Chapter 10:

Routes of entry to the Magdalen Laundries (B): Industrial and Reformatory Schools

Summary of findings:

This Chapter addresses the placement in Magdalen Laundries of girls and young women who had previously been in Industrial or Reformatory Schools in Ireland. The Committee identified a variety of linkages between these Schools and the Magdalen Laundries.

This Chapter sets out the relevant legislative background, namely the Children Act 1908 as amended by the Children Act 1941 which, among other provisions, provided for:

- *release of children from Industrial or Reformatory schools on licence (prior to the age of 16) to a named "fit person" and to the transfer to that person of all the powers and responsibilities in relation to the child; and*

- *the continued supervision of children after their final discharge from Industrial and Reformatory Schools until the age of 18 and 19 respectively (until 1941) and with a possible extension to the age of 21 (after 1941). During this period of supervision, they remained liable to recall by the Manager of the Industrial or Reformatory School.*

This Chapter presents patterns identified by the Committee within these overall categories, as well as sample cases illustrating these patterns. These patterns included:

- *Girls temporarily placed in a Magdalen Laundry prior to committal to an Industrial or Reformatory School;*
- *Girls committed by the Courts to an Industrial or Reformatory School but refused entry by that school and admitted instead to a Magdalen Laundry;*

- *Girls released on licence from Industrial or Reformatory Schools to the Magdalen Laundries before the age of 16;*
- *Girls referred onwards from an Industrial or Reformatory School to a Magdalen Laundry directly upon discharge at the age of 16; and*
- *Former industrial or reformatory school children referred to a Magdalen Laundry during the period of their post-discharge supervision.*

Where there was a policy behind these practices, that is also addressed in this Chapter. So too is the role of the Department of Education and Skills, including the extent of information available to it and, in some cases, approval by the Department of the admission of some girls to a Magdalen Laundries instead of an Industrial or Reformatory School.

With regard to the category of post-discharge supervision and recall, this Chapter includes details of Circulars and other instructions issued by the Department to all Industrial Schools, directing the need for appropriate supervision and recall where necessary. These instructions expressed a need for "information from reliable sources" about such children "at regular intervals", and recall of the children "if and when necessary".

Separate instructions clearly stated that there was a requirement to recall any child or young person "whose occupation or circumstances are unsatisfactory". After 1941, children or young people recalled in this way by the Manager of their former Industrial School could, under the Acts, be arrested without warrant by the Gardaí, on request of the School Manager.

In some cases, girls or young women recalled in this way were placed in Magdalen Laundries. It was a requirement to notify the Department of such recalls and of the subsequent arrangements made for the child or young person. Evidence was found on the Department's files of some notifications, including some cases approved by the Department, and one where a Departmental official visited the girl at the Magdalen Laundry as part of follow-up on the case.

In other cases, it is unclear whether Departmental records of such recalls and placements in Magdalen Laundries were among those records lost or destroyed; or whether such notifications did not occur.

A. Introduction

1. This Chapter sets out the findings of the Committee in relation to referrals of girls and women to Magdalen Laundries by, or following a period in, an Industrial or Reformatory School. It also details the sources utilised and the extent of searches carried out in arriving at these findings.

2. As referred to elsewhere in this Report, the Committee found significant linkages between these Schools and the Magdalen Laundries. The Committee, at an early point in its work, identified two distinct categories of cases:

    - *Direct transfers*: In initial searches a small number of cases were identified where girls appeared to have been transferred directly from an Industrial or Reformatory school to a Magdalen Laundry; and

    - *Indirect transfers:* A more significant number of cases were identified where girls and young women appeared to have been admitted to a Magdalen Laundry within a few years of their discharge from an Industrial or Reformatory school. Although only a small sample of women were in a position to share their stories with the Committee, this was the experience of the vast majority of those who engaged with the Committee as members of representative groups.

3. In attempting to understand why and how these cases could have occurred, and as part of broader searches to quantify the true extent of cases such as

these, the Committee devoted considerable time and effort to the investigation of this area.

4. Through this work, the Committee identified some key facts and practices which explain the basis on which these and other types of transfers had occurred. Although a small number of direct transfers from Industrial or Reformatory Schools to Magdalen Laundries had been previously identified[1], this work also identified previously unrecognised and broader categories of cases involving children who had been in Industrial or Reformatory Schools. This work enabled the Committee to establish a more accurate picture of the extent of the links between these Schools and the Magdalen Laundries and to place some of these links in the public domain for the first time.

5. On the basis of known routes of entries to the Magdalen Laundries, and as set out more fully in Chapter 8, referrals from Industrial and Reformatory Schools make up a total of 622 cases (7.8% of known entries). This category of referral had the lowest mean and median age on entry of all entry categories, namely mean age on entry of 17.8 years; median age on entry of 17 years of age.

6. The general categories of cases ultimately identified by the Committee consisted of the following:

   - Girls temporarily placed in a Magdalen Laundry while an Industrial or Reformatory School in which they could be placed was identified;

   - Girls committed by the Courts to an Industrial or Reformatory School but refused entry by that School and transferred instead to a Magdalen Laundry;

[1] Section 1(3) of the Residential Institutions Redress Act 2002 included in its ambit children transferred directly from a Scheduled Institution to a Laundry

- Girls released on licence from Industrial or Reformatory Schools to the Magdalen Laundries before the age of 16;

- Girls referred onwards from an Industrial School to a Magdalen Laundry directly upon discharge from that School at the age of 16 or 17; and

- Former Industrial or Reformatory school children referred to a Magdalen Laundry during the period of their post-discharge supervision (which, until 1941 continued until the child was 18 (for Industrial School) or 19 (for Reformatory School) years of age; and which, from 1941 onwards, continued up to the age of 21 where the Minister for Education directed that it was necessary for the person's protection and welfare)

7. The Committee also found one case of a child entering a Magdalen Laundry on a leave of absence from Industrial School. Another category of cases identified by the Committee through searches on the records of Industrial and Reformatory Schools consisted of cases where the *mother* of a child was in a Magdalen Laundry, at the time of the child's admission to Industrial or Reformatory school. These cases are also detailed in this Chapter.

8. Separate Industrial Schools were located on the sites of 5 of the 10 Magdalen Laundries within the mandate of this Report, as follows:

- St. Joseph's Industrial School, Whitehall was located at High Park, Drumcondra (certified for 100);
- St. Dominic's/Mayfield/Gracepark Industrial Schools were located at College Street, Waterford (certified for 200);
- St. Aidan's Industrial School was located at New Ross (certified for 100);
- St. George's Industrial School was located at Pennywell Road, Limerick (certified for 170); and

- St. Finbarr's Industrial School was located at Sunday's Well, Cork (certified for 200).

Further, St Joseph's Reformatory School for girls was also located at Pennywell Road, Limerick (certified for 50).

9. However and for clarity, the linkages between Magdalen Laundries and Industrial and Reformatory Schools were *not* limited to these six schools – girls and young women were admitted to Magdalen Laundries from or following time in a wide range of Industrial Schools located all over the State.

10. Anonymised case-studies are included throughout this Chapter to illustrate the types of circumstances in which referrals occurred. These case-studies are taken both from official records identified by the Committee among records of the Department of Education and Skills and also from the records of the Religious Congregations which operated the Magdalen Laundries.

11. Finally, it can be noted that although the Department of Education and Skills is today responsible in this area, for all of the relevant period that Department was named the Department of Education. This term is used throughout the remainder of this Chapter when referring to the relevant records of the Department. For the reasons set out in Chapter 1, the generic terms "Magdalen Laundry" and "Magdalen Laundries" are also used throughout this Chapter, rather than the original name of the institutions.

B. Sources for this Chapter and searches carried out

12. A wide variety of sources were explored in the search for information on possible referrals of girls and young women to the Magdalen Laundries from Industrial and Reformatory Schools, or following their discharge from those Schools. The records of the Department of Education were crucial in this regard.

13. The general files of the Department include files on legislation, policy files and files on the day-to-day running of primary, post-primary and special schools, including administration files, building files, teacher files, finance files and inspection files. These files, which are inventoried by name and reference only, are held either in off-site storage or in the National Archives.

14. More important for the purposes of this Report were the records of the Department in relation to Industrial and Reformatory Schools, detail on which follows.

15. The Department of Education has over a period of years carried out a process to identify and collate all its surviving records in relation to Industrial and Reformatory Schools. The Department has confirmed to the Committee that the archive it holds in relation to Industrial and Reformatory Schools consists of approximately 500,000 records, including:

    - Approximately 14,000 Individual Pupil or Family files[2];
    - Approximately 1,500 General files/Medical files consisting of Inspection files, Building Grant files, Detention Orders, Transfer files, Financial files, Group Home files, Training Courses, and so on;
    - Journals/Registers of Industrial and Reformatory Schools detailing admissions, applications for discharge, payment of parental monies; and
    - Kardex Cards, which give brief personal details in relation to individuals (date of birth, parent's names and addresses, Industrial or Reformatory school or schools and so on).

16. In addition to the above, the Department maintains a database for all of the approximately 41,000 persons (male and female) who were admitted to Industrial and Reformatory Schools through the Courts. All surviving data in

[2] In a situation where more than one member of a particular family was committed to industrial school, all the records for the entire family are usually kept on the one file- this is the reason why the files are referred to as either "Pupil" or "Family" files

relation to those cases, drawn from School Registers and the Kardex cards described above, was collated and included in this database. As a result, the database now:

> "provides a summary of information pertaining to the admission and discharge of individual residents. Under the Access system a search can be made for a former resident's details and a database report sheet can be printed down".[3]

17. The above records do not include all Industrial or Reformatory School records, or even all such records formerly held by the Department. There are two principal gaps known to exist in the records of the Department. These gaps were also recognised in the Report of the Commission on Child Abuse ("the Ryan Report").

18. First, the Department maintains records on the former residents of some 59 Industrial and Reformatory Schools who were placed there by the Courts. Although it is understood that the majority of children committed to Industrial School were by the Courts[4], the Department "generally doesn't hold any records" in relation to children placed in Industrial Schools by alternative means including Health Board referrals or voluntary (family) placements.[5]

19. Second, an individual file – termed a "pupil file" – would have existed in respect of each person admitted to Industrial School through the Courts. As approximately 41,000 children (male and female) entered Industrial Schools through that route, the same approximate number of pupil files should be

[3] Report of the Department of Education and Skills to the Inter Departmental Committee, October 2012

[4] Report of the Commission to inquire into Child Abuse ("Ryan Report"), Volume 5. Table 1, page 52

[5] Report of the Department of Education and Skills to the Inter-Departmental Committee, supra

available.[6] However, following extensive searches, the Department has been able to identify only approximately 14,000 pupil files.[7]

20. This means that approximately 27,000 pupil files (male and female) cannot be located. Very few pupil files created before 1960 have survived – the Department of Education has indicated that "it would appear that pupil files predating 1960 were destroyed between 1960 and 1976".[8] By contrast, the majority of pupil files created from 1960 onwards have survived and are held by the Department.[9]

21. In earlier years, and in particular for the purposes of its cooperation with the Commission to Inquire into Child Abuse, the Department carried out extensive investigations in order to ascertain what might have happened to records which are no longer in the Department's possession. The resulting Ryan Report noted that the independent review and report conducted on discovery by the Department concluded that these files were thrown out in the Department's general clear out.[10]

22. All surviving records relating to the Industrial and Reformatory Schools are held at the offices of the Department. Some of these files are, due to their age, fragile or in poor condition. However, an electronic record of each file has been taken and retained in a dedicated document management system.

23. The records of the Religious Congregations were also utilised as sources for this Chapter- not alone their records in relation to the Magdalen Laundries but also, where applicable, their records in relation to the Industrial or Reformatory Schools operated by them.

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[6] Records of the Department of Education and Skills suggest that approximately one third of this number were female (14,448) and approximately two thirds were male (27,346)

[7] Report of the Department of Education and Skills to the Inter-Departmental Committee, supra

[8] Id

[9] Id

[10] Ryan Report, Volume IV, Paragraph 1.194

24. Very extensive searches were carried out on the surviving Departmental files. First, a key word search was carried out on the general files of the Department which consisted of checks on titles of approximately 518,000 stored files.

25. Next, searches were carried out on all Departmental records relating to Industrial and Reformatory Schools, including all general files relating to these Schools. Although none of these general files by their title indicated a link to the Magdalen Laundries, nonetheless, any file which appeared to be related even tangentially was examined to determine whether it contained any material of relevance.

26. Wide searches (including extensive key word searches) were also carried out against the Department's Database of all children admitted to Industrial and Reformatory Schools through the Courts.

27. As an indication of the challenges faced, the following can be noted. Previous searches (carried out by the Department prior to establishment of the Committee) against the Department's Database of 41,000 cases (in particular discharge and comment fields) for references to "laundry" or "laundries" returned 324 results, representing 261 individual cases. However, examination of each of these 261 cases (some of which included voluminous pupil files) indicated that only 3 of these cases involved referrals of the girls or young women concerned to a Magdalen Laundry - one each to Galway, Limerick and Donnybrook. The remainder consisted of 95 referrals to convent laundries, 102 referrals to school laundries and 61 referrals to other laundries.

28. The broader searches conducted as part of the Committee's work and analysis of the results of those searches were accordingly complex and time-consuming, with a need to check every result individually by hand. Nonetheless, under the direction of the Committee, detailed searches were carried out against all key words, including the names of the Religious

Congregations involved, the names and addresses of each of the individual Magdalen Laundries, key words which had historically been used such as asylum, refuge, inmate, penitent, class, and so on. Variants of place-names and spellings were also searched against, to attempt to compensate, insofar as possible, for any possible errors or inaccuracies in the originally recorded data. This search returned a total of 144 relevant cases.

29. Equivalent searches were also carried out on the surviving data relating to the mothers of children committed to Industrial and Reformatory Schools. These searches returned a total of 69 additional relevant cases.

30. The Department's Database was also searched by reference to cases drawn from the records of the Religious Congregations which operated the Magdalen Laundries. These searches identified a further 310 relevant cases in the records of the Department, only 55 of which had previously been identified by way of key-word searches.

31. Taking all searches and returns together, approximately 10,000 documents were provided by the Department of Education to the Committee, all of which were analysed and cross-checked to identify patterns and trends in relation to the links between Industrial and Reformatory Schools and the Magdalen Laundries. Further information on the results of searches, as well as additional information identified in the records of the Religious Congregations, is detailed throughout this Chapter.

C. Relationship between the Department of Education and the Industrial and Reformatory School System

32. To understand the context of these referrals, some background information on the Industrial and Reformatory School system is necessary. The Report of the Commission to Inquire into Child Abuse ("the Ryan Report") defines an Industrial School as a school for the industrial training of children, in which children are lodged, clothed and fed, as well as taught. "Reformatory school"

is similarly defined by section 44 of the Children Act 1908, with the substitution of "youthful offenders" for "children".[11]

33. The Department of Education had overall responsibility for the Reformatory and Industrial School System and for Marlborough House Detention Centre. The Department funded Industrial and Reformatory Schools and supervised their operation, although day-to-day control of the Schools fell to the Religious Congregations and Orders which operated them.

34. Instructions were from time to time issued in that regard by the Minister for Education, including Circulars to the Managers of all Industrial and Reformatory Schools. In addition, where there was a National School on campus, the 1933 Rules and Regulations for National Schools would apply. Departmental Circulars set out the Programme of Instruction together with conditions for recognition and funding of these Schools. The Department of Education and Skills has indicated that it: "had a duty to ensure that the rules and regulations were observed, that finances were correctly utilised and that reasonable standards were maintained".[12]

35. The Department also informed the Committee (as it had also informed the Commission to Inquire into Child Abuse) that:

> "the policy regarding the category of child admitted to and detained within a particular school was a matter for the Religious Congregation concerned and the Department had no role in the committal process. While the courts ordered the detention of a child, the Resident Manager of a School could exercise his/her power to refuse to accept this child into the school. ."[13]

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[11] Report of the Department of Education and Skills to the Inter-Departmental Committee, supra

[12] Id

[13] Id

36. The 1933 Rules and Regulations for the Certified Industrial Schools set out the legal framework for almost every aspect of the residents circumstances, including provision of primary education (a copy is attached in the Appendices). The provision of primary education for these schools was dealt with by the Primary Division of the Department, while the Industrial and Reformatory Schools Branch dealt with day-to-day or operational issues in connection with the Schools.

D. Legislative basis: the Children Act 1908 as amended by the 1941 Act

37. The first step taken by the Committee in relation to this subject was to identify the legislative basis which applied to release or discharge of children or young people from Industrial and Reformatory Schools. The legislative basis in this area was the Children Act 1908, as amended.

38. Children under 15 years of age committed to Industrial Schools were typically committed until the age of 16; while in the case of Reformatory Schools, children between the ages of 12 and 17 were generally committed for between 2 and 4 years. However a number of provisions in the Children Act provided, in certain circumstances, for discharge from Industrial or Reformatory School before those ages, or for retention there after those ages.

39. First, if the relevant School to which it was proposed to send a child had not yet been identified, the Act provided for temporary detention of a child elsewhere:

> *Temporary detention pending transfer to Industrial or Reformatory School:*
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> Where a detention order at Industrial or Reformatory School was not to take effect immediately or if the School had not yet been identified, the Act permitted the Courts to commit the child to any place of detention,

or "to the custody of a relative or other fit person" pending transfer to the School.[14]

40. Second, there was no obligation on an Industrial or Reformatory School to accept a child proposed to be sent there:

Decline to admit a child:
The 1908 Act permitted the School Manager to "decline to receive any youthful offender or child" proposed to be sent to the School.[15]

If a Reformatory School was unwilling to accept a youthful offender aged 15 years or over, the Act permitted the Minister for Justice to order the person to be brought to Court, which could make any order that might have originally been made in respect of the offence.[16] This was a permissive rather than a prescriptive power. There was no equivalent power in relation to a child refused entry to an Industrial School.

41. After initial acceptance of a child, the possibilities for release from Industrial or Reformatory School which existed under the 1908 Act were as follows:

Leave of Absence:
Leave of absence from an Industrial or Reformatory School for a short period was permitted, provided that it was sanctioned by the School Manager. Leave could be applied "at any time" during his or her detention and "for such period as the managers shall think fit or to attend a course of instruction at another school". The child continued to be considered as detained and under the care of the School Manager

[14] Children Act 1908, Section 63

[15] Children Act 1908, Section 52

[16] Children Act 1908, Section 57(2) as amended by Children Act 1941, Section 9(2)

while on leave of absence and the Manager could require the child's return at any time.[17]

Release on Licence:
The Act permitted a child to be released on licence by the School Manager to "live with any trustworthy and respectable person" who was "willing to receive and take charge of him", prior to the intended time of his discharge (i.e. ordinarily prior to the age of 16).[18]

Release on licence was at the discretion of the School Manager, with the consent of the Minister for Education required in some cases. Under the 1908 Act, a child could be released on licence without the sanction of the Minister following at least 18 months detention at the School.[19] This period was reduced to 6 months under the 1941 Act.[20] However, whether or not the Minister's consent was required, it was necessary for the School to notify the Department of the release of a child on licence.

