

EMBARGOED UNTIL 10.30AM, 4 NOVEMBER 2015

Sir Anthony Hart, Chairman of Historical Institutional Abuse Inquiry

Statement

Wednesday 4 November 2015

The Inquiry has now been conducting public hearings since the beginning of January 2014, and today is Day 157 of our sittings.

Last year the Northern Ireland Assembly gave the Inquiry an extra year to carry out our work, and that new timetable means that we must conclude the investigative part of our work by mid-July next year, and deliver our report in January 2017. We appreciate that as the Inquiry will take a year longer than originally planned this means that those who have given evidence some time ago, and those who may be affected by our Report, have to wait longer than everyone anticipated before the Report is published. Although it would not be feasible to prepare a full interim report of the type suggested by some when the Assembly considered our request for a year's extension, at this stage we feel it is appropriate to provide an overview of the work of the Inquiry so far.

The investigations of different homes and institutions carried out so far have not just involved 157 days of public hearings, they also have involved the Inquiry in gathering an enormous number of documents from many different sources. These documents have then to be collated and analysed in order to decide which are relevant to the institutions, individuals and issues we are investigating. As those who have been present at our hearings know only too well, this process is an extremely demanding one in terms of time and resources.

We have now dealt with 263 of 333 applicants who have applied to speak to the Statutory (or public) Inquiry part of the overall Inquiry process. In addition, all of those who asked to speak to the Acknowledgment Forum part of the process have now done so, and there are 129 of them. This means that of the overall total of 524 applicants who applied to one or both parts of the Inquiry, 392 have engaged so far with one or other of the two parts of the Inquiry, and of that total 129 have only spoken to the Acknowledgement Forum.

We are pleased to report that we are currently on schedule within the timetable we prepared last year when we asked for an extra year to complete our work. In a few minutes I will explain what we intend to do during the eight months left to us to complete our investigations and public hearings. But before I do that I want to say something about the subject of redress.

One of the topics raised by many witnesses who have spoken to the Inquiry, and by others, is whether we will recommend a Redress Scheme involving a form of financial payment by way of compensation to those who have suffered abuse within the residential homes for children within our Terms of Reference.

Although our Terms of Reference provide that the Inquiry will make recommendations and findings on a number of matters, the final decision as to whether there should be any form of redress, and what form it may take, are matters for the Northern Ireland Executive to decide, as can be seen from the following extract from our Terms of Reference.

HIA Historical Institutional Abuse Inquiry

HIA INQUIRY, PO BOX 2080, BELFAST, BT1 9QA, NORTHERN IRELAND
T: 028 90 720600 E: GENERAL@HIAINQUIRY.ORG W: WWW.HIAINQUIRY.ORG

“However, the nature or level of any potential redress (financial or the provision of services) is a matter that the Executive will discuss and agree following receipt of the Inquiry and Investigations report.”

From the beginning of our work we have given considerable attention to the subject of redress, and have been conducting our own researches into redress schemes in other jurisdictions. Part of this process has involved discussions with those who have been involved with, or have studied, redress schemes for the victims of sexual and other forms of abuse in Canada, Australia, the Republic of Ireland, the Netherlands and Germany.

Because our investigations are not complete we are not yet in a position to say what our findings of systemic failings will be, or what all our recommendations will be. However, what we can now say is that from the evidence we have heard so far we will recommend that there should be a scheme to award financial compensation to those children who suffered abuse in children’s homes and other institutions in Northern Ireland between 1922 and 1995.

Because we believe that any recommendations for a redress scheme that we may make to the Northern Ireland Executive should take into account the views of those who may be affected by such a scheme, when witnesses who give evidence during the public sessions say they have been abused they are asked for their suggestions as to what form of redress might be appropriate.

We recognise that witnesses who have already spoken to the Inquiry in public sessions may, on further reflection, have further suggestions or comments to make on the issue of redress. But the witnesses who speak to the Public Inquiry part of our process are not the only ones whose views we want to hear. The 129 applicants who have only spoken to the Acknowledgement Forum have not had the same opportunity to make comments and suggestions on the subject of redress, and because they are equally entitled to make comments and suggestions we want to give them the same opportunity to give us their views on this subject.

