ms Jacqueline Curran Witness Support Officer	8 th April 2002	27 th October 2003
Ms Melanie Hall Witness Support Officer	13 th September 2004	11 th March 2005
Ms Norella Broderick Administrator	21 st February 2006	29 th September 2006
Ms Sandra Hoswell Administrator	9 th October 2006	30 th April 2007
Ms Danielle Griffin Administrator and Research Assistant	30 th April 2007	29 th August 2008
Ms Catherine Mulligan Administrator	10 th September 2008	15 th January 2009

Appendix 4

Picture of Confidential Committee Hearing Room



Appendix 5

Sample appointment letter

Mr X
Main St
Ballynew

Invitation to meet the Confidential Committee

Dear Mr X,

Thank you again for offering to help the Commission in its work by meeting the Confidential Committee.

I am writing now to confirm that we are pleased to offer you an appointment to meet (named Commissioners) of the Committee on:

at

Following our conversation I will take it that you are definitely coming unless something unforeseen happens at your end. In that case please let me know as soon as you can.

Before you come to the Commission, please read the enclosed leaflet. If there is anything in it that you would like to talk over, or if you have any questions, please don't hesitate to phone me and I will do my best to help.

With regard to expenses please see information leaflet on the witness expenses scheme which is enclosed .In relation to travel we will refund transport costs to and from your home. We will also pay an allowance of 19 Euros each for you and a companion of your choice for meals and refreshments. Payment will be made by cheque or postal order which we will post to you as soon as possible after your hearing.

You are welcome to bring to bring any documents, papers, pictures etc., that might help you in telling your story to the Committee. Other people have found this to be helpful.

I will be meeting you when you come to the Commission and will introduce you to (named Commissioners).

I look forward to meeting you on

Yours sincerely,

Mary Durack,
Witness Support Officer.
Direct Phone Line =
Encl:
Information Leaflet
Expenses leaflet.
Photo of Confidential Hearing Room.
Map and directions to Commission

Appendix 6

COMMISSION TO INQUIRE INTO CHILD ABUSE

REQUEST TO MEET THE CONFIDENTIAL COMMITTEE

Thank you for offering to help the Commission in its inquiry into child abuse. The evidence that the Commission collects will form the basis of the Commission's work.

It would be helpful if we could have the following information before you meet with the Confidential Committee. ***This information will be dealt with on a strictly confidential basis.***

If you have a problem answering any of the questions, or if you find completing these details difficult, please don't worry. If you telephone us at (01) 662 4444/Callsave 1850 20 11 20 (Rep. of Ireland)/LoCall 0845 309 8139 (N.I. & U.K.), we will be happy to help you. Office hours are from 9.30 a.m. to 1.00 p.m. and 2.00 p.m. to 5.30 p.m., Monday to Friday.

YOUR OWN DETAILS:

1. **Current surname:** _____
2. **First name(s):** _____
3. **Name used:** _____
4. **Surname as a child (e.g. maiden name):** _____
5. **Contact address:** _____

6. **Contact telephone number:** _____
7. **Date & Place of Birth:** _____

YOUR PAST EXPERIENCES:

8. What Institution(s) or Place(s) would you like to talk to the Committee about and when were you there?

Institution/Place	Years you were there
1. _____ _____	1. From _____ To: _____
2. _____ _____	2. From _____ To: _____
3. _____ _____	3. From _____ To: _____
4. _____ _____	4. From _____ To: _____

MEETING THE COMMITTEE:

9. Would you like to bring a companion with you? Yes No

10. if so, please let us have the person's name: _____

11. Is s/he your:

Spouse/Partner	<input type="checkbox"/>	Other Relative:	<input type="checkbox"/>
Friend:	<input type="checkbox"/>	Counsellor/	
Other:	<input type="checkbox"/>	Therapist/Social	
		Worker:	<input type="checkbox"/>

(Please tick as appropriate)

If "other" please specify:

12. If you have any special needs or feel you will need special assistance on the day, please give details (e.g. if you have problems with hearing, mobility, serious health problems or other serious factors).

COUNSELLING SERVICE

13. Do you have access to support/counselling in relation to the matters about which you wish to talk?

Yes No

14. Would you like information about the special counselling services?

Yes No

Signed: _____ Date: _____

Please return the completed form to:

CICA,
Floor 2,
St. Stephen's Green House,
Earlsfort Terrace,
Dublin 2.