If a child was under the age of 14, release on licence was on condition that the child attend school during the release period. Any period of release on license was calculated as part of the child's detention period. A child who ran away from the person with whom he or she was placed on licence was "liable to the same penalty as if he had escaped from the school itself".[21]

Licences could be revoked at any time, in which case the child was required to return to the relevant Industrial or Reformatory School. Under the 1941 Act, where a licence was revoked and the child failed

[17] Children (Amendment) Act 1957, Section 6

[18] Children Act 1908, Section 67

[19] Children Act 1908, Section 67

[20] Children Act 1941, Section 13

[21] Children Act 1908, Section 67(4)

to return to the school, the child could be "apprehended without warrant" and brought back to the School.[22]

Discharge:

A child could be discharged from an Industrial or Reformatory School at any time by the Minister for Education.[23] Discharge could be either conditional or absolute. Conditional discharge could be revoked in the event of a breach of the conditions which had been approved by the Minister.

Where conditional discharge was revoked, the child was required to return to the School, with penalties applying for failure to do so. The 1941 Act further provided that a child who failed to return to School following revocation of a conditional discharge could be apprehended without warrant and brought back.[24]

42. The Act also permitted retention of a child in an Industrial School past the age of 16, to facilitate completion of an education course:

Retention:

A child could be retained up to but not beyond the age of 17, for the purposes of completing a "course of education or training".[25] Such retention orders required the consent of the child's parents or guardians, if any.

43. In all cases, the 1908 Act provided for supervision following discharge, including a possibility of the recall of the child at any time during that period of supervision:

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[22] Section 67(7) of the 1908 Act, as amended by section 13(c) of the 1941 Act

[23] Children Act 1908, Section 69

[24] Section 69 of the 1908 Act, as amended by section 16(1) of the 1941 Act

[25] Children Act 1941, Section 12

Supervision and recall:

Under the 1908 Act, any child (other than a child placed in an Industrial School only to enforce school attendance) whose period of detention at an Industrial School had expired remained under the supervision of the School Manager until the age of 18.[26] This period of supervision was extended by 3 years, i.e. to the age of 21, by the 1941 Act where the Minister for Education directed that such an extension of supervision past the age of 18 was necessary for the person's protection and welfare. [27]

Similarly, under the 1908 Act a child whose period of detention at Reformatory School had expired remained under the supervision of the School Manager until the age of 19.[28] This period of supervision was extended by 2 years, i.e. to the age of 21, by the 1941 Act where the Minister for Education directed that such an extension of supervision past the age of 19 was necessary for the person's protection and welfare).[29]

During this period of supervision, these children and young people remained liable to recall by the Manager of the Industrial or Reformatory School. The Department of Education was required to be informed of such recalls.

On recall, the person could be "detained in the school for a period not exceeding three months" and could "at any time be again placed out on licence".

The conditions established by the Act for recall were that:

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[26] Children Act 1908, Section 68

[27] Children Act 1941, Section 14

[28] Children Act 1908, Section 68

[29] Children Act 1941, Section 14

- the Manager should be of the opinion "that the recall is necessary for [the person's] protection"; and
- the Manager would send "immediate notification of the recall" and the reasons for it to the Chief Inspector of Reformatory and Industrial Schools; and
- the Manager should "again place the person out as soon as possible", but no later than 3 months after recall. Again, notification was necessary.

A person recalled in this way could be "apprehended without warrant and brought back to such school".

The Minister had the power to order "at any time" that a person would cease to be under supervision.

44. It should also be noted that if a girl was released on licence from an Industrial School prior to the expiration of her period of detention, the licence would "continue in force after the expiration of that period" for as long as she was under post-discharge supervision.

45. The Act also provided that while a person was under supervision, it was "not lawful for his parent to exercise ... his rights and powers as parent in such a manner as to interfere with the control of the managers over the youthful offender or child".[30]

[30] Children Act 1908, Section 68(6)

E. Categories of cases involving admission to Magdalen Laundries

46. Although the majority of girls and young women who were in Industrial or Reformatory Schools did not subsequently enter a Magdalen Laundry, the Committee found a significant number of cases (at least 622 cases) in which they did.

47. The Committee found that admissions to Magdalen Laundries occurred in all the circumstances permitted by the legislation identified above, i.e.

- Girls temporarily placed in a Magdalen Laundry while an Industrial or Reformatory School in which they could be placed was identified;

- Girls committed by the Courts to an Industrial or Reformatory School but refused entry by that School and transferred instead to a Magdalen Laundry;

- One case of a girl admitted to a Magdalen Laundry on a leave of absence from Industrial School;

- Girls released on licence from Industrial or Reformatory Schools to the Magdalen Laundries before the age of 16;

- Girls referred onwards from an Industrial School to a Magdalen Laundry directly upon discharge from that School at the age of 16; and

- Former Industrial or Reformatory school children referred to a Magdalen Laundry during the period of their post-discharge supervision (i.e. when above the age of 16 and under 18, 19, or 21 years of age respectively, depending on the circumstances).

48. This section sets out in greater detail the manner in which these cases occurred, the reasons for such cases, and anonymised case-studies illustrating each category.

Temporary detention of a girl pending transfer to Industrial or Reformatory School

49. As set out above, the Children Act 1908 permitted the Courts to commit a child to any place of detention or to the custody of a relative or "other fit person" in circumstances where the Industrial or Reformatory School to which he or she was to be sent had not yet been identified, or where a detention order was not to take effect immediately.

50. The Committee found a small number of cases such as these, examples of which follow:

- A 13-year old girl was "brought by her mother" to a Magdalen Laundry in the 1940s. After less than 2 weeks, she was "sent to [name] Industrial School" (not on the site of a Magdalen Laundry). Her entry to the Industrial School on that date is recorded in the files of the Department of Education.

- A 14-year old girl was admitted to a Magdalen Laundry in the late 1950s. She was brought by a named ISPCC inspector. After approximately two weeks, she was taken by the same inspector to Court and on to a named Reformatory School. Her entry to Reformatory School on that date is recorded in the files of the Department of Education.

- A 14-year old girl, whose parents were living outside the State, was sent to a Magdalen Laundry by a named school (not an Industrial School) in the 1970s. After a week, she was "transferred to [named Industrial School]" (on the site of a Magdalen Laundry).

Refusal to accept a girl by an Industrial or Reformatory School

51. Even if the Industrial or Reformatory School to which it was proposed to send a child had been identified, as set out above, the Children Act permitted School Managers to decline to accept any child proposed to be sent to their School. The Committee in its investigations confirmed that such refusals did occur in a variety of circumstances and that in some cases, the girls or young women in question were instead admitted to Magdalen Laundries.

52. The first type of situation in which refusals to accept a child sometimes occurred was where a child, at the time of his or her proposed admission, was approaching the upper age limit for admission to the School (i.e. 15 years of age for Industrial Schools, 17 for Reformatory Schools). In some, but clearly not all cases, children were for this reason refused admission by the School Manager.

53. The fact that Managers exercised their right to refuse to accept children (male and female) for this reason was known. For example the Minister for Education, in Oireachtas debates during the passage of the Children Act 1941, said:

> "The managers of these industrial schools, or even of the reformatories, have the right to refuse to accept any person committed whom it is proposed to send to them, and I think it may be assumed that in a case where the youthful offender who had been committed to a reformatory was approaching the upper age limit of 17 years, there might be reluctance on the part of the manager to accept him.
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> Similarly, in the case of the industrial school, although I have been pressed to raise the age and have done so—my own feeling had been

that it should be raised from 14 to 15— managers may be reluctant, in the case of children committed to industrial schools, if the offence is of a serious character and if the child is approaching the age of 15, to accept responsibility for him."[31]

54. The Committee found some possible cases of girls who may have been refused admission to Industrial or Reformatory Schools on this ground of age and who were instead admitted to Magdalen Laundries.

55. Some girls entering Magdalen Laundries aged 14 or 15 years of age were brought by persons or officials who would also have been expected to bring girls to Industrial or Reformatory Schools. It is possible that some of these cases arose where the girl was refused entry to those Schools on grounds of age.

56. Possible examples from the records of the Religious Congregations include the following:

- A 14-year old girl was admitted to a Magdalen Laundry in the 1940s. She was brought by a named Religious Sister with a note on the Register indicating that she had been "committed for 3 years". She remained there for 2 years, after which she was "sent to" the Kilmacud Reformatory.

- A 14-year old girl, whose mother was alive but whose father was "not known" was brought to a Magdalen Laundry by a named ISPCC Inspector in the 1960s. She remained there for 3 years exactly, before being "taken out by her aunt".

[31] Minister for Education, Seanad Eireann Second Stage debate on the Children Bill 1940, Wednesday 5 March 1941, Seanad Éireann Debate *Vol. 25 No. 5.*

- A 15-year old girl was brought by a "[named NSPCC] Inspector; referred by Sergeant [name]" in the 1960s. After almost two years, she was "sent to" a named unrelated woman.

- A 15-year old girl was brought by an ISPCC inspector to a Magdalen Laundry in the 1930s. She remained there for a year and a half, before being transferred to another Magdalen Laundry.

57. Another situation in which the Committee found that girls were refused entry to an Industrial or Reformatory School and instead admitted to a Magdalen Laundry occurred where a School Manager was aware that she had previously been admitted (even on remand or for a short period) to a Magdalen Laundry.

58. An awareness of this practice appears in a Memorandum written by a Probation Officer in 1941, copied to the Chief Probation Officer and ultimately to the Minister for Justice. The Memorandum (attached in full in the Appendices) states, in pertinent part:

> "If a girl on remand is for any reason considered by the Manager an undesirable type for the 'Remand Home', she may be sent (without waiting for official sanction) to the Magdalen Asylum attached, even though the girl is still a juvenile and perhaps awaiting trial of such offences as house-breaking, larceny etc. Very often these girls are subjects for the Reformatory School – St. Joseph's, Limerick. If and when they have been committed to the Reformatory School, the Manager learns that they have spent even a week in High Park (i.e. the Magdalen Home and not the "Remand Home") they are no longer considered suitable subjects for St. Joseph's, and they are immediately transferred to the Good Shepherd Convent adjoining. Scarcely a fair

start for young girls under 16 years who hitherto may not have had immoral tendencies".[32]

59. Examples of these cases are as following:

- A 12-year old girl whose parents were deceased was "sent by Dublin Court" in the late 1930s. She was "sent for the school but could not be taken". She was instead admitted to a Magdalen Laundry. She remained there for 2 years, before being "sent back to Dublin".

- A 13-year girl, whose parents were "not known" was "sent by Dublin Court for the School" in the 1940s. However the Register (which is unusually detailed in this case) records as follows - "This child was in one of our Good Shepherd Classes in England so could not be taken in the School". (This reference to the "Good Shepherd Class" is to a Magdalen Laundry in the United Kingdom). She was instead admitted to the Magdalen Laundry on the same site. She became a consecrate 8 years after entry and in total, remained there over 20 years, after which she transferred to another Magdalen Laundry. She remained in the other Magdalen Laundry for 4 years, after which she "went to England".

60. The Committee also found that School Managers refused to accept children proposed to be sent to their Schools for other reasons – for example, where it was feared that, due to the background of the child, he or she could have a negative influence on other children at the school. Again, the Committee found that some, but not all, girls who were refused admittance to Industrial or Reformatory Schools for this reason were instead admitted to a Magdalen Laundry. Cases such as these found by the Committee included cases where

[32] Note from a Probation Officer to the County Registrar, dated 7 July 1941, copied to the Chief Probation Officer and the Minister for Justice.

this action was taken by the School Manager at the direct request of the Department of Education.

61. An example of such cases was referred to briefly in Chapter 9 relating to criminal justice system referrals to the Magdalen Laundries. Prior to the establishment of St Anne's, Kilmacud (which was established with the intention of functioning as a Reformatory School for girls convicted of sexual offences), the Committee found a small number of cases where young girls convicted of prostitution were refused admission to the Reformatory at Limerick, which was then the only Reformatory for girls in the State.

62. In a number of cases, the Department of Education was aware of this refusal and requested the Manager of the Reformatory School to accept the girls and then immediately release them on licence to a Magdalen Laundry. These cases subsequently added impetus to the Department's consideration of the establishment of a new Reformatory for young girls convicted of sexual offences. Detail on cases of this kind follow.

63. One such case arose in 1942. A 14-year old girl was convicted in the Children's Court of larceny of a bicycle. The Judge who heard the case, in a letter regarding the matter, indicated that the Gardaí had also given evidence:

> "that her parents were not exercising proper control over her and that she had been mentioned in connection with an unsavoury case of an immoral character that I had previously adjudicated upon".[33]

(The earlier case referred to was one in which two different underage girls had been convicted of prostitution).

64. She was committed by the Court to the Reformatory at Limerick for three years, which was at that point the only Reformatory for girls in the State. The School Manager exercised the right to refuse to accept the girl and the Gardaí as a result brought the girl to the City Home in Limerick. The School Manager

[33] Letter of District Judge to Department of Justice, 10 June 1942.

wrote to the Medical Inspector of Industrial and Reformatory Schools detailing that she had "immoral tendencies as we were informed that she was also implicated with [name] and [name] in that case" (referred to above concerning underage prostitution). The letter then indicates:

> "we refused to accept this girl Doctor, as I think we were justified in doing so not having received any application and of course in common justice to the other children we would not have accepted her. [Name of Judge] is very angry at our refusal and states that he will put the case before the Minister of Justice".[34]

65. The Judge in question did raise the matter with the Minister for Justice. He referred to the fact that the Manager "refused to receive" the girl "on the grounds that she is likely to exercise an evil influence on the other girls in the school", and then set out his difficulty with the position. He said:

> "I need hardly point out that St Joseph's Reformatory School is the only one for such cases in Eire, and that being only 14½ of age she is too young for imprisonment. In view of the refusal of the Manageress to receive this girl who was, in my opinion, a proper subject for committal, I would ask for instructions from the Minister for Justice as to what course I am to adopt in this, or in similar cases that may arise. The procedure in this case, if it became to any extent frequent, would, it will be seen, nullify the operation of the Section under which these committals are made. The girl is at present in Limerick City Home where, of course, I have no power to order her detention and, as she is in the position of a voluntary inmate who may leave at any moment, I would therefore ask for a decision on the matter at the Minister's earliest convenience".[35]

[34] Letter Manager of St Joseph's Reformatory School Limerick, to Medical Inspector of Industrial and Reformatory Schools, 10 June 1942

[35] Letter of District Judge to Department of Justice, 10 June 1942

66. The file includes a Garda report on the matter, confirming that the girl had been committed to the Reformatory but that the Manager:

> "would not accept the delinquent and she is now in the City Home and Hospital, Limerick. The District Justice [name] has taken the matter up with the Department of Justice and he has been informed that the matter has been referred to Inspector, Reformatory and Industrial Schools and that he would be further communicated with in course".[36]

67. The file also includes a subsequent letter from the Department of Justice to the Department of Education, recalling the background to the case and proposed that the girl be instead committed to a Magdalen Laundry. The letter proposed as follows:

> "In view of the facts set out in the Garda report, the Minister would be glad if the Minister for Education would consider the question of ordering the offender to be brought back to the Court and suggesting to the Justice that he should make an Order under Section 59 of the Children Act 1908 for the committal of [name] to the care of the Superioress, Good Shepherd Home, New Ross, County Wexford".[37]

68. The Department of Justice followed-up on the case again 4 months later, indicating that the girl remained in the City Home, the authorities of which:

> "have now communicated with the local Superintendent of the Garda Siochána stating that the City Home is not a proper place for this girl. The Minister would be glad to learn, at your earliest convenience, whether you have found it possible to take any action in regard to the case of [name]".[38]

69. The situation appears to have persisted for a further 5 months, at which point the City Home informed the Gardaí that it would be:

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[36] Garda Report, undated but stamped 31 August 1942

[37] Letter Department of Justice and Equality to Department of Education, 9 July 1942

[38] Letter Department of Justice and Equality to Department of Education, 25 November 1942

> "unable to keep the girl in the Institution without a maintenance charge as it is contrary to regulations. However if arrangements could be made for the payment of the cost of her weekly maintenance which the Good Shepherd Convent [Reformatory School] would be entitled to receive if they had taken her, the City Manager will be prepared to keep the girl".[39]

70. An internal Garda Memorandum recalled all the facts of the situation, including the interaction of the Gardaí from time to time with the City Home, to which they had brought the girl as a "temporary measure" upon her refusal at the Reformatory. The note records that:

> "The reason assigned for not accepting this girl in Reformatory was that she would have bad influence on other girls detained there. This girl was mentioned in connection with Indecency Charge in this City some time ago and it appears that Superioress, Reformatory School, Clare Street, was aware of this and refused to accept her.
>
> I have given all facts above and it will be seen that Department of Justice and Commissioner are already in possession of the facts. The refusal of Superioress Reform & Industrial School, Clare Street, Limerick, to accept the girl is responsible for the present position. I am not aware of any reason why this girl should not have been accepted in the School. She was mentioned in connection with Indecency Charge but was not concerned, directly or indirectly, with the proceedings in that particular case".[40]

71. There were, however, again no further developments in the case for 2 months until the Department of Justice again followed-up with the Department of Education:

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[39] Letter City Home and Hospital, Limerick to Garda Siochana, 10 March 1943

[40] Garda internal Memorandum, stamped 16 March 1943

> "to enquire whether it has been found possible to have arrangements made on the lines suggested by [Inspector of Industrial and Reformatory Schools]".[41]

72. An internal Memorandum of the Department of Education later that month (almost a year after the girl's admission to the City Home upon refusal to be accepted at the Reformatory) set out the proposed solution to the matter:

> "I suggest that we ask [School Manager] to admit her formally to the Reformatory and discharge her immediately on supervision cert to one of the Good Shepherd Homes (as was done in the case of the other two)."[42]

(The "Good Shepherd Homes" referred to are the four Magdalen Laundries operated by the Good Shepherd Sisters)

73. This proposal was approved and adopted by the Department of Education, that is, it requested the Reformatory School Manager to accept the now-15 year old girl but to then immediately release her on licence to a Magdalen Laundry. The Deputy Secretary, in approving this course of action, also made a suggestion as to how to deal with similar cases in future:

> "an alternative plan to deal with this immediate problem of these girls would be to certify a section of one of the Good Shepherd Homes as a Girls Reformatory. You might mention this suggestion to [Medical Inspector, Reformatory and Industrial Schools] on her return for her views".[43]

74. That proposal to certify a part of a Magdalen Laundry as a Reformatory never came to pass, but the individual case referred to proceeded precisely as suggested in the Memorandum. The Department of Education wrote to the Reformatory School Manager, formally requesting as follows:

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[41] Letter Department of Justice to Department of Education, dated 14 May 1943

[42] Memorandum to the Deputy Secretary of the Department of Education, dated 31 May 1943

[43] Id. Text of approval handwritten on submission, dated 1 June 1943

> "It would dispose of this difficult case if you would be good enough to receive the girl formally in St Joseph's and discharge her immediately on Supervision Certificate to such of the Good Shepherd Homes as you would suggest. You will remember that this was done in the case of her two associates [name] and [name]. I should be glad to learn at your earliest convenience whether you agree, and if you do I shall arrange to have [name] presented at St Joseph's without delay".[44]

75. The Manager initially indicated that she could not agree to this proposal and instead suggested that the Department directly contact and seek the admission of the girl to a Magdalen Laundry, without her first being accepted at the School. The Manager said that she could not accept the girl:

> "even formally into the above school – nor could we take the responsibility of having this girl placed out on Supervision Discharge, even in one of our Good Shepherd Homes – as the inmates of our Homes are perfectly free to leave the House anytime they wish. ... We feel sure the girl would be accepted in one of our Homes if application was made to the Matron".[45]

76. However, the Department pressed the matter further. A replying letter from the Inspector of Reformatory and Industrial Schools (approved before issue by the Deputy Secretary) went into some length on the matter. The letter indicates that:

> "It was with some reluctance that I made the suggestion at all, but I felt constrained to do so as it seems to offer the only solution of the difficult position created by your refusal to receive the girl into St Joseph's. ...
>
> I am aware of your view that a special "Preservation" home should be established for such girls, and this general question is under active consideration. Some time must elapse before a decision can be

[44] Letter Department of Education to Manager, St Joseph's Reformatory School, 2 June 1943

[45] Letter Manager, St Joseph's Reformatory School to Department of Education, 3 June 1943

> reached, and meantime as matters stand there is only one course that can be taken, viz committal to the Reformatory. You are, of course, within your legal right in refusing to accept [name], but, since yours is the only Reformatory to which she can be committed, your refusal makes it impossible to do anything to save this unfortunate girl. There is, as I have said, no power to restrain her in any other way. She is free to return at any time to her former haunts where she will inevitably be exposed to the gravest moral danger and where her ultimate ruin is assured. It is for this reason that I ask you to reconsider your decision and to formally accept her in the Reformatory and discharge her on Supervision Certificate to one of your Homes".[46]

77. On foot of this second request from the Department for the girl to be accepted in the school and then immediately discharged to a Magdalen Laundry, the Manager of the Reformatory agreed to do so.

> "We have given this case every consideration and we agree to accept [name] formally into our Reformatory School. On her arrival here we will have her discharged to our Home in New Ross on Supervision Certificate".[47]

78. The Department of Education acknowledged and thanked the Manager for this, expressing "gratitude to you for your kind cooperation in dealing with this unfortunate case".[48] The Department of Education also wrote to the Department of Justice informing it of the agreement that the girl would be accepted "formally" into the Reformatory and then discharged immediately to

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[46] Letter Inspector Reformatory and Industrial Schools to Manager, St Joseph's Reformatory, dated 8 June 1943

[47] Letter Manager, St Joseph's Reformatory to Inspector Reformatory and Industrial Schools to Manager, 9 June 1943

[48] Letter Inspector Reformatory and Industrial Schools to Manager, St Joseph's Reformatory, dated 11 June 1943

a Magdalen Laundry. The Department of Justice was, in that regard, asked to arrange for the girl to be brought to the Reformatory "as soon as possible".[49]

79. The Department of Justice confirmed thereafter that the girl was "taken into custody ... and lodged in St Joseph's Reformatory", to allow for her subsequent removal to the Magdalen Laundry at New Ross.

80. The records of the Religious Congregation concerned confirm that the girl entered the Magdalen Laundry at New Ross having been "transferred from Ref. Limerick; brought by Guard from Limerick; a Court Case". She spent 4 months there before being "sent back to Limerick".

81. The context of her dismissal from the Magdalen Laundry is set out in a note of the Department of Education to An Garda Síochána approximately 6 months afterwards. It notes that:

> "After protracted correspondence an arrangement was made whereby the Manager formally received the girl into the reformatory on the [date] and then released her on supervision certificate to the Good Shepherd Home, New Ross, on the following day under Section 67 of the Children Act 1908, as amended by Section 13 of the Children Act 1941. After some time however the girl was sent home owing to her grave insubordination in the Good Shepherd Home. The legal position at the moment is that she is residing at home under supervision certificate from the Resident Manager of St Joseph's Reformatory".[50]

82. It was then proposed that, as a new Reformatory had at this point been established in Kilmacud and certified by the Minister, that the girl could be sent there. The school was:

> "designed specially to cater for girls with marked tendencies to sexual immorality and it is most desirable that [name] should spend the

[49] Letter Inspector Reformatory and Industrial Schools to Department of Justice, dated 11 June 1943

[50] Letter Department of Education to An Garda Síochána, 18 May 1944, ref 283/1943

> remainder of the period of detention ordered by the Court in that institution".[51]

83. It was proposed by the Department of Education that to permit this, the Manager of the Reformatory would be requested:

> "to recall the girl to the reformatory under section 67(3) of the Children Act 1908. Should the girl fail to return to the school, the Garda would have power to apprehend her without warrant and bring her there under section 13 of the Children Act 1941".[52]

(These provisions and the operation of supervision and recall are more fully set out below, in the section on post-discharge supervision).

84. At least 4 other similar cases occurred at Limerick in 1942 and 1943. Two cases arose together, in relation to two girls, 12 and 13 years old respectively, who were committed to the Reformatory at Limerick on grounds of being "a common prostitute, loiter and importune for the purposes of prostitution".[53]

85. The girls were initially accepted at the Reformatory but, not long thereafter, the Gardaí requested their attendance as witnesses in the trial of 6 men charged with offences "against the Criminal Law Amendment Act 1935" (elsewhere on file referred to as "defilement of girls under 15").[54]

86. The Manager of the Reformatory School wrote to the Department of Education, indicating that:

> "We do not consider the girls [name] and [name] fit associates for the children of the Reft'y School and we think it absolutely necessary to apply for their discharge.

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[51] Id

[52] Id

[53] File Ref G308

[54] Id

> Very reluctantly we accepted the girls owing to the nature of their offences, but as they were so young we hoped that they did not realise the gravity of the offences. Fortunately we have discovered that these girls are only too well versed in immorality and in common justice to the rest of the children and in the interest of the school we apply for their immediate discharge".[55]

87. The Department's response was a holding one – it indicated that as the two cases involved raise:

> "an issue of importance concerning the treatment by the State of cases of this kind, fortunately very rare, I am arranging before submitting this particular case for the Minister's decision, that [Medical Inspector, Reformatory and Industrial Schools] will visit you in the very near future for a discussion on the problem involved".[56]

88. The School, prior to this intended meeting, wrote to the Medical Inspector, provided the same background details and then suggested a manner in which:

> "you will understand, I am sure Doctor that these girls are fit subjects for one of 'Our Homes' and we will make arrangements to have them sent there if our suggestion meets with your approval. Hoping to hear from you at your earliest convenience."[57]

This reference to 'Our Homes' in the letter is a reference to the four Magdalen Laundries operated by the Good Shepherd Sisters. This text was handmarked with the letter A on the Department's file.

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[55] Letter Manager Reformatory School to Inspector of Reformatory and Industrial Schools, Department of Education, dated 26 January 1942. File Ref Id.

[56] Letter Inspector of Reformatory and Industrial Schools, Department of Education to Manager Reformatory School, dated 27 January 1942. File Ref Id.

[57] Letter Manager Reformatory School to Medical Inspector of Reformatory and Industrial Schools, Department of Education, dated 26 January 1942

89. The Department's internal assessment of the matter included consideration of this suggestion that the girls be admitted to Magdalen Laundries, as follows:

> "With regard to the suggestion made by the Manager at A in the letter addressed to you, it seems to me that this may possibly be the best way of dealing with the matter, but I am strongly of opinion that if this course is to be adopted, the girls should be released on licence[58] (still under the Manager's supervision) to the Home selected, rather than discharged.[59]
>
> If discharged, they would be free from any legal control and would be at liberty to leave the Home and return to their wild ways. In such circumstances nobody would have any right to exercise restraint over them, whereas if they were to be released on licence the Manager of the Reformatory could exercise her rights under the Act, if they left the Home, to have them apprehended and disposed of as might be thought fit. Please give full report and recommendation when you have spoken to the Manager".[60]

90. The matter continued to receive attention over the following period. A broad Memorandum entitled "Provision for girls whom the present reformatory is unwilling to accept" referred to the difficulties in dealing with the situation from a number of perspectives, as follows:

> "I understand that the manager of the girls reformatory is unwilling to keep the two girls recently committed to that institution from Limerick City in view what she has learned of their previous conduct and she has applied for their immediate discharge.

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[58] Underlined in original

[59] Underlined in original

[60] Internal Department of Education Memorandum to Medical Inspector of Reformatory and Industrial Schools, dated 29 January 1942. File Ref Id. Comment: this analysis was not fully accurate, as conditional discharge was possible under section 69(1) of the Act. Nonetheless, it was the assessment of the Department at the time.

It is proposed to ask [Medical Inspector] to visit the manager and discuss the position with her but I think we must agree (from what we already know of the circumstances) that the manager's objection to keeping these girls is not unreasonable.

We are, therefore, faced again with the difficult problem of making some other provision for dealing with girls of the type in question. I suggest that the most convenient solution would be to have a second Reformatory for girls established to which persons of the type now in question could be sent. There are obvious objections to such an arrangement, the principal one being that the admission girls of this type to a Reformatory may tend to injure what one might call the status or reputation of Reformatories generally. I think we cannot regard this objection as serious, especially as we were willing to allow the two girls now in question to remain in the Reformatory if Manager had been willing to keep them.

A second and more practical objection is that it can be comparatively expensive to establish and maintain a special institution for the small number of persons to be sent to it. It would be necessary to make some payment in the system of grants, and the most convenient would be to pay the State Capitation grant ... on a minimum or basic number of, say sixteen[61] when the actual number is less; the grant paid by the local authorities could be obtained, of course, only on the actual number detained".[62]

91. This Departmental Memorandum also suggested seeking the assistance of the Archbishop of Dublin in relation to the possible establishment of a second Reformatory, but came to no definite conclusion in relation to the specific

[61] Original text said "twelve", but that was crossed out and sixteen handwritten alongside on the document

[62] Internal Department of Education Memorandum entitled "Provision for girls whom the present reformatory is unwilling to accept", 2 February 1942. File Ref Id.

proposal on release of the two girls in this case, aged 12 and 13, to a Magdalen Laundry.

92. The Medical Inspector of Reformatory and Industrial Schools subsequently issued a Report to the Department, following her visit to Limerick. In addition to a description of the girls and their behaviour, she agreed with the proposed transfer of the girls to Magdalen Laundries. The Report (included in full in the Appendices) states in pertinent part:

> "I am of opinion, after careful consideration of all the facts and from my own observation of the two girls in question that their retention in Limerick Reformatory is undesirable. They are being kept under constant supervision but even allowing for this it is not and will not always be possible for the school management to prevent them associating with the other inmates and perhaps contaminating them by dissemination of the knowledge already acquired.
>
> For this reason I agree with the Manager's suggestion to have them licensed to Good Shepherd Houses – one in Cork and the other in Waterford. The Manager considers that separate would be in the best interests of the girls. On no account would she agree to keep them in the Reformatory".[63]

93. The Medical Inspector's Report also deals in part with the conditions which the girls would experience in the Magdalen Laundries. That portion of the Report is here set out in full:

> "I discussed with the Manager the question of maintenance, education, supervision, the type of inmates in the Homes with whom these girls would come into contact and the means of segregation, should such course be desirable.

[63] Report of Medical Inspector of Reformatory and Industrial Schools to the Inspector of Reformatory and Industrial Schools, dated 5 February 1942. File Ref Id.

> Unless special financial provision is made the girls will have to be maintained at the expense of the community. The Manager promised to ensure that they would be well instructed in the rudiments of education – reading, writing, arithmetic and domestic economy. The will in all probability be employed at laundry work or lace making when they grow older.
>
> The system of supervision is for a member of the Community to be constantly employed on supervisory work. She is assisted by a penitent who has taken vows never to leave the home. The latter is directly responsible for the supervision of from 10 to 15 other inmates – her 'circle' as it was described to me".[64]

94. Although the Report clearly states that her opinion is that "the best and only course for disposing of these girls is to have them released on licence to Good Shepherd Homes" (Magdalen Laundries), it does reflect a desire that an alternative institution be established for such cases:

> "I am strongly of opinion that there should be a special institution for girls of early years, viz 12 to 17 years in which their moral and educational welfare could be attended to. It is undesirable for many reasons that young girls of this type should be obliged to associate with adults with immoral records. As to whether setting up such an institution would be desirable, a lot would depend, of course, upon the number of cases of moral aberration on the part of young girls throughout the country".[65]

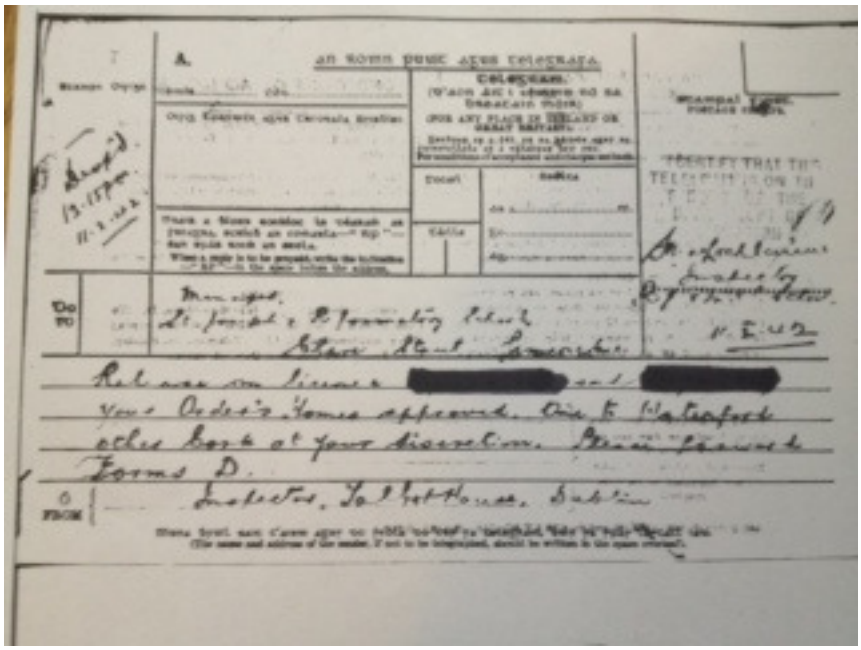
95. The recommended course of action was in due course adopted by the Department of Education in relation to these two girls - a copy of a telegram appears on the file from the Inspector of Reformatory and Industrial Schools

[64] Id

[65] Id

to the Manager of the Reformatory approving release of the 2 girls from the Reformatory to Magdalen Laundries. It said in full as follows:

> "Release on licence [name and name]. Your Order's Homes approved. One to Waterford other Cork at your discretion. Please forward Forms D."[66]



96. The approval for this course of action was sanctioned by the Deputy Secretary of the Department. A Memorandum to him from the Inspector of Reformatory and Industrial Schools confirmed the action taken by that section of the Department and sought retrospective sanction. It said as follows:

> "As regards the immediate issue of the disposal of the two girls whom the Manager was unwilling to retain in the Reformatory, it has been arranged that they would be released on licence (still under the supervision of the Manager in Limerick, to the care of Managers of Penitentiaries run by the same Order (Good Shepherd) – one to a Home in Cork and the other to a Home in Waterford – as it is better to

[66] Telegram dated 11 February 1942 Inspector of Reformatory and Industrial School to Manger, Reformatory Limerick. File Ref Id.

> have them separated. In view of the Manager's urgent representations regarding their removal from Limerick, I authorised this course by wire yesterday. The only alternative would be unconditional discharge, which, of course, could not be countenanced. I now request covering sanction for having these girls placed out on licence in this way".[67]

97. The remarks of the Medical Inspector regarding the "conditions of maintenance, education and segregation of young girls" in the "Penitentiary" are also referred to. A note in the margin of the document confirms that sanction was provided on the same date.

98. The Departmental Memorandum also made broader comments regarding Magdalen Laundries, based on "independent enquiries which I have made of Mothers Superior of the Penitentiaries in Whitehall and Gloucester Street – offshoots of the Good Shepherd Order". Based on those discussions, the Memorandum says that:

> "it seems to be beyond question that a separate institution for young girls aged 12-17 would be the only satisfactory means of dealing with cases of this kind. Licensing to a penitentiary, when they must inevitably come in contact with adults with records of immorality merely serves as an expedient to remove these young girls from their former surroundings and associates. It [illegible] certain risks in so far as the contact with adults concerned and obvious defects in so far as the Manager of Penitentiaries may not be in a position to attend to the special needs (education etc) of juvenile in a home organised primarily for dealing with adults, though in both respects we can be assured of the best efforts of the penitentiary managers on their behalf within the limitations which the circumstances imposed".[68]

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[67] Internal Memorandum Inspector of Reformatory and Industrial Schools to Deputy Secretary dated 12 February 1942. File Ref Id.

[68] Id

99. In relation to the frequency of such cases, the Memorandum notes that the information available to the Department of Education in relation to such cases may not be complete, that it was:

> "quite possible that young offenders of this kind may be dealt with through arrangements made by Justices, Clergy etc, for sending them to Penitentiaries etc with the cooperation of various charitable Orders – but without any provision for dealing with them as a social problem necessitating special and exclusive treatment".[69]

100. It appears to the Committee, on the basis of materials identified, that these two cases of 12 and 13 year old girls, transferred with the approval of the Department of Education to Magdalen Laundries, strengthened Departmental efforts towards establishment of a second Reformatory to deal with such cases.

101. One proposal, by the Good Shepherd Sisters, was for the establishment of a "Preservation Class" for girls aged from 13 to 18 years of age who were "unsuitable for industrial and reformatory schools and who are rescued from danger etc". They would be "committed by lawful authority" and remain there for a "term – not less than 2 years", aided by a state (capitation) grant.[70] However, the alternative proposal which was ultimately taken up by the Department was that a special institution be established for girls between 12 and 17 and which would be capable of certification as a Reformatory School.