We have now decided to gather additional evidence by way of a consultation in which we invite comments and suggestions from all our applicants on what form a redress scheme might take. We believe that this may be an unprecedented step for a public inquiry to take in Northern Ireland, but it is one that we believe we should engage in at this stage of our work. We hope that the responses we receive will significantly inform our consideration of this very important topic. Although we will pay careful attention to all the views expressed by those who take part in this consultation, that does not mean that we will be bound by any views expressed when we come to make our recommendations to the Northern Ireland Executive.

The consultation exercise is a targeted one directed at those who have contacted the Inquiry. It is not intended to cover every one of the many issues that may arise in any redress scheme that we may recommend. Many of these issues are of a highly technical nature and we still have more work to do on them. Nevertheless there are a number of broad questions of principle upon which we wish to have the views of those who applied to the Inquiry.

This morning we have placed a copy of these remarks, and the consultation questionnaire, on the Inquiry website. The consultation period runs from today and will last until Friday 8 January 2016. Over the next few days we will try to contact everyone within our Terms of Reference who has made a formal application to the Inquiry. There may be some who we

HIA Historical Institutional Abuse Inquiry

HIA INQUIRY, PO BOX 2080, BELFAST, BT1 9QA, NORTHERN IRELAND
T: 028 90 720600 E: GENERAL@HIAINQUIRY.ORG W: WWW.HIAINQUIRY.ORG

may have difficulty in contacting because they have moved address, or have not kept in touch with us. Although there are some who withdrew from the Inquiry, or did not keep in contact with us, we will send the questionnaire to them as well.

We hope that every applicant to the Inquiry will respond to our questionnaire, but there is no obligation on them to do so, and of course some may feel they have already told us their views and don't wish to add to, or change, those views.

Sometimes people who approach us ask whether they might be excluded from any redress scheme if they do not make a formal application to the Inquiry, or do not come to the Inquiry to give evidence. We want to assure everyone that, whatever form of redress scheme we recommend to the Northern Ireland Executive, we will make it clear that anyone who might be entitled to participate in a redress scheme should not be excluded because they did not approach the Inquiry, or did not give evidence, or did not complete the questionnaire even if they did approach the Inquiry.

I now want to turn to the Inquiry programme for the remaining eight months. As I have already said, we are now more than half way through our planned programme.

During the 22 months since January 2014 we have held public hearings into the following homes and institutions.

- St Joseph's Home, Londonderry, generally known as Termonbacca.
 - Nazareth House, Bishop Street, Londonderry.
 - Nazareth House, Belfast.
 - Nazareth Lodge, Belfast.
- These homes were run by the Order of the Sisters of Nazareth.
- The children's home at Rubane, Kircubbin, Co. Down run by the De La Salle Order.
 - We have almost completed that part of our current module relating to St Patrick's Training School, also run by the De La Salle Brothers.
 - Two local authority homes in Londonderry, Fort James and Harberton House.

We have also conducted public hearings into two other matters that were relevant to the way children were treated in the residential children's homes in Northern Ireland that fall within our Terms of Reference.

- The first considered the practice of child migration where children were sent from Roman Catholic, Protestant and local authority homes in Northern Ireland to homes in Australia.
- The second related to Fr Brendan Smyth, a member of the Norbertine Order, who was convicted of offences relating to children in Northern Ireland and the Republic of Ireland, and who was alleged to have abused children within a number of children's homes within Northern Ireland.

At present we are investigating three more juvenile justice institutions.

- Rathgael Training School,
- Lisnevin Training School, and
- Hydebank Young Offenders Centre,

HIA Historical Institutional Abuse Inquiry

HIA INQUIRY, PO BOX 2080, BELFAST, BT1 9QA, NORTHERN IRELAND
T: 028 90 720600 E: GENERAL@HIAINQUIRY.ORG W: WWW.HIAINQUIRY.ORG

all of which were run by the state. The examination of these institutions and of St Patrick's Training School should be complete by the end of this month.

In terms of the amount of time given to us under our revised timetable to carry out our investigation, and in terms of the number of applicants who have engaged with the Statutory Inquiry part of our process, we are now well over half way through our programme of work.

