



STATUTORY INSTRUMENTS.

**S.I. No. 96 of 2017**



COMMISSION OF INVESTIGATION (CERTAIN MATTERS RELATIVE  
TO A DISABILITY SERVICE IN THE SOUTH EAST AND RELATED  
MATTERS) ORDER 2017

## COMMISSION OF INVESTIGATION (CERTAIN MATTERS RELATIVE TO A DISABILITY SERVICE IN THE SOUTH EAST AND RELATED MATTERS) ORDER 2017

WHEREAS, pursuant to section 3(1) of the Commissions of Investigation Act 2004 (No. 23 of 2004), the Minister for Health, with the approval of the Minister for Public Expenditure and Reform, made a proposal to the Government for the establishment of a commission to investigate the matters specified in Article 3(a) of the following Order and to make any reports required under that Act in relation to its investigation;

AND WHEREAS the Government by decision made on 8 March 2017 considered those matters to be of significant public concern;

AND WHEREAS a draft of the following Order has been laid before each House of the Oireachtas, together with a statement of the reasons for establishing the commission, and a resolution approving that draft has been passed by each such House;

NOW, the Government, in exercise of the powers conferred on them by sections 3, 4(1) and 7(2)(a) of the Commissions of Investigation Act 2004, hereby order as follows:

1. This Order may be cited as the Commission of Investigation (Certain matters relative to a disability service in the South East and related matters) Order 2017.

2. In this Order—

“Act” means the Commissions of Investigation Act 2004 (No. 23 of 2004);

“protected disclosure” means—

(a) a protected disclosure under the Health Act 2004 (No. 42 of 2004), or

(b) a protected disclosure within the meaning of the Protected Disclosures Act 2014 (No. 14 of 2004).

3. A commission is hereby established to—

(a) investigate, subject to the terms of reference set out under Article 4(b) of this Order and the Act, matters relating to and surrounding—

(i) the role of public authorities, including foster carers, in the care and protection of—

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 24th March, 2017.*

- (I) a person known by the pseudonym Grace who was in foster care with a foster family in the South East of Ireland between 1989 and 1996 and who continued to reside with that family until 2009, and
  - (II) other persons who, between 1989 and 2015, were in foster care or otherwise placed with the family referred to in clause (I),
    - (ii) the treatment by the Health Service Executive of protected disclosures made in respect of a person referred to in subparagraph (i), and
    - (iii) the treatment by the Health Service Executive of persons who made a protected disclosure in respect of a person referred to in subparagraph (i), and
- (b) make any reports required under the Act in relation to its investigation.

4. The Minister for Health is—

- (a) specified as the Minister responsible for overseeing administrative matters relating to the establishment of the commission, for receiving its reports and for performing any other functions given to him or her under the Act,
- (b) authorised to set the commission's terms of reference, and
- (c) authorised to appoint the member or members of the commission.



GIVEN under the Official Seal of the Government,  
21 March 2017.

ENDA KENNY,  
Taoiseach.

EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

This Order establishes a Commission of Investigation into:

- the role of public authorities, including foster carers, in the care and protection of a person known by the pseudonym Grace who was in foster care with a foster family in the South East of Ireland between 1989 and 1996 and who continued to reside with that family until 2009, and of other persons who, between 1989 and 2015, were in foster care or otherwise placed with the family;
- the treatment by the Health Service Executive of protected disclosures made in respect of Grace, together with the treatment by the Health Service Executive of the persons who made the protected disclosures.

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