102. A Memorandum of the Department of Education sent to the Department of Justice in 1942 and copied also to the Archbishop of Dublin summarises the problem and the Department's intended medium-term solution. The Memorandum (reproduced in full in the Appendices) at the outset states that the Minister for Education was considering:

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[69] Id

[70] File Ref G308

> "the question of making suitable provision for dealing with cases of young girls (age 12-17) who are brought before the courts and convicted on charges involving immorality".[71]

103. The Memorandum then sets out some (limited) detail on the two cases which had occurred shortly beforehand, including confirmation that they had ultimately been admitted to Magdalen Laundries:

> "Recently, in Limerick, there appeared before the District Court two girls aged 12 years 9 months and 13 years 5 months, who were charged and found guilty of "being common prostitutes, loitering and importuning for the purposes of prostitution" and in connection with which case prosecutions were brought against a number of males who were alleged to have been guilty of complicity in immoral offences with these girls.
>
> The girls were committed under the Children Act 1908 to the Reformatory School for girls in Limerick (the only school of this kind for girls) on the 6th December last. The Manager of the school agreed to accept them, believing that, because of their immature years, they might not have realised the gravity of their conduct and would be amenable to reform under her care. It has transpired, however, to quote the Manager's statement that they are "only too well versed in immorality" and are of such a type that, in justice to the other inmates of the school, mostly convicted on charges of larceny and petty theft, the Manager considered their immediate removal from the school to be imperative. Arrangements have consequently been made to have the girls sent on licence to the care of Managers of Penitentiary Homes conducted by the same Order as manages the Reformatory School (one to a Home in Cork, the other to a Home in Waterford)."[72]

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[71] Memorandum dated 12 February 1942. Department of Education file reference IE 38/1942, Dublin Diocesan Archive reference xxviii/1160/3.

[72] Id

104. The implications of this are then teased out, with the Department of Education noting:

> "This method of dealing with cases of the kind, while effective as a means of keeping the girls away from their former surroundings and associates – the only alternative to which would be their unconditional discharge – has obvious defects from the points of view that in the Penitentiaries to which they are being sent the girls must necessarily associate with adults whose presence there is also due to immorality, and that the Managers of the Penitentiaries may not be in a position to give the attention which would be desirable to the general education of girls of immature years. There is also the consideration, important from the point of view of these Managers, that as their Institutions cannot be certified as 'schools' under the provision of the Children Acts, no State Grants can be paid towards the maintenance of girls who are sent there in circumstances such as have arisen in the Limerick case. This present procedure is simply a fortuitous arrangement made possible by the goodwill and charitable disposition of the Members of the Religious Order concerned".[73]

105. The Memorandum continues to note that although the number of cases which had come to the notice of the Department of Education were:

> "very small, that in itself is not sufficient to justify a conclusion that moral aberration amongst girls between the ages of, say, 12 and 17, in the country generally is a thing of rare occurrence. It may well be that in the absence of special provision for dealing with such cases and the unwillingness of the Manager of the existing Reformatory School to accept such cases (an attitude which is quite understandable, as in the present instance) Justices may adopt the course of applying probation or discharging, in which case no record would reach this Department.

[73] Id

> The Minister is, therefore, considering, tentatively at the present stage, the general question of making suitable provision for girls of the ages specified, who may be guilty of offences connected with immorality. One solution that suggests itself is to certify a second Reformatory School for girls to which only persons found guilty of such offences would be sent and which would be under the management of a Religious Body specially competent to deal with this type of case".[74]

106. For that purpose, the Department of Education requested the Department of Justice to ascertain (through the Courts and An Garda Síochána) the "extent to which this type of offence exists", in order to determine if "the foundation of such a Reformatory School would ... be an economic and workable proposition for the Managing Body concerned".

107. An undated note appears subsequently on the same Departmental file, referring not only to girls convicted of sexual offences, but also indicating that efforts were also intended to deal with the following:

> "The problem is to deal with girls between 15 and 17 (a) who have had sexual intercourse or (b) are living in circumstances which may reasonable be expected to lead to their downfall".[75]

108. Neither the author nor the recipient of the Note are recorded on its face, although it appears from associated materials to represent comments provided (whether formally or informally is not recorded) by the Inspector of Reformatory and Industrial Schools to the Religious Congregation which was proposing to establish the second girl's Reformatory at Kilmacud. The Note does not make a specific proposal, but rather sets out a number of considerations in relation to such cases. It records directly the same

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[74] Id

[75] File Ref Id. An earlier draft of the Note, on the file included a different description of (b), as follows:

> "who have not necessarily had such intercourse but who are living in circumstances which may reasonably be expected to culminate in it."

awareness of the Department, namely of Schools exercising the right not to accept girls proposed to be sent to them, in light of their previous history, by noting as follows:

> "there is a power under the existing law to deal with girls in either category up to the age of 15 by committal to an industrial school but these schools refuse to accept or retain girls coming under class (a) above. Girls over 15 cannot be committed to an industrial school".[76]

The Note then considers Reformatory Schools and records that:

> "Girls between 12 and 17 may be committed to a reformatory school only when they have been convicted of an offence punishable in the case of an adult by penal servitude or imprisonment. The sex offences for which a girl could be committed to a reformatory school are soliciting, keeping a brothel, procuring for a prostitute and being a reputed prostitute and loitering in a public place for the purpose of prostitution."[77]

109. The broader question was then considered relating to girls, not convicted of sexual offences, who were either:

- girls "known to have had sexual intercourse" (examples given were cases where a man had been convicted of "having had intercourse with a girl under the age of consent"; where a "medical examination" established it, or where "they admit" as much); or
- girls "suspected by the Court, the NSPCC Inspector, the Garda Síochána or other responsible party of having had sexual intercourse".[78]

110. The power of the Minister to order the transfer of a child over 12 years of age from Industrial to Reformatory School "if she is found to be exercising

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[76] Id

[77] Id

[78] Id

an evil influence over the other children" is, in that regard, referred to in this Departmental note. It is also stated that St Anne's Kilmacud ("a reformatory school to deal with sex cases only") will not deal with all categories set out in the note:

> "Girls under 12 cannot be sent there, although there have been cases where girls under that age have had sexual intercourse. Neither can girls between 12 and 17 who are living in circumstances calculated to bring about their downfall but who cannot be convicted of an indictable offence".

111. The note concludes by referring to the volume of cases of this kind; and the fact that the only existing Reformatory School (Limerick) was "full for some time" and that as a result, new committals could only be made when others were discharged. No proposal was made in the note in that regard.

112. Certification of the new Reformatory School at Kilmacud was published in Iris Oifigiúil on 12 May 1944. The Committee found that the Department of Education thereafter made efforts to publicise the availability of the institution as a possible solution for earlier cases of girls refused entry to Industrial or Reformatory Schools. The Department in that regard wrote to all Industrial Schools for girls and the Reformatory at Limerick notifying them of the establishment of the Reformatory at Kilmacud which:

> "is intended to deal with girls with marked tendencies to sexual immorality, whom other Schools are unwilling to accept or retain".[79]

113. The letter then continued to refer to the types of cases within this category. It said:

> "Under section 69(2) of the Children Act 1908, as amended, girls over the age of 12 years detained in a certified industrial school who are

[79] Template letter dated 12 May 1944 Inspector, Industrial and Reformatory School branch, Department of Education, to Industrial and Reformatory Schools. Department of Education File Ref G002/A "Establishment of new reformatory Kilmacud".

found to be exercising an evil influence over the other children in the school may be transferred to a certified Reformatory School. Girls with leanings towards sexual immorality may have been committed to your School, and when you became aware of the record, you may have met the situation by releasing these girls on supervision certificate. Should you have released any girls of this type on supervision certificate, either to their parents, relations or to other institutions, I am to request you to furnish particulars of such children together with a report as to their progress since they left your school. I would be obliged if you would also state whether, in your opinion, it would be desirable to have them transferred to the new institution for the remainder of the period of detention ordered by the Court."[80]

114. A specific letter was also sent by the Department to the Manager of St Joseph's Reformatory regarding 4 girls, all of whom had been accepted in the Reformatory School and then released on licence to a Magdalen Laundry (on which see further below). The Department said that, in light of the establishment of the Reformatory in Kilmacud:

> "arrangements are being made for the removal of [name] and [name] now on supervision certificate with the Matron, Good Shepherd Home Cork and [name] who is in the Good Shepherd Convent, Waterford".[81]

115. The fourth girl (referred to above) was living at home on supervision, having been dismissed from the Magdalen Laundry to which she was initially sent. It was arranged by the Department of Education that An Garda Síochána would effect the transfer of at least one of the girls; and that a member of the Legion of Mary would effect the transfer of another.

116. The Manager of the Reformatory School confirmed in her response to the Department in relation to the three girls still in Magdalen Laundries that:

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[80] Id

[81] Letter Department of Education to Manager St Joseph's Reformatory, 2 June 1944

> "I am glad to say that their conduct is satisfactory. They do not get of course a literary or industrial training which girls of their age should".[82]

117. This point was also reflected in an internal Memorandum of the Department of Education, which referred to their transfer from Magdalen Laundries to the Reformatory in Kilmacud "where they will receive more suitable training".[83]

118. The above cases and Memoranda indicate that, even if not occurring in great numbers, refusal of Industrial and Reformatory Schools to accept children proposed to be sent to them – as permitted under the Acts – was a known phenomenon. Such cases, when they arose, were handled in a variety of ways by the Department. One internal note in Department of Education files, dated April 1944, suggests that this position might be altered:

> "I think that school managers' power to refuse to accept children or young offenders whom the Court wishes to commit to their schools should be drastically pruned. Some schools refuse to accept children committed for indictable offences and cause grave embarrassment thereby. This wide power may have been justifiable enough forty years ago when the emphasis on the private nature of these institutions was more pronounced. It is scarcely defensible nowadays. ... It is a serious limitation of the discretionary powers of justices who may think it desirable to commit a child to a particular school. If a child proves unusually troublesome, the Manager may apply for his transfer. A Justice should have power to ask a Manager to state his reasons for refusing to accept a case, and if the Justice is not satisfied with them, he should have power to commit the child in spite of the Manager's

[82] Letter Manager St Joseph's Reformatory to Department of Education, 3 June 1944

[83] Internal Memorandum dated 2 June 1933

refusal. The need for such an amendment is emphasised by cases such as that of [name]."[84]

However, this proposal for legislative amendment to reduce the power of Managers to refuse to accept children did not progress any further.

119. The Reformatory and Industrial Schools Systems Report 1970 ("the Kennedy Report") also confirms an awareness of the difficulties caused in cases where a School Manager refused to accept a girl, although it suggested a different solution rather than admission of these girls to a Magdalen Laundry. Regarding juvenile offenders, it said:

> "A difficulty facing the courts is that, in certain circumstances, managers may refuse to accept certain offenders. As there is no alternative institution to which they may be sent, the only courses open to the courts is to place them on probation or to release them. This problem is particularly acute in the case of girls charged with recurring sexual offences or found to be pregnant, as the girl's reformatories are not inclined to accept such girls. From evidence presented to the committee, it would appear that this situation is becoming known to this type of girl with consequent lack of regard for the authority of the courts".[85]

120. Examples drawn from the records of the Religious Congregations have been included throughout this section. However, in most cases, the Registers of the Magdalen Laundries do not include sufficient detail to confirm how many cases occurred of girls refused entry to an Industrial or Reformatory School and instead admitted to a Magdalen Laundry.

Leave of absence from Industrial School to a Magdalen Laundry

[84] Internal Department of Education Memorandum April 1944, File Ref IR 283/43

[85] The Reformatory and Industrial Schools Systems Report 1970 ("the Kennedy Report") at 6.13

121. As set out earlier in this Chapter, leave of absence from an Industrial or Reformatory School for a short period was permitted, with the approval of the School Manager "for such period as the managers shall think fit or to attend a course of instruction at another school".[86]

122. The Committee found one case in which a girl was transferred from an Industrial School to a Magdalen Laundry on a leave of absence under this legislative provision during the 1970s.

123. The girl in question was 13 years old at the time. She had been in an Industrial School throughout her entire childhood. The files of the Department of Education indicate that, at the age of 13, she was granted leave of absence under the 1957 Act "to reside and train in the special centre in the Good Shepherd School, Sunday's Well".[87]

124. The Entry Register at the relevant Magdalen Laundry records that the girl was brought by a named ISPCC inspector and that her "transfer sanctioned by [name], Dept. of Ed." After approximately a month and a half she was "taken by [named industrial school] to [named psychiatric hospital]". Two months later she returned, before leaving again shortly thereafter for a named school. The records of the Department of Education indicate that her final discharge from Industrial School was to a named psychiatric institution.

Release on licence prior to the age of discharge from Industrial or Reformatory School

125. As set out at the beginning of this Chapter, the Children Act permitted a child (male or female) to be released on licence by the School Manager to "live with any trustworthy and respectable person" who was "willing to

[86] Children (Amendment) Act 1957, Section 6

[87] File 7/816

receive and take charge of him", prior to the expiration of his or her period of discharge.[88]

126. A child could be released on licence in this way by decision of the School Manager, although the consent of the Minister for Education was required if the child had been in the school less than 18 months (until 1941) or less than 6 months (after 1941). Any period of release on license was calculated as part of the detention period. A child who ran away from the person with whom she was placed on licence was "liable to the same penalty as if he had escaped from the school itself". Licences could be revoked at any time, in which case the child was required to return to the relevant industrial or reformatory school. Under the 1941 Act, where a licence was revoked and the child failed to return to the school, the child could be "apprehended without warrant" and brought back to the School.[89]

127. There was only limited reference to the issue of release of children on licence during Oireachtas debates on the Children Bill 1940 (enacted as the Children Act 1941). The first change under the Act was to rename licences as "supervision certificates". The Minister for Education indicated that this change was being made, in response to comments of certain TDs who suggested that 'licence' implied a certain stigma for the children concerned. The second alteration brought about by the Bill, in relation to the requirements for licence, was to reduce the period during which the approval of the Minister was required before the release of a child on licence. During Committee Stage debates in the Dáil, the Minister explained these provisions as follows:

> "This is to enable a child to be released on a supervision licence within six months after he has been committed instead of 18 months as at present. With the provisions that we are making for reducing the period

[88] Section 67 of the Children Act 1908

[89] Section 13(c) of the 1941 Act, amending section 67(7) of the 1908 Act

> of committal, we think that after six months there ought to be discretion to allow the offender out under supervision. Deputies will see from the following amendment that, in order to meet the views expressed on the Second Reading, the documents referred to as "licences" in this connection will in future be known as "supervision certificates." The effect of the amendment is to reduce the period after which the offender may be released under supervision from 18 to six months. ...
>
> I have just explained that we are altering the expression 'licences' in Sections 67 and 68 of the Principal Act to 'supervision certificates'. Deputy Hickey and other Deputies seemed to think that the term 'licence' was opprobrious or carried a stigma".[90]

128. During Seanad debates, the Minister expanded slightly on the rationale behind this change:

> **"**It might be mentioned that at present the manager of a school may release a child on licence after it has been 18 months in the school. It is proposed to reduce this period to six months in order to encourage managers to exercise their power of licensing to a greater extent. Objection was taken to the word "licensing" but the word in regard to young persons is conditioned by the words "licensing by the manager of the school." It will be noticed further that licences in future, according to Section 14, will be known as "supervision certificates." If there is anything further to be done in the way of removing any stigma which seems to be held to attach to those who through no fault of their own have to go to industrial schools I would be only too anxious to do it".[91]

[90] Committee stage of the debate on the Children Bill 1940. Wednesday, 5 February 1941. Dáil Éireann Debate Vol. 81 No. 11.

[91] Seanad Eireann, second stage debate on the Children Bill, 1940. Wednesday, 5 March 1941. Seanad Éireann Debate Vol. 25 No. 5

129. The Committee found that this provision was utilised in a number of placements of young girls in Magdalen Laundries, prior to the expiration of their period of detention in Industrial or Reformatory School, both before and after this amendment.

130. It can be noted that the release of children (male and female) on licence from Industrial and Reformatory Schools was a relatively common occurrence. Some children were released on licence to their parents, while others were released on licence to take up employment. This section relates to girls released on licence to a Magdalen Laundry.

131. A small number of cases were referred to, in the previous section of this Chapter, in which girls who had initially been refused entry to a Reformatory School were ultimately, at the request of the Department of Education, accepted formally by the Reformatory and then immediately released on licence to a Magdalen Laundry. This section deals with the more common position, where a girl who had completed part of her required period of detention in an Industrial or Reformatory school was released on licence to a Magdalen Laundry prior to the end of that period of detention. Some cases appear to have occurred during the period when Ministerial sanction was required for the release on licence, while others occurred after that period when release on licence was by decision of the School Manager without need for Ministerial approval.