When we conduct our public hearings in respect of a particular home or institution this inevitably involves a major commitment by the Inquiry in terms of time and resources. For every witness and every day of the public hearings a great deal of preparatory work has to be done beforehand. The applicant has to be seen by members of the Inquiry legal team and a statement of their evidence produced. The relevant documents relating to the home or institution concerned have then to be obtained by the Inquiry. This involves searches being carried out by our staff in the Public Record Office of Northern Ireland. We also require those responsible for the home or institution in question, whether it is a Roman Catholic religious order, another Christian denomination, or the successor body to a local or central government body which ran the home, to carry out searches of their records to provide us with relevant material. This is a very demanding process for the bodies concerned. Our investigations often involve the PSNI because we are aware that the police have investigated a number of allegations in the past which are now being made to us, and as part of our investigations we gather material, including witness statements, from the PSNI.

As a result of this process many thousands of pages have to be gathered and examined, and the relevant documents are then placed before the Inquiry during a public hearing. This preparation takes a great deal of time by the Inquiry team. Even if only one or two individuals make allegations about a home or an institution, were the Inquiry to place that home or institution under a full investigation with a view to holding public hearings into that home or institution, that would require the Inquiry to give those against whom allegations are made, and from those who were responsible for the home or institution in question, the opportunity to give evidence to the Inquiry so that their version of events is considered as well. Our experience has shown that this process would take at least a week, and often more, were we to conduct public hearings into every one of the remaining 54 homes or institutions in relation to which at least one person has made an allegation.

In recent weeks the Inquiry panel have been carefully considering what the Inquiry needs to do, and what it can do, to fulfil its Terms of Reference within the remaining eight months of public hearings. As part of that process we have considered the accounts given by every applicant who has made an allegation about a home or institution that we will not have examined by the end of the present Module. We have looked again at the accounts given by applicants, whether those accounts are in the form of formal witness statements, or in the form of their evidence to the Acknowledgement Forum, about their time in those homes and institutions to see whether we need to examine every one of the homes and institutions we have previously said we would investigate.

Doing the best we can with the information we have at this stage, we estimate that if the Inquiry were to carry out public hearings for every one of the remaining 54 homes and institutions in respect of which any allegations have been made this would take us until at least March 2018. We would then need to allow a further period during which we would prepare our Report. Our Terms of Reference only allow us six months to prepare our Report, and if we have to deal with another 54 homes and institutions, as well as those we have already examined, we consider that six months would not be sufficient to prepare our

HIA Historical Institutional Abuse Inquiry

HIA INQUIRY, PO BOX 2080, BELFAST, BT1 9QA, NORTHERN IRELAND
T: 028 90 720600 E: GENERAL@HIAINQUIRY.ORG W: WWW.HIAINQUIRY.ORG

report and that we would need at least a further nine months to complete that process. This would mean that it would not be until the end of 2018 at the earliest that we would be in a position to produce a Report. That is on the assumption that we would not produce an interim report on those institutions we have so far examined. If we were to produce an interim report as well, that would add at least a further six months to the time the Inquiry would take.

If the work of the Inquiry has to take at least another two years from now this would have serious consequences. It would mean that the Northern Ireland Assembly would have to agree to add at least another two years to our remit in addition to the extra year we have already been given. This would mean that the Inquiry would take at least six years instead of the three years it was hoped would be enough before we started our work. It would also mean that those who are affected by the Inquiry, and who are waiting patiently for the Inquiry to report, would have to wait much longer before they know the results of our work. A further two years could cost the taxpayer at least another eight million pounds. In addition, although my panel colleagues and myself are fully committed to completing the work of the Inquiry by January 2017, if the Inquiry were to be extended in time and scope so that it has to continue after January 2017 it will be necessary to appoint a new Inquiry Chairman and panel members.

We have therefore carefully reviewed every one of the remaining 54 homes and institutions to see whether or not a full public investigation of the type we have conducted so far is absolutely necessary to add further information to the emerging picture of the nature and extent of systemic failings on the part of the homes and institutions, and on the part of the state, based on the evidence we have received so far. We have decided that an examination of some of those 54 homes and institutions will be sufficient to provide the Inquiry with a broad and complete understanding of the nature and extent of systemic failings, not just in those homes and institutions, but within all the types of homes and institutions that are within our remit. This is because we believe that our understanding of the nature and extent of the abuse, and of the systemic failings that allowed abuse to happen, will not be improved by conducting full scale investigations into other homes and institutions.

