

INCORRECT BIRTH REGISTRATIONS – SECOND INTERIM REPORT

22nd November 2018

As the Independent Reviewer I write to update you in relation to:

- the completion of the Review into incorrect birth registrations; and
- the necessary revision of timescales occasioned by the need to address GDPR concerns expressed by the Data Processors (i.e. AAI and TUSLA). This necessitated the acquisition of legal advices from the Attorney General and the issue of instructions and a request to AAI and TUSLA from the Minister.

1. To date I have met with AAI and TUSLA on seven occasions; with support provided by DCYA staff.

2. The following highlights:

- i. the decisions which have been agreed to progress the Review;
- ii. the progress made to date; and
- iii. the anticipated timescale to furnish you with a final report. You will note that the Review will be completed outside the three months set by you initially.

i. Decisions agreed to progress the Review

3. The Review covers the period 1953, when legislation commenced to regulate adoption, and 1996 when all parts of the 1991 Child Act were commenced. As there is no index of the records held and it is not possible, within the timescale established for Phase 1, to create such an index the selection of a fully randomised sample is not achievable. With the assistance of a senior

Departmental statistician guidance has been provided on sample size to produce confidence level in the range 90-95%.

4. The selected sample will be weight with 85% covering the period 1953 to 1976. A sample of 15% will be selected covering the period 1977 to 1996 as a means of checking whether incorrect registration of births was a continuing practice.
5. AAI has identified a total of 4,351, of its 30,000 records, as relevant to the review. With the assistance of a Departmental Statistician the number of records required from the records held by AAI in respect of 5 adoption societies was identified. In total 459 records will be sampled yielding a 95% confidence level. The sample size is just above 1.5% of all the records held by AAI¹ and 10.5% of all records identified by AAI as relevant to the Review².
6. TUSLA has identified 70,000 relevant records across adoption agencies; nursing homes and boarded out case files. The exact number of records held in respect of each adoption society or other category of agency is unknown. Unlike AAI it has not, therefore, been possible to establish an exact sampling size for each agency. TUSLA will sample 1,082 records selected from: 20 adoption societies; 6 nursing homes, which acted as informal adoption societies; and 5 boarded out regions³. A sample size of just over 1.5% of its records has been agreed by TUSLA. Generally, 30 records will be sampled by TUSLA, with each of the five larger adoption societies having a larger sample size of 68 cases.
7. A total of 1,541 records will be reviewed by AAI and TUSLA yielding a confidence level across them ranging from 90% - 95%.
8. TUSLA has appointed a member of staff to undertake the selection of the sample to ensure consistency. The methodology for the selection of records is to be written up and provided to the Independent Reviewer.

¹ 30,000

² 4,351

³ In the previous interim report it was envisaged that 4 boarding out services would be selected for review. This number has been increased to 5 to ensure better national coverage.

9. Due to the inability to digitally scan records, as initially intended, social workers and junior legal staff will examine each record. TUSLA will employ only social work personnel whose work will be supervised by TUSLA's Adoption Services' National Manager. AAI has identified one Principal Social Worker (PSW) and 3 junior legal assistants to review its records. The PSW will oversee the work and sign off each review pro forma.
10. Some 24 possible marker terms have been identified by TUSLA and AAI to guide the review of records; social workers and junior legal staff will also exercise their professional judgement when examining records to highlight other potential indicators of incorrect birth registrations. TUSLA and AAI have agreed a common pro forma to standardise the information extracted from case records⁴.

ii. Progress to date

11. AAI and TUSLA are now in a position to begin selecting records for examination. AAI plans to commence this work immediately with TUSLA commencing records selection by the 3rd December 2018. In TUSLA a member of staff has been tasked with this task to bring consistency to the process.
12. Concerns raised by AAI and TUSLA in relation to the implications for accessing records consequent on the commencement of the GDPR in May 2018, necessitated acquiring legal advice from the Attorney General. Advices received have adequately addressed the concerns of each agency in relation to their data processing obligations. The issues of Ministerial letters to both agencies has enabled work to commence now on record selection; the first stage in the examination of records.

iii. The anticipated timescale for the production of a final report

⁴ TUSLA, to discharge its wider safeguarding duties, will collate other information which is outside the remit of this Review and will not be shared with the Independent Reviewer.

13. At today's meeting the timescale for completing the review was revised to take account of the delay resulting from resolving the data processing concerns which had been raised. The following timescales for the receipt of information and final report were agreed:

- AAI anticipate 5 weeks will be required for data collection and two weeks to collate findings with a report on its findings being with the Independent Reviewer by the end of January 2019;
- TUSLA anticipate providing its report to the Independent Reviewer by the end of March 2019;
- the Independent Reviewer anticipates completing a report before Easter 2019, provided that both of the above agencies' reports are with her by the end of March 2019.

14. Unfortunately, there has been slippage in completing the review due to the need to resolve GDPR issues to the satisfaction of each Data Processor. The delay was outside the control of both the Independent Reviewer and the DCYA; the latter worked to expedite the acquisition of necessary legal advices. The efforts of DCYA staff in this regard are much appreciated.



Marion Reynolds
Independent Reviewer

CC F Lynch – DCYA
M Shannon – DCYA
M Kennedy – DCYA
Liza Hughes - DCYA