132. Some records identified suggest this provision was sometimes used to deal with girls considered to be causing difficulty in the Industrial or Reformatory School in which they were detained. An example from the 1940s arose when the Manager of the Reformatory at Limerick applied "for the discharge of the two children above named as unfit subjects".[92]

[92] File G002A

133. Department of Education files indicate that the children in question were sisters aged 13 and 14, both of whom had been committed to the Reformatory on the grounds relating to a child found to "wander abroad and lodge in the open air, have no visible means of subsistence and fail to give a good account of herself".[93] The Congregation in question indicated that these girls were considered to be:

> "subjects for a more 'advanced reformatory' and therefore in common justice to the rest of the children and in the interests of the school we apply for their discharge".[94]

134. A draft response was prepared in the Department and submitted for clearance to issue. It was relatively strongly worded, indicating for example that:

> "Boys involved in sexual offences are not refused admission to the Boy's Reformatory nor are applications received for the discharge of boys for that reason, although sexual delinquency must be at least as common amongst boys as it is amongst girls. ... provision is made in the Children Act 1908 for the transfer to a Reformatory School of children over 12 years of age found to be exercising an evil influence over other children in an Industrial School. Your present policy would make this provision unworkable as far as girls are concerned".[95]

135. The draft was not, however issued. A handwritten internal Memorandum indicates that the approach proposed has been based on a misunderstanding and that:

> "It had always been a firm policy of the management of the girls Ref. to refuse to admit girls who had undesirable sexual experiences and they were strongly supported in that policy by the former woman inspector [name]. In fact the policy was based to a considerable extent on the

[93] DES 300-1/1943

[94] Letter to Department of Education, dated 11 October 1943

[95] Draft letter to Department of Education, dated 15 October 1943 (ref D300-1/1943)

views and opinion of [name]. I discussed the matter with her on many occasions, but she was very firm in insisting on the maintenance of the policy. Apart from this the Mgr. of a Ref. is acting within her legal rights in refusing to admit such girls and the Dept would be acting improperly in bringing pressure to bear on her in the matter. In the circs. I cannot approve of the issue of the letter or the other action proposed. ... All we can do is write to the Mgr. of the Limerick Ref. enquire if she could see her way to retain the girls for a while, keeping them apart from the other girls if necessary, and promising to arrange for their transfer elsewhere as soon as possible".[96]

136. The letter ultimately issued by the Department took this approach. It enquired of the School Manager:

> "to whom you propose to discharge them in the event of your application being granted. In cases of this kind, unfortunately discharge to a Magdalen Home or to their parents appears to be the only course open. Magdalen Homes are designed for the rescue and reform of adults and do not cater for the education or training of young girls and the association of girls of tender years with adults who, as a rule, have transgressed more seriously, is undesirable. On the other hand the discharge of the girls to the home surroundings in which they have already met their downfall is more undesirable still from the spiritual point of view.
>
> In order to find some way out of this embarrassing situation, I wonder could you see your way, as a temporary expedient to retain these girls for a while, keeping them apart from the other girls if necessary. If you could I would endeavour to arrange for their transfer elsewhere as soon as possible."[97]

[96] Internal Memorandum, Department of Education dated 15 October 1943

[97] Letter Department of Education to School Manager, Reformatory Limerick dated 18 October 1943

137. The School Manager responded to the effect that she had "no other alternative" but to discharge the girls on licence to their mother. She said

> "they are not, as you have stated in your letter subject for a Magdalen Home and I am fully convinced that if they return home they are certainly being placed in grave moral danger, on the other hand it would be impossible for me to keep them apart from the other girls".[98]

138. The Department, prior to approving any possible release, approached a different Congregation - the Congregation of our Lady of Charity – and explored the possibility of placing the girls temporarily in High Park. However an internal handwritten Department's note says that:

> "The Whitehall nuns had these girls on remand and would not have them back at any price ... the Rev. Mother described them to me as the worst and most troublesome girls they ever had. The girl's mother is a 'nice' woman but quite unable to control them – she described [name] as a 'demon'. The Rev. Mother thinks them fit subjects for a Magdalen Home – apparently they have been soliciting. This seems to be the best solution and I append a letter for signature if you approve".[99]

139. This proposal was approved by the Inspector of Reformatory and Industrial Schools, who wrote to the School asking for the Manager to arrange for their release on licence to Magdalen Laundries (rather than to their mother, as proposed by the Manager):

> "These girls are I understand very wild and I am informed that their mother is quite unable to control them. If they are discharged to her I am afraid their ruin will be assured and I would recommend such a step only when every other method of dealing with them had been explored. Although there are objections to sending such young girls to a Penitentiary I am afraid that course is the only one left which offers

[98] Letter Reformatory School Manager to Department of Education, dated 20 October 1943

[99] Internal handwritten Note to the Deputy Secretary dated 26 October 1943

> some help of rescue and reform and I am to enquire whether you would be good enough to arrange for the release of the girls on Supervision Certificate to a Magdalen Home away from Dublin. I have been informed that it is most undesirable that they should be allowed to return to Dublin".[100]

140. The Manager suggested that, instead of releasing the girls on licence directly from the School:

> "We would therefore suggest that when these girls return to Dublin to appear in court that the justices send them by order. One to our Home in Waterford and the other to Sunday's Well Cork as if these girls are sent direct from St Joseph's we have no guarantee that they will remain and of course if they are troublesome and do not settle down, they will not be compelled to remain as all the girls are perfectly free in all our Homes. I would ask you therefore to consider the matter and i will await your reply".[101]

141. The Department's response was to the effect that the option of securing a Court Order committing the girls directly to the Magdalen Laundry was not possible and again suggesting that the Manager release them on licence from the School to a Magdalen Laundry:

> "The girls appeared before the juvenile court in Dublin and, after hearing all the charges against them, the Justice committed them to your Reformatory. You duly received them and in my opinion that closes the case against them. To bring them before the Court again, it would be necessary to have fresh charges under section 58(1) of the Children Act 1908 as amended, brought against them. In view of the fact that they have been in the Reformatory since their last appearance in Court, I doubt very much whether this would be possible.

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[100] Letter Department of Education to School Manager Reformatory School, dated 26 October 1943

[101] Letter School Manager Reformatory School to Department of Education, 4 November 1943

> On the whole I think it would be better to release them on supervision certificate to the homes you suggest, and I am directed by the Minister for Education to convey to you herewith his authority for so doing. When the girls are made to understand that if they do not settle down in the homes you have power to bring them back to the reformatory they may prove amenable".[102]

142. The file includes an official form confirming the release of the older sister "on supervision certificate" to "the Matron, Good Shepherd Home, Sundays Well, Cork." She remained there until the second Reformatory at Kilmacud opened, at which point the Department of Education arranged for her to be transferred from there to Kilmacud by a member of the Legion of Mary.

143. Although this course of action was also recommended by the Department for the younger sister, the Manager opted to retain her in the School:

> "in your reply you recommended that she be released on supervision certificate with her sister to one of our Homes. At the time I considered her too young for our homes and having no other place to send the child at the time I retained her in St Joseph's hoping she would improve. ..."

After the second Reformatory opened at Kilmacud, she too was transferred there.

144. However, in the majority of cases identified of girls released on licence from an Industrial School to a Magdalen Laundry prior to the expiration of their period of detention, the available records are much less detailed. Such cases were identified in the records of the Department of Education at points from the 1920s onwards, including the youngest girl known to have entered a Magdalen Laundry (9 years of age).

[102] Letter Department of Education to School Manager, Reformatory School, 11 November 1943

145. One such case involved a girl who had been committed to an Industrial School at the age of 4 years in the 1920s.[103] Her individual Pupil File does not survive. The Department's records indicate that her period of detention at the Industrial School expired in the 1930s "while on licence to the Good Shepherd Convent [place]".

146. The records of the relevant Magdalen Laundry confirm that she entered there on the recommendation of a named person at her former Industrial School. She was recorded to have been 16 years of age on entry. She remained at the Magdalen Laundry for 2 months, at which point she "went back" to her former School.

147. Records of the Department of Education confirm this also – after her return to her former school, she was again released on licence, this time to a named private person "as a maid".

148. The case of the youngest girl known to have entered a Magdalen Laundry also occurred in a situation of release on licence from an Industrial School. A 9 year-old girl was committed to an Industrial School in the late 1930s. Within two weeks of her committal to the Industrial School, she was released on licence to a Magdalen Laundry. Both the records of the Religious Congregation which operated the Magdalen Laundry and the records of the Department of Education confirm that she was sent from there to a different named Industrial School (not on the site of a Magdalen Laundry).

149. A girl committed to an Industrial School (on grounds of lack of parental guardianship) was "on licence to the Good Shepherd Convent Cork from [date]", which date was almost two years before the date of expiry of her period of detention at the Industrial School. According to the records of the

[103] DES 32/1278

Department of Education, she would have been 14 years of age at the time.[104]

150. The Register of the relevant Magdalen Laundry confirms her entry on the date of her licence from the Industrial School, and that she was "sent from Industrial School [place]". She was registered as being 16 years of age. After a period of 1 year in the Magdalen Laundry she was "sent to County Home".

151. Another girl was committed to an Industrial School in the 1940s.[105] Her Pupil File does not survive. The remaining records relating to her in the Department of Education indicate that she "absconded" from the Industrial School at the age of 15. She was readmitted to the School the following day, and immediately released on licence. The date of expiry of her period of detention occurred 3 months later, and Departmental files indicate that this occurred while she was "on licence to the Mistress of Penitents, Good Shepherd Home, [place]".

152. The Register of the relevant Magdalen Laundry confirms her entry, although the date entered is the date of her running away from the Industrial School rather than the following day. It is recorded that she was 16 years of age at her time of admission and that she was "sent by" a named person at her former Industrial School. She remained in the Magdalen Laundry for 5 months, at which point she was sent to another Magdalen Laundry.

153. Another case of a girl released on licence in the 1940s to a Magdalen Laundry from an Industrial School related to a girl whose original committal to the Industrial School was on grounds of 'receiving alms'.[106] Department

[104] DES 50/648

[105] DES 32/1505

[106] DES 17/1162

of Education records confirm that she was released on licence almost a year before the date of expiry of her period of detention "to Sisters of Charity Donnybrook, Laundry work". The Register of the relevant Magdalen Laundry confirms her entry, referred by her former Industrial School, and that she left after approximately a year ("wouldn't settle down").

154. A different case identified in the Department's archives related to a girl, whose mother was dead and who was committed to Industrial School at the age of 11 years.[107] The Department's file indicates that in the same month of her admission to the Industrial School she was released on licence to a named County Home. After one day there, she was released on licence to a named Magdalen Laundry. It is recorded that on the date of expiry of her period of detention (4 years later) she was still on licence to that Magdalen Laundry. Her Pupil File does not survive and as a result, additional information is not available in the Department's records.

155. The Register of the relevant Magdalen Laundry confirms her entry a few days after her release on licence, referred by a named person at her former Industrial School. Her age is recorded as 12 years of age. She remained there almost 7 years, after which she was "taken home by her father".

156. Another such case of a child released on licence from an Industrial School to a Magdalen Laundry identified in the records of the Department of Education is that of a girl committed to an Industrial School in the 1950s.[108] Her Pupil File does not survive and so the full details on her case are not known, but the limited records available indicate that her mother was dead and her father was in prison at the time of her admission to the Industrial School. At 16 years of age and following expiry of her period of detention, the Department's records indicate that she was retained at the Industrial

[107] DES 32/1401

[108] DES 55/774

School. Approximately a month thereafter she was sent to a named place "as maid". The Department's records indicate that approximately 5 months later she was sent to "St Mary's Class, Good Shepherd Convent, Sunday's Well".

157. In the absence of a Pupil file, the full circumstances of this case cannot be determined. From the records of the Religious Congregation, the girl was transferred to another Magdalen Laundry two months after admission.

158. Another case identified in the files of the Department of Education was that of a girl committed to an Industrial School in the 1950s.[109] Again her Pupil File does not survive. Less than 2 weeks after her admission to Industrial School, the Department's records indicate that she was "On Licence [date] to Good Shepherd Home, Sunday's Well, Cork". This transfer occurred a year before the date of expiry of the period for which she was committed to the Industrial School.

159. From the records of the Religious Congregation, she was 3 months in that Magdalen Laundry, before she was "sent to" a different Magdalen Laundry "by permission of [name]". The named person in this regard was an Inspector in the Department of Education Industrial and Reformatory School Branch. The Department's files do not include any record of the circumstances in which this approval of the girl's transfer to another Magdalen Laundry was given.

160. Similarly, the Department's files include the case of a girl sent "on licence" from an Industrial School during the 1960s "to Good Shepherd Voluntary Home, New Ross".[110] She returned to the Industrial School within a few months and was thereafter released on licence to her aunt.

[109] DES 55/979

[110] DES 31/1213

161. In another case, a girl was committed to an Industrial School at the age of 6 years.[111] Her mother was at that time in the County Home. Department of Education files indicate that in the 1960s, when she was 14 years of age she was released "on licence [date] to Good Shepherd Home [place] for supervision."
162. The Register of the Magdalen Laundry indicates that she was recommended by a named person at her former Industrial School. She remained in the Magdalen Laundry for 4 years (i.e. until the age of 18).

163. The Department's files also include a case of a girl who had been committed at 2 years of age to an Industrial School.[112] She and her siblings had been committed to Industrial Schools after their mother "deserted" their father. The Department's file indicates that she was on an unspecified date released "on licence to Sisters of Mercy, Galway, to train at laundry work". As the full Register of the relevant Magdalen Laundry has not survived, it is not possible to confirm the duration of her time at that institution.

164. These sample cases demonstrate that release on licence from Industrial or Reformatory Schools to Magdalen Laundries, with such release either approved by or notified to the Department of Education, occurred across the full relevant time-period. There was no common pattern on how long the girls referred in this way would stay – a significant number left or were dismissed from the Magdalen Laundries within a short period, while others remained there for a number of years, including beyond the date on which they would have been formally discharged from Industrial or Reformatory School.

165. In some of these cases the approval of the Department of Education was sought and granted, while in others such approval was unnecessary but in

[111] DES 27/989

[112] DES 2/908

accordance with the standard requirements, the Department was informed (as evidenced by the files recorded above and other similar cases). In some cases, it is possible that either the Department was not informed of a release on licence, or that its records of such notifications do not survive.

Direct transfer upon expiration of the period of detention in Industrial School

166. As set out earlier in this Chapter, the Committee also found cases in which a girl or young woman was transferred from an Industrial School to a Magdalen Laundry at the time of expiry of her period of detention (i.e at the age of 16 in the case of an Industrial School or 17 in the case of a Reformatory School). In some cases, this appears to have occurred after the girl or young woman was recorded in the records of the Department of Education as having been retained at the Industrial School (under the provisions of the Act previously detailed).

167. It is difficult to identify a precise number of cases in which this occurred, given that the records of the Magdalen Laundries generally do not include the full details of each case. Nonetheless, based on the dates of entry and exit from Industrial Schools, the Committee identified a sufficient number of such cases spanning many decades that suggested a practice in relation to this type of transfer.

168. A member of one of the Religious Congregations which operated both Magdalen Laundries and Industrial Schools indicated to the Committee that, on the basis of folk memory, cases of this kind would most likely have occurred where the School Manager considered that the girl would benefit from more training, or where it might be considered, for example, that she was young in herself or "not ready for the world".

169. An early example of such a transfer relates to a girl committed to an Industrial School in the 1920s on grounds of receiving alms. She was 14

years of age at the time. Her individual Pupil File is one of those which cannot be found by the Department of Education and which is presumed to have been destroyed or thrown out. Her period of detention expired two years later. According to surviving records of the Department of Education, 8 days after that date, she was sent "to Reverend Mother, Good Shepherd Convent [place] (General Servant)".

170. However the Register of the relevant Magdalen Laundry confirms that she entered that institution "sent by" the Religious Congregation which operated her former Industrial School. The Register notes that her parents were dead and that her siblings were living outside the State. She remained in the Magdalen Laundry for 10 years, at which point she was "sent to a situation" (a job). However, she returned to the Magdalen Laundry after 3 months and stayed another 2 years.

171. Another case involved a girl committed to an Industrial School at the age of 8 years in the 1920s.[113] She remained there until she was 16 years of age, at which point she was retained. Three months after the date of her intended discharge, the Department's file indicates that she was sent to "[name] Good Shepherd Convent Waterford, for protection".

172. The Register of the relevant Magdalen Laundry confirms her entry on that date, referred by the Order which operated her former Industrial School. Her date of departure is not recorded, but the Register indicates she was "sent away". On the basis of the Department's file, her departure occurred approximately a year after her entry to the Magdalen Laundry, as at that point, she was sent from her former school to a named private person (although not recorded, this was most likely as a domestic servant, given the lack of any apparent relationship with the woman in question).

[113] DES 29/933

173. Another case identified in the files of the Department relates to a girl who had been committed to an Industrial School in the 1930s.[114] On expiry of her period of detention in the 1940s, the file indicates that she was retained by the Industrial School. A week later she was sent "to House of Refuge, Dun Laoghaire". Her individual Pupil File has not survived and as a result further information is not available. Further, as the Register of the Magdalen Laundry at Dun Laoghaire has not survived, it is not possible to confirm the duration of her time in that institution.

174. The Department's archives also include the details of a girl, whose mother was dead, who had been committed to an Industrial School at the age of 3 years.[115] She remained in the Industrial School until the expiry of her period of detention (in the 1930s). According to the Department's files, she was then, at the age of 16 years, sent "To Good Shepherd Home, Waterford, mentally deficient".

175. The Register of that Magdalen Laundry confirms this girl's admission at 16 years of age, having been "sent by [name of former Industrial School]". Otherwise, the Register records only that she "left" in the same year as her admission.

176. Another case identified by the Committee in the records of the Department of Education is that of a girl committed to an Industrial School in the 1920s having been found "wandering" with no person exercising guardianship over her.[116] She was 10 years of age at the time. Her period of detention expired in the 1930s but Department of Education files indicate that she was sent "to [name] High Park, Drumcondra, for preservation".

[114] DES 19/1901

[115] DES 46/460

[116] DES 29/973

177. The Register of the relevant Magdalen Laundry confirms her admission on that date at the age of 16. She remained there for two years, after which she was "sent to Gloucester Street" (i.e. Sean McDermott Street Magdalen Laundry). She "left" that Magdalen Laundry, although the date on which she did so was not recorded.

178. Another case in the Department of Education files, which refers specifically to laundry work, relates to a girl whose mother was dead and who was retained by her Industrial School upon expiry of her period of detention. The file indicates that after retention she was sent "to Rev. Mother St Vincent's Convent, Cork (laundress)".

179. The Register of the relevant Magdalen Laundry confirms her entry on the date during the 1950s indicated in Department of Education files, and that she was 17 years old at the time. With the exception of three periods of hospitalisation (for recorded reasons such as e.g. removal of cyst), she remained there until the closure of the Magdalen Laundry, after which she remained in the care of the Congregation in sheltered accommodation until her death.

180. A case from the 1950s identified in the files of the Department concerns a girl who had been committed to an Industrial School at the age of 11.[117] Her mother was noted to be outside the State, at an unknown address. Her period of detention expired in the 1950s and the Department's file records her departure as being "to Good Shepherd Home, Cork, as patient".

181. The Register of that Magdalen Laundry confirms her entry within approximately two weeks of the date of the expiry of her period of detention. She was 16 years of age. The only family recorded in the Register was an aunt, living outside the State. She remained in the

[117] DES 25A/1380

Magdalen Laundry for 1 year, after which she "returned to" her former Industrial School.

182. A similar case was that of a girl, whose parents' whereabouts was not known and whose period of detention in an Industrial School expired in the late 1950s.[118] The Department's files indicate that she was "retained" and sent "to Rev Mother, Good Shepherd Convent, Limerick".

183. The Register of the relevant Magdalen Laundry records her age at time of entry to be 16 and that she had been recommended by a named person at her former Industrial School. She remained there 1 year, after which she "left for situation" (a job).

184. Searches of the Department's files identified another case where a girl was, in the 1950s, discharged from an Industrial School to "St Patrick's Refuge, Crofton Road, Dun Laoghaire".[119] As the Registers of that Magdalen Laundry do not survive, the duration of her time in that institution cannot be determined.

185. Another case identified was of a girl, whose father was dead and whose mother was remarried.[120] At the time of expiry of her period of detention in an Industrial School, the Department's file records that she went "to Good Shepherd Convent, Waterford (for her protection)".