We can now announce that the following homes and institutions are those which we propose to investigate in the time left to us between now and the summer of next year. Some of these are homes and institutions that we have already announced that we will investigate. Having reviewed the material available to us we are satisfied that they still need to be investigated because of the particular issues which the allegations raise in respect of those homes and institutions.

We confirm that we are still going to investigate the following homes and institutions.

- The homes at Sharonmore and Macedon run by Barnardos.
- Lissue. We must make it clear that we are not concerned with the medical aspects of the way Lissue was run. This Inquiry is not the appropriate Inquiry to examine the propriety of particular forms of psychiatric treatment of children. We do not have the necessary expertise to do that, and if these matters are to be explored they should be explored in a different Inquiry equipped with medical expertise in children's psychiatric medicine.
- Bawnmore House at Newtownabbey.
- Kincora Children's Home. Irrespective of the outcome of the judicial review proceedings relating to Kincora which are presently underway, there remain issues

HIA Historical Institutional Abuse Inquiry

HIA INQUIRY, PO BOX 2080, BELFAST, BT1 9QA, NORTHERN IRELAND
T: 028 90 720600 E: GENERAL@HIAINQUIRY.ORG W: WWW.HIAINQUIRY.ORG

relating to Kincora which are firmly within the Terms of Reference of this Inquiry, and we propose to deal with those matters and Bawnmore House at Newtownabbey together.

We are also going to investigate some homes and institutions that we have not named before. These are:

- Manor House, a children's home near Lisburn associated with the Church of Ireland.
- Millisle Borstal.
- St Joseph's Training School for Girls at Middletown, Co Armagh run by the Sisters of St Louis.
- Three Good Shepherd Convents at Londonderry, Belfast and Newry. We must make it clear that we are only going to investigate the allegations made to us in relation to Good Shepherd Convents by those witnesses who were under the age of eighteen when they were placed in one of these convents. Only they are within our Terms of Reference. We are not engaging in a wider investigation into what are commonly called Magdalene homes or laundries because those institutions contained adults and are therefore outside our Terms of Reference.

Those responsible for these homes and institutions will receive formal requests for information in the near future.

We have given a great deal of thought as to whether we can accommodate the homes and institutions that we have added to our list today, as well as those we have confirmed we are going to investigate, within the eight months remaining to us. Although it will be difficult, we believe we can complete our investigations into these extra homes and institutions within the last eight months allowed by our Terms of Reference.

In addition, there are a small number of other homes or institutions where we have identified specific issues which we consider need to be investigated, but which do not justify being investigated in full-scale public hearings. We are carrying out a number of targeted and specific enquiries by requesting witness statements and gathering documents from those homes or institutions relating to the issues we have identified. As these targeted investigations will not involve public hearings we can accommodate them within our existing timetable.

We do not propose to have public hearings into 43 homes or institutions because we consider that any further investigations into them would not be justified. This is because we are satisfied that further investigations are neither necessary nor proportionate, and will not add to our understanding of the nature and extent of systemic abuse of children in homes and institutions in Northern Ireland within our Terms of Reference.

We want to emphasise that this does not mean that we have decided that abuse did not occur in those homes or institutions, nor will it have any effect on recommendations we may make for compensation or other forms of redress. Any recommendations that we make for any form of redress, including compensation, will apply to any person who was abused within a children's home or other institution within our Terms of Reference, whether or not that home or institution was investigated by the Inquiry.

Many of those who make allegations about those 43 homes or institutions have already given evidence in relation to other homes or institutions that we have already investigated, or

HIA Historical Institutional Abuse Inquiry

HIA INQUIRY, PO BOX 2080, BELFAST, BT1 9QA, NORTHERN IRELAND
T: 028 90 720600 E:GENERAL@HIAINQUIRY.ORG W: WWW.HIAINQUIRY.ORG

will have the opportunity to do so in respect of one or more of those homes or institutions on the list of those that are going to be investigated between now and the summer of next year.

We recognise that there may be a number of people who will be disappointed that we are not going to hold public hearings into every home or institution against which allegations have been made, but, as we have explained, we are satisfied that to extend the Inquiry for at least another two years at a cost of at least eight million pounds to the taxpayer would not be justified because it would not add to our understanding of the nature and extent of systemic abuse of children in homes and institutions within our Terms of Reference.

Ends