**Commission to Inquire
into Child Abuse**

Information Leaflet

**To explain the work of the Commission to
survivors of child abuse.**

**Commission to Inquire into Child Abuse,
Second Floor,
St. Stephen's Green House,
Earlsfort Terrace,
Dublin 2.
Tel: (01) 662 4444
Callsave: 1850 20 11 20 (Rep. of Ireland)
Lo-Call: 0845 3098 139 (N.I. and U.K.)**

Information Leaflet

Q.1 What is the Commission's job?

A: The Commission has been given three tasks under the Commission to Inquire into Child Abuse Act 2000:

- to **listen** to the experiences of people who were abused as children in institutions;
- to **investigate** abuse of children in institutions and find out why it happened and who was responsible for it;
- to **report** directly to the public within two years about:
 - what happened in the past,
 - what should be done to help survivors of abuse now,
 - what should be done to protect children not in the care of their parents now and in the future.

Q.2 What sort of abuse can I talk to the Commission about?

A: The Commission will investigate all types of abuse:

- physical;
- sexual;
- emotional;
- neglect;

as long as the abuse took place before your 18th birthday.

Q.3 What institutions are covered?

A: Institution means any place where a child was cared for other than by his or her own family. It includes:

- orphanages;
- industrial schools;
- reformatory schools;
- hospitals;
- children's homes;
- day or boarding schools.

It also includes foster care.

Q.4 The Institution I was living in sent me to work on a farm and I was abused there. Can I go to the Commission about this?

A: Yes. This type of situation is included in the Commission's brief as long as you were under 18 when the abuse happened.

Q.5 How exactly will the Commission operate?

A: The Commission will have two Committees. They are:

- The Confidential Committee, which will have three members;
- The Investigation Committee, which will have three members.

These two Committees will be completely separate from each other. You will be asked to choose one Committee to tell your experiences to.

Q.6 Tell me more about the Confidential Committee

A: This Committee may be the right one for you if:

- your main wish is to have your experiences heard in a sympathetic atmosphere by experienced people who will understand you;
- you do not want any person(s) or institution(s) you talk about to be told that you are coming to the Commission or to be given any information about you.

Therefore your evidence will not be open to challenge.

Q.7 Tell me more about the Investigation Committee

A: This Committee may be the right one for you if:

- you would like your experiences to be fully investigated;
- you accept that this involves giving any person(s) or institution(s) you accuse the right to:
 - advance notice of what you have to say;
 - hear what you have to say;
 - see any documents you may produce to back up your evidence;
 - question you if they wish to do so (or ask their legal representatives to do so);
 - offer alternative evidence to contradict your evidence.

Q.8 How will the Investigation Committee investigate my experiences?

A: This Committee has a wide range of legal powers. For example, it can:

- compel persons you accuse to attend before it;
- compel them to produce any documents it needs to see.

Q.9 Can I start with one Committee and change to another?

A: Yes, provided that you have not already completed giving your evidence to one of the Committees. However, it should be noted that any information given to the first Committee will not be passed on to the other Committee and will not be taken into account by the first Committee in reaching its conclusions.

Q.10 What sort of findings will the Commission make?

A: The Commission's final report will contain findings from both Committees:

- The Confidential Committee will make a general report, which won't name you or any specific person or institution. This is because people who will go to that Committee will not wish to have any information about themselves given to anyone outside the Commission or to be questioned by anyone outside the Commission.
- The Investigation Committee will be able to make more specific findings. If it is satisfied that abuse of children happened in a particular institution, it can name the institution and the person or persons who committed the abuse. It can also identify the people who were responsible for managing or supervising such an institution.

Q.11 Can I have legal representation when I meet the Commission?

A: You will not require legal representation when meeting the Confidential Committee.

Legal representation will be permissible at Investigation Committee hearings, in accordance with the Commission's procedures. Financial assistance for legal expenses will be in accordance with a scheme made under the Act.

Q.12 Will I get any help with the cost of going to Dublin?

A: Yes, in accordance with a scheme made under the Act.