186. The records of the Religious Congregation concerned confirm her entry at the age of 16 and referral by her former Industrial School. The register suggests that she was 'mental' and that she was sent to another named Magdalen Laundry shortly thereafter. She spent one month in the second Magdalen Laundry before she "went home".

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[118] DES 10/1881

[119] DES 49/717

[120] DES 51/1208

187. Another girl, whose Department of Education file suggested may have been "slightly mentally retarded" was discharged from an Industrial School in the 1960s.[121] The Department's file indicates that she was sent to a Magdalen Laundry, namely "to the Sisters of Charity Sean McDermott Street, unfit to take up work".

188. Another case from the 1960s identified in the archives of the Department of Education relates to a girl discharged from an Industrial School at the age of 13 to a named Magdalen Laundry.[122] The Register of the relevant Magdalen Laundry records that she remained there for over 2 years, at which point she was "taken out by her mother".

189. Another case identified in the files of the Department was that of a 16-year old girl whose mother was alive and who was retained and sent to a Magdalen Laundry. The Register of the Magdalen Laundry records that she had been "sent by Mercy Nuns, Industrial School [place]". After 6 months she was "sent back" there. Department of Education files state that, she was thereafter discharged from her former Industrial School to a psychiatric hospital.

190. In addition to these cases, where corresponding records were found in the Department of Education, the Committee examined other records of the Religious Congregations relating to girls aged 16 years of age who entered Magdalen Laundries from Industrial Schools where corresponding records could not be found in the Department of Education. At least some of these are likely to be cases of direct transfers of girls from Industrial Schools to Magdalen Laundries, at the time of expiry of their period of detention. It is possible that either Departmental records of cases such as these no longer exist, having been destroyed or thrown out in the "clear-out" referred to at

[121] DES 36/854

[122] 48/1967

the outset of the Chapter, or alternatively, that the Department was not made aware of such transfers. Samples include the following:

- A 16-year old girl was "sent by [name] Ind. School, [place]" to a Magdalen Laundry in the 1930s. She was "taken out by aunt" less than a week later.

- A 16-year old girl was "sent by [name], [name of industrial school]" in the 1930s. She was "taken out by her mother" over 2 years later.

191. The sample cases set out above, from both the records of the Department of Education and the Registers of the Magdalen Laundries, confirm the pattern identified by the Committee, whereby girls or young women were in some cases transferred directly to a Magdalen Laundry from their former Industrial School at, or shortly after, the date of their discharge from that School. It should be noted, however, that it was not the case that placement in a Magdalen Laundry was the only option for girls or young women retained or following the expiry of the period of their detention in Industrial Schools. Records confirm that the majority of girls on expiry of their period of detention in an Industrial School were either sent to employment (frequently as domestic servants or other live-in employment) or returned to their families.

Recall during supervision following discharge from Industrial or Reformatory School

192. The fact that under the Children Act, young women and men remained under supervision and liable to recall following their discharge from Industrial or Reformatory Schools was set out at the outset of this Chapter. The general grounds on which recall could occur were set out in the Act in relatively bare form, namely that the Manager should be of the opinion that recall was necessary for his or her protection. The notification requirements to the Department and the time-limit for retention before placing him/her on licence again were also set out above.

193. The Report of the Commission of Inquiry into the Reformatory and Industrial School System 1934-1936 ("the Cussen Report") included some comment and a recommendation on supervision and after-care of children discharged from Industrial or Reformatory School. The relevant section of the Cussen Report set out the legislative framework and some figures in relation to discharges and recalls in the years 1932 and 1933.[123] It then criticised the system of supervision as inadequate and includes some suggestions on how to improve the system:

> "We are not satisfied as to the adequacy of the methods of supervision and after-care of children discharged from these schools... . Amongst the reasons for this are the lack of an organised system in many schools, and the lack of appreciation by some Managers of the responsibilities involved in exercising after-care."[124] ...

194. The Report then provides some information on the manner in which supervision was then being carried out:

> "After-care is carried out at present in some cases by means of personal visits to the children, by corresponding with them, and by local enquiries. In many cases children also re-visit the school, and supply information regarding other former pupils who may be employed in their vicinity. The system, if it can be termed such, is haphazard and should be conducted on better organised and more comprehensive lines. This work should, we consider, be carried out by the Manager of the school or by a carefully selected and experienced assistant: it requires to be done tactfully and unobtrusively so as to avoid any suggestion of 'ticket of leave', and possible resentment on the part of the child under supervision".[125]

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[123] Report of the Commission of Inquiry into the Reformatory and Industrial School System 1934-1936 ("the Cussen Report"). Page 32, paragraphs 117 et seq

[124] Id at paragraphs 120-122

[125] Id at paragraph 125

195. In terms of recommendations, the Report first suggested a general duty for School Managers to explain certain points to children on discharge from School:

> "It should be an obligation on the part of managers to explain to all children at the time of discharge that, if ever in difficulty, they are entitled during the statutory period of after-care to return to the school for advice and help until such time as they are able to maintain themselves as self-supporting members of society. We regret that this is not always done."[126]

196. And further, the Report recommended some methods by which supervision could better occur:

> "We consider that managers should, where practicable, enlist the aid of some of the existing charitable organisations which, we have no doubt, would be willing to cooperate in a work of this nature. The priest of the parish to which a child is sent to employment should invariably be informed of the place of residence and the name of the employer. We are aware that even this elementary precaution is not always taken."[127]

These comments led to an overall recommendation that there was "room for improvement in the methods of supervision and after-care of children discharged from the school".[128]

197. Some further clarity on the intentions and mechanisms for supervision can be found in the Oireachtas debates during the passage of the Children Act 1941. The Explanatory Memorandum prepared and published in association with the Children Bill 1940 (later enacted as the Children Act 1941) provided a summary of the difficulties intended to be addressed by the Bill, insofar as concerns licensing and supervision. The Memorandum

[126] Id at paragraph 128

[127] Id at paragraph 129

[128] Cussen Report, Recommendation 28.

provided as follows in relation to the return of a child to Industrial or Reformatory School following release:

> "A child or young person may be released from a certified school before the completion of the period for which he was committed either (i) by being released on licence by the Manager, or (ii) by being conditionally released by the Minister. In such cases it is desired that means should be available to have the child or young person brought back to school for the remainder of the term of his original committal if the conditions of his release are not observed. At present there is no simple means of doing this, and it is necessary to have such cases brought before the Court again to ensure return to the school. The amendments are intended to remedy this and to empower the Garda to bring such persons back to the Schools from which they were licensed or conditionally released. It is also considered desirable to make similar provision for young persons under supervision."[129]

198. The Memorandum also sets out the Department's thinking in relation to supervision and the intended amendment of the 1908 Act so as to extend the period of post-discharge supervision. It said:

> "Under existing law a person discharged from an Industrial School remains under the supervision of the Manager of the School until he reaches the age of 18, and the Manager has legal authority to remove the discharged person from a place of employment which is considered dangerous or unsuitable. This authority ceases when the young person reaches the age of 18, and cases have arisen in which young persons over that age who are orphans or have parents who do not protect them properly, have not been satisfactorily treated by their employers. In order to safeguard the position of such young persons it is proposed to take power to extend the period of supervision until they reach the age of 21 years. Similar provision is proposed in the cases of young persons in Reformatory Schools (where the maximum age up to which

[129] Explanatory Memorandum to the Children Bill 1940

detention may be ordered is 19), save that in these cases the added period of supervision shall not exceed two years.

At present it is permissive (and not obligatory) for the Managers of a Certified School to issue a licence to a young person on the completion of his period of detention. The exercise of the Managers' full rights of supervision depends on the issuing of this licence and it is proposed to make the issue of such licence obligatory".[130]

199. During drafting stage, the approval of the Minister for Justice was explicitly sought and received by the Minister for Education for these sections, given their relevance to that Department's area of responsibility.[131] The drafting instructions provided in the initial General Scheme of the Bill are also illustrative of the thinking of the Department – the initial instruction to drafters in this regard was as follows:

"Make it obligatory on Managers of certified schools to issue licences to persons who are discharged at the expiration of their period of detention and who are under supervision.

Empower Managers to take legal action for safeguarding the interests of persons up to twenty-one years of age who have been in certified schools and who have no parents or guardians or who have been abandoned by them".[132]

200. A handwritten note is included in the margin alongside stating "extend supervision to 21?". Draft Heads of the Bill later refined this as follows:

"Empower the Minister to extend the Managers' supervision of a person after discharge from a Protective School from the age of 18 to 21 years in any case in which the Minister is satisfied, from the report

[130] Explanatory Memorandum to the Children Bill 1940

[131] E.g. letter dated 10 June 1940 Department Education to Department of Justice, File Ref CB14

[132] General Scheme of the Children Bill 1940, file ref Id

of the Managers, that such extension is desirable for the protection and welfare of the person concerned."[133]

It can be noted that the provision ultimately drafted and enacted did not limit the additional period of supervision to those former School children who had "no parents or guardians or who have been abandoned by them".

201. The Children Act 1941 did not set out what structures or practical arrangements were to be used by School Managers for this supervision. However, additional clarity on the intentions in this regard is to be found in a number of instructions of the Department of Education to Industrial and Reformatory Schools, as well as in Oireachtas debates on the passage of the 1941 Act.

202. There was considerable debate on the principle of and arrangements for post-discharge supervision during the Second Stage Debate in Dáil Éireann on the Children Bill 1940. The Minister for Education, in his second Stage speech, made some general comments regarding the post-discharge supervision as follows:

> "There is then the important question of after-care supervision. At present, a child or young person may be released on licence by the manager or conditionally released by the Minister. In certain cases the manager has power to bring him back again to the school if the conditions on which he was granted release or the terms of the licence are not fulfilled but, in order to do this, he has to be brought formally before a court. I feel that this procedure is unnecessary, and that it should be sufficient, when the licence is revoked, and when it is clear to the manager or the Minister that the conditions attaching to it are not fulfilled, that the Garda should be empowered to bring the child or young person back to the school from which he was licensed or conditionally released.

[133] Draft Heads of Bill, Children Bill 1940, File ref Id

Professor O'Sullivan: Does the Minister mean that that can happen on the initiative of the Gardaí?

Minister Derrig: No, on a communication from the Office of Education, or the manager. It is proposed, in order to make this position water-tight from the legal point of view, that in all cases where young persons are released before the completion of the period of detention, the manager should be compelled to issue a licence. When the manager issues a licence formally, which he does not always do at present, he will have full legal rights to see that if the terms of the licence are not fulfilled, the young person can be brought back. The legal authority of the manager to remove any such person from a place of employment or from unsuitable conditions ceases at the age of 18 at present. It is proposed to extend the period of after-care supervision. In the case of industrial schools, in special cases at the Minister's discretion, where he considers it advisable having considered the circumstances of the particular case, the after-care supervision of the young person released may be increased from the age of 18 up to the age of 21 years. In the case of young offenders committed to reformatory schools, the after-care supervision period at present extends only to 19 years. It is considered that this period should be extended. If the Minister considers, after consultation with the manager, that it is necessary for the protection and welfare of the young offender that the period of his supervision should be extended, it may be so extended for a period not exceeding two years, that is to say, two years after the time he has reached the age of 19. ... At any rate, where the Minister, in consultation with the manager, as in the case of the industrial school people, considers that the reformatory school boy requires further supervision, the period may be extended from the present age of 19 to the age of 21".[134]

[134] Children Bill, 1940 - Second Stage. Wednesday 11 December 1940. Dáil Éireann Debate Vol. 81 No. 7

203. During the debate, a number of Deputies raised questions regarding the provision. One referred to the age of 21 as "rather an advanced age at which to treat a person as a child" and asked the Minister to explain:

> "as to what supervision consists of. What is the sanction if a child, or those into whose employment he goes, do not fulfil the conditions? Can the child be brought back? Can anything be done? What is there to make the supervision effective?"
>
> If I may put it to the Minister ... there is too much of a tendency to bring the court in where the parent ought to be sufficient. Even where there is an instance of conditions not being fulfilled, there was at least some kind of safeguard—not the kind of safeguard I would like—that the courts had to be consulted. Now, the Minister, presumably on the advice of the Guards, can bring a person back into custody. I confess I do not like to have people sitting in judgment there. I admit that their knowledge and evidence may be more profound than mine, but my personal opinion is that there is too much of a tendency to encroach upon what ought to be practically the inviolable rights of parents, and that good reasons should be given for that encroachment. ...".[135]

204. Another member of the House asked:

> "if there is any way in which this supervision could be carried out. The net result will be that nobody will bother with the child once it comes out, as there will be no further payment or grant from any source, unless there is somebody definitely charged with the responsibility of supervising these children when they leave. There is very great need for supervision. Very often these children are exploited by unscrupulous employers. Though there is need for supervision, no provision is made for it beyond a pious wish in the Bill. I should like the

[135] Professor O'Sullivan TD

> Minister to elaborate on that point in his reply and to let us know exactly what he means and what his intentions are.
>
> Then there is the point that the manager of the school has to issue a licence. He is compelled now to issue a licence to the child, in order to safeguard the legal position, I take it, as far as bringing the child back to the school is concerned. I wish to say emphatically that I strongly object to that system. ... I am sure a very big proportion of those children would come under that category, being there because their parents are destitute or dead. It is no reproach to their character but, under this Bill, those children will be licensed and a ticket of leave be given to each child on leaving".[136]

205. In that regard, another T.D. suggested that licensing and post-discharge supervision should be continued to those "most requiring supervision", in which case the Manager:

> "probably ... would be interested in those particular children and would see that that supervision was carried out effectively, whereas under a compulsory licensing scheme, it is possible that the demands in supervision would be so great that they could not be carried out effectively".[137]

206. Another argued that the provision of the Bill which "purports to provide some after-care and supervision for children leaving industrial schools" was not effective:

> "because there is no attempt to provide the money necessary for that work. It is most important, and if the system can be altered or improved in any way, I think that some definite steps in that direction must be taken. I have seen a number of boys who left industrial schools appearing before courts of referees seeking unemployment assistance.

[136] Mr Hurley, TD

[137] Mr Benson, TD

> To anyone who wanted to realise facts, their condition was in many cases pitiable. ... I ascertained that they were getting no wages whatever, that they were being employed to do certain work by their employers, that they were badly fed, badly treated, badly housed and bore in their countenances clear and unmistakable evidence of the fact that they were neglected and were nobody's children. ... It is a particularly sad story, and I think that any measure which purports to deal with this problem and which omits that essential of after-care and supervision in the years when children have left the industrial schools, is simply avoiding the most important part of the problem".[138]

207. Another member said:

> "It is proposed now to keep certain children in those schools up to 21 years of age. What is going to happen to them afterwards? Has the Department thought of that? How are they going to fit into the life of the community? If they are not able to fit in before they are 21 they will never fit in. Is it intended that the children to whom this proposal is to apply will be weak-minded children who are unable to look after themselves? If that is so, there is some justification for it, but if they are ordinary children they should not be detained in any of those schools until they are 21 years old. If they are so detained, a much greater problem will be created."[139]

208. The Minister's response in relation to supervision covered both the principle and also the arrangements for how it should be carried out. Regarding the principle, he said as follows:

> "With regard to the question of supervision, the raising of the age during which the child or the young person is to be supervised is only in special cases such as, for example, orphans. Instances occur occasionally of young persons, between the ages of 18 or 19 and 21,

[138] Mr Murphy, TD

[139] Mr Allen, TD

who have no guardians or parents, and who are unfairly treated by employers. Power is taken by the school manager to bring such young persons back to the school and find employment for them. Often, these young people come back to the school quite regularly when their employment terminates for some reason or another".

209. Regarding how supervision was or should be carried out, the Minister said:

"Each school has its own arrangements. The manager maintains touch with the person under supervision directly, and possibly also through the local parish priest or through local religious or social organisations.

It is a very delicate matter to arrange how supervision can properly be carried out. I wonder does anybody in the House seriously suggest that the State could step in and carry out this work of supervision, even with an elaborate and costly organisation, in a better way than the Religious Congregations can? These Orders have a certain approach towards this matter. They are animated by a spirit of Christian charity. Their sole desire is to improve the lot of the child, to help the boy or girl to get employment, and to do what they can for them; and while it is difficult for the managers of the schools to keep in touch with the children in all cases, I know that in the vast majority of cases they exert the greatest earnestness and energy in trying to maintain touch with the children."

210. He further commented that:

"Licensing or conditional release is a safeguard for the child, and merely enables the school to recall the child. Sometimes the child is released before the normal period of detention, and the issue of a licence is intended to enable the child to be recalled without bringing him before the court again. Children or young persons would be only recalled from supervision where the manager or the Minister, according as the child was under licence or under conditional release, found it necessary to recall it. Either the manager or the Minister, having considered the question, would issue instructions, which would be carried out by the Gardaí, for the bringing back of the child."

211. The section was not debated further in the remaining Dáil debates on the Bill. However during Seanad Éireann debates, the issue was mentioned further. At Second Stage, the Minister for Education commented that:

> "[M]ore could certainly be done if we could get more co-operation for the managers of the schools upon whom this whole responsibility is thrown, first of trying to find employment and then of trying to keep in touch with the boy or girl for some years after leaving school to find out how he or she is going on. If we could get the same assistance from the unions as we are getting from the religious and social organisations at present, who are taking a very keen interest in this matter and who, I understand, are going to have a nationwide organisation to help to look after these young people, considerable progress could be made in this matter. When these young boys and girls take up employment they frequently go to places where they have no friends and they may meet with difficulties. Societies here in Dublin have kindly undertaken to help to look after them and to assist the managers of the schools upon whom, of course, a special responsibility rests to do what they can with regard to these children. Nevertheless, these organisations being organised throughout the country and having a very admirable personnel, can do very much to assist. They look after the social side, and no doubt they try also to help to find employment, but the unions— I submit again, while not emphasising the matter unduly— can certainly do a great deal also. If an important man in the movement like the Senator would meet the heads or the managers of these schools from time to time, I am sure he would be able to do a great deal to assist".[140]

212. At Committee Stage of the Bill, one Senator suggested that funding should be provided to permit the supervision to be carried out:

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[140] Children Bill 1940, Seanad Éireann Second Stage, Wednesday, 5 March 1941, Seanad Éireann Debate Vol. 25 No. 5

> "this supervision, if carried out, may often be a rather costly procedure. I know of one manager of a school who, in the last few years has spent his vacations in going around at his own expense looking after these cases, and getting employers to see what is being done about the young people concerned. In the case I have in mind, it extends from Roscommon to Mayo. This is a very important part of managerial work, but it seems to me to be rather a hardship that schools that are already so inadequately financed should also have to bear the cost of such supervision. It should be possible to arrange for some fund from which such expenses would be borne.[141]

213. The Minister responded that this was a matter:

> "I should be glad to look into. I do not think it is necessary to make provision for it, however. In a great many of these cases, it is not a question of making provision for them, but rather a question of softening the heart of the Minister for Finance".[142]

214. The content of these debates in relation to the practical arrangements for the supervision of former Industrial and Reformatory School children is particularly relevant to this Report. As noted by the Minister, this kind of supervision could not be carried out by School Managers personally, given the numbers of former students involved and the likelihood of their movement to various cities and towns throughout the State. In the circumstances, and although different arrangements were foreseen for different schools and the Minister characterised the question as "delicate", he made reference to an informal network including through "local religious or social organisations".

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[141] Children Bill 1940, Seanad Éireann Committee and Final Stages, 2 April 1941, Seanad Eireann Debate Vol. 25 No. 9, comments of Senator Concannon

[142] Id

215. This reference corresponds with information identified by the Committee, including the direct experience of the women who shared their experiences with the Committee. On the basis of materials identified in private archives, including the Dublin Diocesan Archive, it appears to the Committee that, for example, officers of the Legion of Mary in some cases carried out this role. This also matches the experience of some of the women who shared their stories with the Committee.
216. Particular attention may also be paid to the Minister's reference to the mechanism for recall, namely that the Gardaí could be requested to bring the child back.

217. Further clarification on this question can be seen in the minutes of the Inter-Departmental Committee on Prevention of Crime and Treatment of Offenders, established by the Minister for Justice in 1962 and referred to in more detail in Chapter 9. In the context of its consideration of the Voluntary Probation System, in which the Legion of Mary, Salvation Army and Society of St. Vincent de Paul were engaged, the Committee recommended as follows:

> "37. (i) if the cooperation of voluntary societies in probation work throughout the country generally is forthcoming a close liaison between industrial school managers and the probation service should be created so that prior to the discharge of inmates particulars of dates of discharge and places of residence on discharge would be sent to the chief probation officer who would in turn inform the probation officers for the areas of residence thus enabling an after-care Service to be provided".[143]

This again suggests that organisations such as the Legion of Mary were intended to play a role in the supervision of young people following their discharge from Industrial or Reformatory School.

[143] Minutes of 4th meeting, 26 March 1963

218. In terms of instructions on the performance of this role by School Managers, the Committee identified a Circular dating to 1924 which provides direction on this question.[144] The Circular, issued by the Department to all Industrial and Reformatory Schools effectively reminds all School Managers of the need for appropriate supervision and recall in necessary cases. The Circular (an original copy of which is attached in the Appendices) provided as follows:

> "Some Managers appear to regard a licence not as a temporary provision or experiment but as a final disposal. I have therefore to state that information from reliable sources should at regular intervals be got about children on licence and that children should be recalled if and when necessary.
>
> Section 67 of the Children Act authorises that children be licensed to trustworthy and respectable persons only and this is a condition that should always be observed in licensing. When supervision is found to be no longer essential, application for discharge should be made in cases where the licence is to continue for a long period.
>
> I wish again to draw attention to the provisions of Section 68 of the Act relating to the supervision of children placed out after the expiration of their term of detention and to the obligation under the section to issue licenses to children when they leave school (Education Act cases excepted). Where it is considered that the provisions of subsection 6 of this section does not afford an adequate safeguard for the protection of children against undesirable parents, the facts of the case should be reported to me."[145]

219. The 1933 Rules and Regulations for the Certified Industrial Schools (issued by the Department in accordance with the provisions of the Children's Act

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[144] Circular 1 of 1924, April 1924

[145] Id

1908) provided further guidance in relation to children released on licence from industrial schools, or those under supervision after discharge. Three sections of the Rules are relevant in this regard. One section of the Rules relates to children placed out on licence or apprenticed and sets out (as in the Act) the notice requirements which applied:

> "Should the manager of a School permit a Child, by Licence under the 67th Section of the Children Act of 1908, to live with a trustworthy and respectable person, or apprentice the Child to any trade or calling under the 70th Section of the Act, notice of such placing out on Licence, or apprenticeship of the Child, accompanied by a clear account of the conditions attaching thereto, shall be sent, without delay, to the Office of the Inspector."[146]

220. The section of the Rules relating to discharge of children from school is clear on the requirement to recall any child "whose occupation or circumstances are unsatisfactory". The full section of the Rules provided as follows:

> "On the discharge of a Child from the School, at the expiration of the period of Detention, or when Apprenticed, he (or she) shall be provided, at the cost of the Institution, with a sufficient outfit, according to the circumstances of the discharge. Children when discharged shall be placed, as far as practicable, in some employment or service. If returned to relatives or friends, the travelling expenses shall be defrayed by the Manager, unless the relatives or friends are willing to do so. A licence Form shall be issued in every case and the Manager shall maintain communication with discharged children for the full period of supervision prescribed in Section 68(2) of the Children Act 1908. The Manager shall recall from the home or from employment any child whose occupation or circumstances are unsatisfactory and he shall in due course make more suitable disposal".[147]

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[146] Section 16, Rules and Regulations for the Certified Industrial Schools 1933

[147] Section 18, Rules and Regulations for the Certified Industrial Schools 1933

221. And finally, insofar as relevant to this part of the Report, the Rules required that appropriate records be kept of all such returns:

> "The Manager (or Secretary) shall keep a Register of admissions and discharges, with particulars of the parentage, previous circumstances, etc, of each Child admitted, and of the disposal of each Child discharged, and such information as may afterwards be obtained regarding him, and shall regularly send to the Office of the Inspector the Returns of Admission and Discharge, the Quarterly List of Children under detention, and the Quarterly Accounts for their maintenance, and any other returns that may be required by the Inspector. All Orders of Detention shall be carefully kept amongst the records of the School.[148]

222. The Committee also found three instances, in a file containing precedent "legal decisions" in relation to Reformatory and Industrial Schools, consisting of advices of the Attorney General on specific cases brought to him by the Department of Education – which provide some further insight into the operation of supervision.[149]

223. All three cases included children (1 boy and 2 girls) who had been discharged from Industrial Schools and were still under the supervision of their School Manager. As this file ends in 1930, all three cases were considered under the 1908 Act only- the maximum age of supervision had not yet been raised to 21 years of age.

224. The first case concerned a girl who had reached the age of 16 and had been discharged from Industrial School. The Department's request for advice, dating to 1925, was on the appropriate action to be taken where the girl had been "removed without authority from [name] hospital, having

[148] Section 24, Rues and Regulations for the Certified Industrial Schools 1933

[149] Reformatory and Industrial Schools – Legal Decisions 1923-1930, File Ref Misc / 53

been placed there under the supervision of the Manager". The request recalled that:

> "Pursuant to Section 68 of the Act the child remains as from the expiration of detention period up to the age of 18 under the supervision of the Manager of the School who are (sic) entitled to place the child out on licence which may be revoked or recalled at any time. The Manager placed the child out on licence with [name] Hospital on discharge. The child's sister [name] of London applied for permission ... to take the child home with her but the application was refused. On [date] [name] clandestinely and without Statutory authority took away the child who is now employed as a domestic servant in London.
>
> The Department desire to be advised in the matter. The Minister is of opinion that this is not a case which calls for further action but the Chief Inspector states the Manager wants to have the supervision under the Statute enforced in this and similar cases."

225. The request also noted the "impracticable" nature of prosecution against the child's relative given the fact that she was outside the State and concluded that:

> "having regard thereto and to the Minister's opinion and the fact that the child is now in employment further action in the matter would appear unnecessary".

226. The Attorney General's Office advised against further proceedings and stated that future cases would fall to be considered on their individual merits.

227. A similar case arose and was submitted for advice in 1930. In that case, a boy under supervision had also been "removed by his mother and taken to England without authority". Again the advice provided was against any steps being taken to enforce the return of the child.

228. The third and final relevant case on file arose in 1925, where a girl had been "removed by her mother from her situation while under the supervision of the Manager of [Industrial School]". In that case the child was still in the State and proceedings appear to have been commenced. A District Justice "dismissed the summons and allowed the child to remain with her mother who is now in a position to support her". The advice provided was against further proceedings being taken.

229. Despite the long-standing nature of this provision and the clear and consistent implementation instructions from the Department of Education, it appears to the Committee that as far as the public of today is concerned, the supervision of children for a number of years after their discharge from Industrial or Reformatory Schools is a long forgotten practice.

230. Whether or not children, on leaving an Industrial School, were typically informed of this ongoing supervision is not known. However, none of the women the Committee met, who had been in an Industrial or Reformatory School prior to their admission to a Magdalen Laundry, were aware of this continuing supervision after their discharge from the School.

231. It should also be noted that, similar to cases of release on licence, recall of a girl or young woman during her period of post-discharge supervision did not always lead to her admission to a Magdalen Laundry. In fact, searches carried out on the records of the Department of Education for girls and young women recalled while on supervision identified a significant number of cases, the vast majority of which did not include referral of the girl or young woman to a Magdalen Laundry. For example, in a sample of 44 recall cases, only 2 of these cases involved the young woman being sent to a Magdalen Laundry.

232. Instead and in many cases, recall would be followed by a girl or young woman being placed by the School Manager on licence in a position of outside employment, often domestic service or a live-in position at a

hospital, convent or school. In others, the girl or young woman was placed back with her family. Examples of these cases include the following:

- A girl discharged from an Industrial School in the 1950s at 16 years of age and was placed in employment with a named private person "as domestic". She was recalled less than a year later. After approximately a month at the Industrial School she was again placed in employment as a "domestic", this time in a named convent. After ten months she was again recalled to the Industrial School. She remained there 3 months before going to live with her mother.[150]

- A girl, whose parents were dead, was discharged from an Industrial School in the 1960s at 16 years of age. She was placed in employment with a named private person "as domestic". She was recalled approximately 3 weeks later. After approximately a week at the school, she was sent to a named hospital again as a "domestic". She was again recalled and placed in alternative employment twice over the coming year. After her final recall, she was placed in a psychiatric hospital.[151]

- A girl was discharged from an Industrial school in the 1950s at 16 years of age. She was placed in employment with a named private person as "children's nurse". After less than a year she was recalled. After approximately a month at the School she was again placed in employment with a different private person as "children's nurse".[152]

- A girl was discharged from an Industrial School in the 1950s at 16 years of age. She was placed in employment with a named person "as receptionist". Approximately 6 months later she was recalled. After

[150] Pupil A, Report of the Department of Education to the Inter-Departmental Committee.

[151] Pupil B, Report of the Department of Education to the Inter-Departmental Committee.

[152] Pupil E, Report of the Department of Education to the Inter-Departmental Committee.

approximately a week she was again placed in employment, this time with a named private person "as a domestic".[153]

- A girl was due for discharge from an Industrial School in the 1950s at the age of 16. She was retained for 3 months and then placed in employment with a named private person "as housemaid". After almost a year she was recalled. After a month in the School she was again placed in employment, this time in a named convent "as housemaid".[154]

233. Nonetheless, the Committee found that some girls or young women who were recalled during their period of post-discharge supervision were admitted to Magdalen Laundries following that recall. Some cases were found which explicitly confirm that this is what occurred; while others are clear due to the dates of admission and the recorded source of the woman's referral to a Magdalen Laundry. Samples of these cases, as identified both in the records of the Department of Education and the records of the Religious Congregations which operated the Magdalen Laundries, follow.

234. One such case identified in the records of the Department of Education concerns a girl who was discharged from an Industrial School in the 1950s at 16 years of age. Her individual Pupil File did not survive and so the full details of her case are not available. She was placed in employment in a named convent. After 4 months she was recalled and placed in a psychiatric hospital (it is not specified whether this was for employment or as a patient but in light of her subsequent history this is likely to have been employment). She was recalled again a year later and sent to a named hospital. Her final recall occurred approximately a month later. She remained at the School for almost 3 months before being sent to the "Magdalen Asylum for protection".

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[153] Pupil F, Report of the Department of Education to the Inter-Departmental Committee.

[154] Pupil G, Report of the Department of Education to the Inter-Departmental Committee.

235. The records of the Religious Congregation concerned confirm that the woman entered the Magdalen Laundry at that time. Approximately two weeks later, she was dismissed and sent back (the circumstances in which this occurred are not recorded).

236. Another case identified in the Department's files relates to a girl discharged from an Industrial School at 16 years of age in the 1960s. She was placed in employment "as shop assistant". Two weeks later she was recalled and placed in alternative employment "as domestic". She was again recalled two months later and this time placed in a named hospital again "as domestic". Her final recall was only 3 days later, following which she was sent to "Good Shepherd Convent Limerick".

237. The records of the Religious Congregation confirm her entry to the Magdalen Laundry on that date, and her referral from her former Industrial School. She remained there for over a year, after which she "went to Dublin to a situation" (a job).

238. One case identified in the archives of the Department of Education includes correspondence between a solicitor and a Religious Congregation which operated a Magdalen Laundry, as well as correspondence in relation to the supervision and recall of a girl to a Magdalen Laundry.[155]

239. The girl in this case had been committed to an Industrial School in the 1950s at 2 years of age on grounds of receiving alms. She had no known family. The Department's files indicate that after her discharge from the Industrial School she worked as a domestic servant for a period. After recall to her former Industrial School in the 1960s, she was referred to a named Magdalen Laundry by the Manager of her former Industrial School.

[155] DES 18/319

She remained there for approximately a year and a half, at which point she "went to" a named person as a housekeeper.

240. The Department of Education file in relation to this girl is quite detailed and includes information in relation to an official of the Department of Education visiting her at the Magdalen Laundry to clarify her wishes and best interests. Following representations from a private person (unrelated to the girl) objecting to her placement in a Magdalen Laundry, a number of enquiries were made by the Department.

241. Enquiries were first made of the Resident Manager of the girl's former Industrial School. The response received from the Manager provides details of her case and, with regard to her recall and placement in the Magdalen Laundry**,** sets out the considerations which the Manager had regard to in making the placement:

> "At this stage we were convinced that [name] was not able to cope successfully with life and that she was still in need of protection. She caused great anxiety while in this job. On half days she wandered around O'Connell St and Henry St. trying to pick up undesirable boyfriends. She told the young people of the house about the great time she had with boys in the back seats of cinema. ... In the meantime [private person] found a job for her and we agreed to give the girl another opportunity. This was also a failure. Some jewellery was missing. When [name] was questioned she returned it but denied taking the brooch.
>
> At this juncture we decided to ask the Good Shepherd Sisters in [place] to take [name] into their rehabilitation centre."[156]

[156] Letter Resident Manager Industrial School to Inspector Reformatory and Industrial School, Department of Education dated 25 February 1969

242. Other documents on the Department's file indicate that enquiries were made with others outside the Religious Congregations. A member of An Garda Síochána who escorted the girl to the Magdalen Laundry (in a personal rather than official capacity) indicated that her opinion of the girl was that she:

> "will require a lot of attention. A household that would accept her as one of the family would be most suitable, but until such a houseful would present itself I feel that she should stay in the Convent in [place] for a further period of rehabilitation".[157]

243. The Department's file also includes a letter from the Magdalen Laundry in which the girl was placed, confirming that she was working in the laundry:

> "in the sorting room at the Polymark system, where she is learning to concentrate and assume responsibility for a given task. ... She is also learning how to use money to the best advantage, so was out shopping last week. The girls get monthly pocket money and extra at Christmas."[158]

244. And finally, an official of the Department of Education travelled to the Magdalen Laundry to meet with the girl herself. An internal Report of that visit, addressed to the Deputy Secretary, records that she was:

> "under supervision in St Mary's Laundry ... she was sent there by the Manager of [Industrial School], where she spent most of her life following committal by the Courts... Under the law she is under supervision until [date]."[159]

245. This report notes that that the placement of this girl in a Magdalen Laundry had been objected to by a private person:

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[157] Letter from Garda (in private capacity) to Department of Education, dated 20 February 1969

[158] Letter dated 11 January [year not recorded], file ref Id

[159] Note dated 21 February 1960, File 18/319

> "[Name of private person] has been interested in [name of girl] for a number of years and objects to the action of the Manager of [Industrial School] which placed the girl in [place]. The evidence on the file shown (sic) that the girl is torn between two influences i.e. that of the nuns on the one hand and [name of private person] on the other. In order to get the girl's true wishes in regard to her future I visited Limerick as instructed and spent an hour and a half in her company."[160]

246. On foot of that discussion (during which the girl said she wanted to stay there until the following October), the Department's note concludes as follows:

> "I believe that the girl is better off in Limerick where she intends to stay until October and I would support the opinion of the resident Manager of [Industrial School] that the girl is still in need of protection. I recommend that no further action be taken in the case until [illegible] next October".[161]

Handwritten comments on the note confirm that this course of action was agreed.

247. A subsequent note for the Secretary General describes the relevant Magdalen Laundry as "a centre for the rehabilitation of girls and young women conducted by the Good Shepherd nuns assisted by some qualified social workers", and indicates that the admission of the girl was:

> "directed by the Manager [Industrial School] under whose supervision the girl remains until 18 years of old (sic). In the exercise of that supervision the Manager is not subject to the Minister or anyone".[162]

248. A letter subsequently issued to the private person from the Minister stating that:

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[160] Id

[161] Id

[162] Internal Memorandum dated 20 March 1969, File Ref Id

> "I have had the case fully investigated and I am satisfied that the manager of [name] School, [place] has acted in the best interests of [name]'s future welfare".[163]

249. An earlier draft of this letter – which was not cleared or issued by the Department – also appears on file. It was considerably more full and suggests that the girl was:

> "not yet sufficiently mature or sophisticated to be launched on the world without supervision. ...
>
> [Name]'s weaknesses have made it very difficult to find suitable alternative accommodation for her such as an ordinary family home where she would be treated with sympathy, patience and understanding. These weaknesses also render it difficult to procure suitable employment for her. Failure to find a satisfactory family household willing to receive [name] as a member of their family and where her weaknesses would be treated with a sympathetic understanding led [Resident Manager of her former Industrial School] to remove her to Limerick temporarily where, under the care of nuns long experienced in such work, she would receive training by qualified social workers aimed to better fit her for the outside world".[164]

However as noted, this draft was not approved and did not issue – instead the short text referred to in the preceding paragraph was issued.