Q.13 I get very nervous and upset when I talk about my past. Will the Commission make allowances for this?

A: Yes. The Commission is very aware of how difficult this can be. It will give you a break if you need one. While the Commission has to be fair to all sides, it will be as informal as possible. If you would find it helpful, you are welcome to bring a companion with you for support when you meet the Commission.

If you choose to tell of your experiences to the Confidential Committee, your companion may attend your meeting with that Committee provided he or she agrees to the confidential nature of the meeting.

If you choose to have your experiences investigated by the Investigation Committee, your companion may not be present at the hearing but he or she may wait for you in a nearby room.

Q.14 What other supports will the Commission provide for me?

A: There will be a quiet room where you can relax before and after the meeting and there will be a member of staff available who will give you support.

Q.15 Will the Commission provide counselling?

A: The Commission won't be providing counselling. If you feel you would like to see a counsellor, we can give you information about special counselling services in your area.

Q.16 I would like to speak to the Commission, but I have a disability.

A: The Commission wants to hear from anyone who would like to tell of their experiences. No one should feel excluded because of his or her age, disability or medical situation. Before you meet us we will ask if you have any special needs or would need any particular help on the day. At that stage, please let us know if you:

- Use a wheelchair
- Have problems with your sight
- Are deaf or hard of hearing
- Have any problems with your speech
- Might need a break to take medicine or have a rest
- Have any other special needs.

Q.17 I got this leaflet for my friend who'd like to meet the Commission. He can't read or write very well. Will this be a problem?

A: No. Please tell your friend that this won't be a problem and no one will make him feel embarrassed. There will be some forms to fill in before he comes to the Commission but these will be very easy and straightforward. The Commission staff will be happy to help him fill them up.

Q.18 Hardly anyone knows that I was in an institution. I'm worried there might be reporters or cameras there when I meet the Commission.

A: Absolutely not. No one from the public or the press will be allowed in when people are telling of their experiences.

If you are meeting the Confidential Committee, the only people there will be yourself, your companion (if you bring one), and members of that Committee.

If you decide to go to the Investigation Committee, anyone you accuse will be entitled to be there. An officer of the Committee and a stenographer will be present. Legal representatives may also be present.

The Commission's report will not name any individual survivors.

Q.19 Are all meetings of the Commission and the Committees going to be held in private?

A: No. Some meetings of the Commission and Investigation Committee will be held in public because it is important that members of the public have a chance to see that the Commission is doing its job properly and fairly. These meetings will not involve hearing the evidence of individual survivors. The Confidential Committee will not hold meetings in public.

Q.20 Will any person on the Commission report what I tell about abuse to the authorities?

A: No. Unless the person has reason to believe that:

- a serious crime is being committed, or
- a serious risk to a person's life exists, or
- abuse of a child is ongoing.

In any of these situations the person will be obliged to report the matter to the Gardaí or the health board to protect the child or other person at risk.

Q.21 I'd like to meet the Commission, but I live in England. My health isn't good and I wouldn't be able to travel to Dublin. Is there any way the Commission can hear of my experiences?

A: Yes. Special arrangements can be made in cases like this.

- The Confidential Committee is allowed meet people outside the State.
- The Investigation Committee can't travel abroad but they can send someone to hear your evidence on their behalf. All the points outlined in the answer to Question 7 will apply to the taking of such evidence.

Q.22 I have read in the newspapers that if the person who abused me admits the abuse to the Commission he or she cannot be prosecuted or made pay damages. Is this correct?

A: No, this is not correct.

A person who admits wrong doing to the Commission will not get an amnesty from prosecution or any immunity from liability for damages.

Q.23 Will coming to the Commission prevent my case being heard in the Courts?

A: No. Coming forward to give evidence to the Commission will not affect the right of a survivor of abuse to give evidence of the abuse in a court later.

Q.24 Will the Commission pay compensation?

A: No. The Commission does not have the power to pay compensation.

Q.25 So what's in it for me?

A: This is the first time an Irish inquiry will hear from the survivors of child abuse themselves.

The Commission's recommendations on the sort of help, financial or otherwise, people who were abused in their past need now will take into account what you have to say.

It is hoped that speaking to the Commission will help you in coming to terms with your past.