250. Regarding supervision, the same private person and her solicitor subsequently wrote both to the Department and to the Manager of the girl's former Industrial School arguing, in effect, that the rights of the School Manager ceased when a child was discharged and took up employment

[163] Letter Minister for Education to private person concerning a girl in a Magdalen Laundry, dated 11 April 1969

[164] Draft letter March 1969, neither approved nor issued.

outside the Industrial School. Although this was plainly not the case under the Children Act, the Industrial School Manager consulted with the Department before responding. The response issued quoted from the Children Act confirming that:

> "Every child sent to an Industrial School shall, from the expiration of the period of his detention, remain up to the age of eighteen under the supervision of the managers of the school. Through more recent legislation this period of supervision can be prolonged for a further year and if necessary until the young person reaches the age of 21 years.
>
> The Ban Garda who accompanied [name] to [place] did not do so in any official capacity, although legally a young person in [name]'s circumstances may be apprehended without a warrant and recalled for her own protection. Such action was not necessary in this case and the girl agreed cheerfully with the arrangements made for her".[165]

251. Another case of placement of a girl in a Magdalen Laundry while in the period of post-discharge supervision from Industrial School was identified by the Committee in the archives of the National Society for the Prevention of Cruelty to Children ("NSPCC"[166]).

252. The case, which arose in the 1960s, involved a girl who had been committed to Industrial School as a child, along with 7 other siblings.[167] The file records that her father was in England at the time of their committal, but no mention is made of her mother. At the age of 16, she was discharged from Industrial School and "placed in employment". The NSPCC file states that:

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[165] Undated letter from Resident Manager of girl's former Industrial School to solicitor for the private person referred to

[166] Re-named in 1956 as the Irish Society for the Prevention of Cruelty to Children

[167] Ref 18353

> "she was found to be rather unstable at her work. She was given another job. She was again found to be slack in her work and was dispensed with. She stayed out late at night. The Rev. Mother of [former Industrial School] had the girl seen by a Doctor. He recommended that she would benefit by being transferred to a suitable school where she could be under supervision."

253. The girl, still at that point recorded on the file as 16 and a half years of age, was at the time of the NSPCC Inspector's Report "receiving temporary shelter" at her former Industrial School (i.e. she had returned or been recalled). She was brought by the NSPCC Inspector to a named Magdalen Laundry and "left in care".

254. The Register of the relevant Magdalen Laundry confirms her entry on that date from her former Industrial School. Her age is, however, recorded as 17. After approximately a month, she was "sent back to [former Industrial School]".

255. In some cases, the recall and placement in a Magdalen Laundry was explicitly recorded in Department of Education records relating to the child, while in others it was not so recorded. In many cases, as Individual Pupil Files do not survive, it is not possible to say whether the notifications required to be made to the Department by School Managers in cases of recall were in fact made.

256. In other cases, the records of the Department are not explicit regarding a girl being transferred to a Magdalen Laundry after recall while on supervision, but when the Department's records are analysed in conjunction with those of the Religious Congregations which operated the Magdalen Laundries, it becomes apparent that is what occurred.

257. Schools were required to inform the Department of instances in which former pupils were recalled and the disposition of these cases. It is not

possible for the Committee to determine whether the Department was not informed of these and similar cases, or if it was informed but that the relevant records are among those which were destroyed or thrown out in the "clear-out" referred to at the outset of this Chapter. It is, perhaps, likely that both situations occurred in different cases. Samples of cases such as these follow.

258. The Committee identified a case in the records of the Department of Education relating to a girl who was, prior to the foundation of the State, committed to an Industrial School at 5 years of age on grounds that she was "wandering" with no person exercising guardianship.[168] Her discharge from the Industrial School occurred in the 1920s. She was discharged to a named private person, presumably for employment.

259. Her individual Pupil File is not available and further details are accordingly not available in official records. However the records of the relevant Religious Congregation indicates that, approximately 6 months after her discharge and commencement of employment, she was "sent by nuns" to a Magdalen Laundry. She remained there for approximately one and a half years, after which she was "sent out to her aunt".

260. A girl committed to an Industrial School in the 1930s was released on licence to a private person "as a maid". Her period of detention expired during her release on licence in the 1940s.[169] Her Pupil File does not survive, with the result that further information is not available in the records of the Department of Education. However, the Register of the relevant Religious Congregation records that three years after her discharge she was "sent by [Resident Manager]" at her former Industrial School to a Magdalen Laundry. She remained in the Magdalen Laundry for five months, after which she was "sent back" to her former School.

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[168] DES 4/407

[169] DES 32/1392

261. A girl committed to an Industrial School in the 1950s was, on her discharge in the 1960s, placed in employment with a private person "as mother's help".[170] Her Pupil File is not available and as a result further information is not available in the records of the Department. However, the records of the Religious Congregation which operated the relevant Magdalen Laundry confirm that she was, approximately a year and a half after her discharge, sent to a Magdalen Laundry by the Resident Manager at her former Industrial School. She remained there for almost 3 years, at which point she was "taken out by her brother".

262. For example, the records of the Department indicate that a girl discharged from an Industrial School in the 1960s was sent to a named private individual in order to carry out "domestic work".[171] From the records of the Religious Congregation, the Committee identified that one year later, she was admitted to a Magdalen Laundry, having been referred by "Mother Prioress" at her former Industrial School. She was 17 years of age at the time. After 6 months she was "sent to her mother".

263. The Department's files also include information on a girl who was committed to an Industrial School at 6 years of age in the 1940s.[172] She was placed in employment with a named private person on her discharge from the Industrial School at the age of 16. She appears in the records of a Magdalen Laundry one year later, having been referred by the "Mother Prioress" at her former Industrial School. She remained in the Magdalen Laundry for 4 years, at which point she was "sent to" a named psychiatric hospital.

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[170] DES 55/800

[171] DES 49/930

[172] DES 31/1123

264. The above background and case-studies confirm that the legislation, which permitted recall of former Industrial School children during their period of post-discharge supervision, was used in a variety of circumstances and that, in some cases, girls recalled in this way were placed in Magdalen Laundries by the Managers of their former Industrial Schools. The Act permitted Gardaí to arrest such people without warrant on the request of the School Manager.

265. It was a requirement to notify the Department of such recalls and of the subsequent arrangements made for the child or young person. Evidence was found on the Department's files that this occurred in some cases. In other cases, it is unclear whether Departmental records of such recalls and placements in Magdalen Laundries were lost, or whether such notifications did not occur.

Women in Magdalen Laundries, at the time of admission of their child to Industrial School

266. The records held by the Department of Education in relation to children admitted to Industrial and Reformatory Schools vary in available detail. In some cases, information is included on the parents of the children concerned. The Committee decided that the Department's Database of Industrial School committals should also be searched in an attempt to identify women who were in Magdalen Laundries at the time of admission of their child or children to an Industrial or Reformatory School

267. In searches of this kind, the Committee found a number of cases where the mothers of children committed to an Industrial School were, at that time, in a convent or Magdalen Laundry. In some of these cases, no information is recorded or available on how the women came to enter the institution. In others, it appeared from available records that the mothers had been charged with offences in relation to their children (either neglect or abuse) and that as a result, the child or children had been committed to Industrial

School, while the mother had in some cases entered an institution (including Magdalen Laundries) as a condition of probation rather than serve a prison sentence. The legal basis for placements such as these, where entry to a Magdalen Laundry for a period was a condition of probation, is set out in Chapter 9.

268. Circumstances such as this most likely account for certain entries in the Registers of the Magdalen Laundries indicating that women over the age of 21 were, on occasion, brought to Magdalen Laundries by NSPCC Inspectors. In such cases, it is possible that the NSPCC Inspector, who would have commonly been the complainant in child neglect or abuse trials, was entrusted by the Court with the task of escorting the woman concerned after conviction to the Magdalen Laundry.

269. In a significantly smaller number of cases, these searches for mothers in Magdalen Laundries at the time of the committal of their child or children to an Industrial School produced results which suggest that a child born in a Mother and Baby Home had been retained there until it reached the age of committal to an Industrial School. A total of only 3 such cases were identified in the records of the Department of Education, spanning the period from 1922 onwards.

270. Some examples follow of cases in which the mothers appear to have been admitted to Magdalen Laundries following criminal convictions, with their children at the same time being committed to Industrial School.

271. A woman in the 1940s is recorded in Department of Education Files as being "in Penitent's Home, Good Shepherd Convent, [place] on committal", at the time when her child was admitted to an Industrial School. The woman remained at the Magdalen Laundry for two months.[173]

[173] DES 32/1530

272. Another case, which arose in the 1950s, involved a prosecution instigated by an NSPCC Inspector against a woman. The Department of Education file records that she was:

> "charged with cruelty to her daughter [name] and sentenced to two months imprisonment, but this was not enforced as she has agreed to go to the Good Shepherd Convent, Waterford".

Her daughter was on the same date committed to an Industrial School.

273. Another case arose in connection with a widowed woman in the 1950s. She was brought to a Magdalen Laundry by an NSPCC inspector on the same date that her two teenage children were committed to Industrial School (on application of the NSPCC). The Department of Education file records that she was "in Good Shepherd Home, Cork at time of committal". The Register of the Religious Congregation confirms her entry and that after 9 months she was "taken out by her sister-in-law". Both of her children were released to her on their discharge from Industrial School.

274. A woman, aged in her twenties, entered a Magdalen Laundry in the 1920s. She did so four days after her child was committed to an Industrial School. The Department of Education file records "Mother in Penitentiary attached to [name of convent]". The Register of the Religious Congregation states that she "left for situation" (job) from there.

275. Another woman was brought to a Magdalen Laundry by a Voluntary Probation Officer in the 1930s, five days after her child had been committed to an Industrial School. The Department of Education file on her child records that the mother was "in Good Shepherd Home, [place] on committal". The Register of the relevant Magdalen Laundry indicates that she initially remained in the Magdalen Laundry for one year, after which she repeatedly left and re-entered over a period of almost twenty years.

276. Another file identified in the Department of Education related to a child committed to Industrial School at 6 years of age in the 1940s. Her mother

is recorded on the file as being "inmate of" a named Magdalen Laundry. The Register of the relevant Laundry indicates that she was 30 years of age at the time of her admission. After a year, she was "sent to the City Home". Remarks added to the Register after her departure record that she died in the "Sanitorium" approximately a year later.

277. A woman was brought to a Magdalen Laundry by an NSPCC Inspector on the same day in the 1960s that her two children were committed to Industrial School. The Department's file indicates that she was an "inmate of the [name of laundry]". The Register of the relevant Magdalen Laundry indicates that she was aged in her twenties on entry and that after 5 months she was "taken home by her brother".

278. A Pupil File exists for her children's cases and this confirms that the woman and her father were both tried and convicted of neglect of the children. He was:

> "sentenced to 6 months imprisonment and [woman's name] to 3 months. The latter sentence was made suspensory, on condition that she spent the three months in the Good Shepherd Convent Cork."[174]

279. A subsequent letter on the file expands on this point as follows:

> "His daughter [woman's name] was also charged with the neglect of her children and sentenced to 2 months impr. The latter sentence was made suspensory at my request provided [name] would enter the Good Shepherd Convent Cork. She spent over this period in the good shepherd convent and is now back at her home in [address]. ...
>
> The family has been under my supervision for 15 years ... I consider the [name] family next to impossible to do anything with. ... [Woman's

[174] Letter dated 22 June 1967, ISPCC Inspector to Department of Education. File Ref 8/1441

name] said she had a job. I never knew her to work before. She is mentally retarded and likely to get into trouble again."[175]

280. In another case, a woman was brought to a Magdalen Laundry in the 1960s, shortly before committal of her seventh child to Industrial School. The Department of Education file in relation to her children records that she was in a Magdalen Laundry. The details of her departure are not recorded in the Register.

281. In other cases, the mothers appearing in these files seem to have been in Magdalen Laundries possibly due to poverty or homelessness, including following the death of their husbands.

282. An example of this category of case arose in the 1960s. The Department's file in relation to a child committed to Industrial School recorded that "mother has no fixed abode. Presently an inmate of St Vincents Convent Peacock Lane, Cork".

283. Another case identified in Department of Education files is that of a woman whose husband was dead and whose 6 children were committed to Industrial School on the same date in the 1930s. She is recorded as being "in Donnybrook Penitentiary Home". The Register of the relevant Magdalen Laundry indicates that she was brought there by "her sister" shortly after committal of her children. She left the Laundry after 11 months.

284. Another widowed woman identified in the records of the Department of Education as having been in a Magdalen Laundry at the time of committal of her child to an Industrial School was a case which occurred in the 1960s. Her husband was dead and she had herself spent time in a

[175] Letter 11 June 1966. File Ref Id.

psychiatric hospital. At the time of her child's committal, she was listed as being in a Magdalen Laundry.

285. A woman, "deserted by her husband, whose whereabouts is unknown" had 6 children committed to Industrial Schools in the 1950s. Initially the Department of Education file indicates that she (the mother) lived with her father after her husband's desertion. The file records that she was later "c/o Good Shepherd Convent [place]". The Registers of the relevant Magdalen Laundry confirm that she was admitted to the Laundry two years after her children's committal to Industrial School. She was brought by a named NSPCC Inspector. She remained there for 10 years, after which she "got flat with family at [place]".

286. Another similar case from the files of the Department of Education relates to a woman "separated from her husband" and "deserted" by her child's father, who was noted to be "in England, address unknown". Her three children were committed to Industrial School, while she is recorded on the Department's files as being at "High Park Convent". The Register of the relevant Magdalen Laundry confirms that she entered 10 times over a 7 year period, typically remaining for a few months before leaving again. Thereafter, based on the records of the Department of Education, she moved to the United Kingdom.

287. An unusual case identified in the records of the Department arose in the 1950s. A woman, whose two children were committed to Industrial School at very young ages, for periods of 7 and 8 years respectively, was on the same date brought to a Magdalen Laundry by "her mother". The following day she was "taken home by her parents". The Department of Education file records "mother now an inmate of St Mary Magdaline's Convent, Donnybrook". Both children were, after discharge from Industrial School at the age of 16, sent to live with her.

288. In one case identified in the records of the Department, two children had been placed in Industrial School by NSPCC Inspectors. Their mother was described in the file as "patient in St Mary's Magdaline's Home, Peacock Lane". The Register of that Magdalen Laundry confirms that the woman entered the Laundry in the 1950s, two months after one of her children was committed to Industrial School. The source of her referral is not recorded. She remained there for 11 months before leaving. The Department of Education files on her children confirm that they returned to her on discharge from Industrial School, three years after she had left the Magdalen Laundry.

289. Another case, which arose in the 1960s, related to a woman who had herself been in an Industrial School for her entire childhood. The Department's Industrial School file relating to her son indicates her place of work "before going to the Magdalen Home, Galway". As a complete Register of the Galway Magdalen Laundry does not survive, it is not possible to state definitively when she left the Laundry – however it is clear that she did leave, as the Department of Education file confirms that her child was discharged from the Industrial School to her care 7 years after his committal to Industrial School.

290. As noted above, the Committee identified a very small number of cases in the records of the Department of Education which related to children born in Mother and Baby Homes and subsequently committed to an Industrial School, with the files indicating that their mothers were in Magdalen Laundries at that point. Only 3 such cases were found in total. These cases were as follows:

- A child recorded as having been born in the "Children's Home, Tuam, Galway and resided there until the time of committal" to an Industrial School in the 1950s. Her mother's address is recorded in the file as "Magdalen Home, Galway". As the complete Register of the Galway

Magdalen Laundry did not survive, it is not possible to confirm the duration of the woman's time there.

- A very similar case occurred a number of years later. It again concerned a child "born in the Children's Home Tuam, Co Galway and resided there until the time of committal". Again the child's mother is recorded in the Department's file as being at "Magdalen Home, Galway".

- A child born at Castepollard Mother and Baby Home "where mother was resident" was committed to an Industrial School in the 1950s. Her mother was recorded in Department of Education files as being at Gloucester Street (Sean McDermott Street Magdalen Laundry). The Register of the relevant Magdalen Laundry records that the woman "came from Manor House, Castlepollard". The date of her departure is not recorded.

Overview of relative volume of cases involving pathways from Industrial Schools to Magdalen Laundries

291. As set out previously, it is not possible to precisely allocate to the above categories all cases involving Industrial and Reformatory Schools and Magdalen Laundries. Although the records of the Department of Education are not complete, the available records suggest that although cases did occur of temporary placement of girls in Magdalen Laundries pending identification of an Industrial School to which they could be committed; or of girls placed in Magdalen Laundries after refusal of an Industrial or Reformatory School to accept them, these categories were not the most common types of pathways between Industrial Schools and Magdalen Laundries. Further, only one case was found of the release of a girl on leave of absence to a Magdalen Laundry from an Industrial School.

292. Rather, in the majority of cases in which girls or young women had been in both an Industrial School and a Magdalen Laundry, it appears to the Committee that they were either released on licence to a Magdalen Laundry; or were placed there during their period of post-discharge supervision.

293. The following breakdown of 144 cases for which good records are available in the Department of Education (identified in the keyword search detailed above) may give some indication of the relative volume of cases within each category:

Recorded in Departmental files as on licence:	42
Recorded in Departmental files as discharged directly from Industrial School:	57
Identified from Departmental and records of the Congregations to have been admitted at a later point:	42
Other:	3

294. Of the 57 cases in which Departmental records show that a girl had been discharged directly from an Industrial or Reformatory School to a a Magdalen Laundry, 38 of these girls were recorded in the files as 'retained' by the Congregations. Of these 38 girls:

- 5 are identified in Departmental records as being retained for their "protection";
- 7 are recorded as being retained to work as "laundry maid", "laundress" or to "learn laundry work";
- 1 was listed as being retained "to complete secondary school;
- 2 are recorded as being retained as "dressmaker" or "seamstress";
- 1 for "employment by Rev. Mother" and
- 6 as "Housemaid", "Kitchen work" or "General Help".

No information is recorded on the other 16 girls retained.

295. Of the 38 cases, in only 4 cases are both parents listed on their file. In 14 cases, their widowed father is named, while in 20 cases only their mother is named. Of those 20 records, 14 girls are listed as "illegitimate" and in 4 cases, the mothers are listed as living in England.

296. Apart from these, in an additional 5 cases it appears from Departmental files that the girls had been discharged to paid employment and then recalled to the Congregations at a later date while under supervision. In two cases the Department's file indicates that recall is for their "protection", no reasons are given in another 2 cases, while the final record indicates that the girl is returning to "St. Mary's Class" (by which name four of the Magdalen Laundries were generically known).

297. This indicative breakdown of cases recorded in the Department's files provides an indication of some of the information available on the official side. However, as is clear from this and Chapter 8, a more significant number of cases were identified by cross-referencing the records of the Religious Congregation with the records of the Department of Education. These are included in the statistical analysis of Industrial and Reformatory School referrals to the Magdalen Laundries and detailed in Chapter 8. The Committee is unable to determine whether these additional cases were either

    a. Not notified to the Department by the Schools in question, as required; or

    b. Notified to the Department but records of which were among the large number of Departmental records relating to Industrial or Reformatory Schools which have been lost or destroyed.