The Commission wants to learn from you and your experiences. It is hoped that what we will learn from you will make a real difference to children who are not in the care of their families both now and in the future.

**Commission to Inquire into Child Abuse,
Second Floor,
St. Stephen's Green House,
Earlsfort Terrace,
Dublin 2.
Tel: (01) 662 4444
Callsave: 1850 20 11 20 (Rep. of Ireland)
Lo-Call: 0845 3098 139 (N.I. and U.K.)**

Appendix 8

Information on your visit to the Confidential Committee

1. This booklet is being sent to you with your letter of appointment. If we have been unable to reach you by phone to confirm that the date is suitable for you, we ask that you contact us as soon as possible to confirm that you will attend. Once you accept an appointment, that time is reserved for you and will not be offered to anyone else.

Requests for second appointments will go to the Commissioners of the Confidential Committee for decision. They will grant second appointments only in very exceptional circumstances. This is because of the number of people waiting to meet the Confidential Committee, and the Committee is conscious of the need to see all applicants as soon as possible.

2. The role of the Confidential Committee is to provide a place for you to tell your story to experienced people who will understand you.
3. The following may help you to plan your visit to the Confidential Committee of the Commission to Inquire into Child Abuse:
 - (i) the length of your visit will depend on how long you need to speak with us – we would not anticipate any session lasting more than two hours;
 - (ii) do allow yourself sufficient time for travel;
 - (iii) you are welcome to bring a companion with you when you meet the Confidential Committee. In most cases you can decide if you would like your companion to sit with you during the hearing or to wait for you in our waiting room. However there are 2 exceptions to this:
 - **If your companion is under the age of 18 he or she cannot go into the hearing room.**
 - **If your companion is a survivor who is going to the Investigation Committee, it is not in their legal interests to sit in on your hearing and we would ask that you make your companion aware of this.**

Your companion will be asked to keep the hearing confidential.

- (iv) you can arrange to come and see the offices in advance of your own hearing if that would be helpful;
- (v) on your arrival, the staff of the Commission will greet you and will answer any queries you may have;
- (vi) a person who is apparently under the influence of alcohol, other substances or medication will have his/her hearing deferred;
- (vii) you will be introduced to the members of the Confidential Committee who will listen to your experiences;
- (viii) you can speak in your own time and in your own words. If you would prefer it, the Committee members will help you to tell your story by asking you some questions. The Committee may also ask you some questions to be sure they fully understand your story and to clear up any misunderstandings;

- (viii) if you wish for a break during the hearing, that will be arranged for you;
- (ix) the Commission has arranged with a local general practice group to provide same day, by appointment, consultation for victims if the stress of the hearing necessitates such care;
- (x) a recording will be made of the hearing. A copy of that recording cannot be taken away from the office and no other record can be made of the hearing;
- (xi) you can come back, with the companion who comes with you to the hearing, to listen to the recording at a later date if you wish. This must be arranged with the staff of the Confidential Committee;
- (xii) when the hearing has finished, a member of staff will be available to you as part of the witness support programme of the Commission. They will have information on special counselling services in your area if you would like to receive that;
- (xiii) the Commission is aware that speaking of your experiences to us may be very distressing and driving afterwards can be especially difficult. It can be helpful to arrange to have a friend collect you after the hearing if you are coming on your own. You may wish to take the rest of the day off.

4. Reports to the Authorities:

No report on anything you tell the Confidential Committee will be given to the authorities, except in the following circumstances:

If the Committee has reason to believe that:

- a serious crime is being committed;
- a serious risk to a person's life exists; or
- abuse of a child is ongoing.

In any of those situations, the person is obliged to report the matter to the Gardaí or to the health board.

5. Contact after your hearing:

The witness support officer will check if you would like her to call you in the days following the hearing to check how you are. If you agree, she will call you. If you do not wish her to contact you, that is fine. You can contact the Commission if you have any enquiry.

- 6.** After your hearing, you may discover or remember additional information that you would like the Committee to have. You are welcome to send such information to the Committee. Because this would be classified as confidential evidence, it is important that you only address it to the Commissioners who were involved in your hearing.

7. Report of the Confidential Committee:

The Confidential Committee will write its report when all of its hearings are completed. The Confidential Committee cannot name any individuals or places in its report.