

Press Release

HIA Inquiry Response to Belfast Telegraph Articles

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For immediate use

All media requests for information should be directed to the Inquiry's Deputy Secretary, Paula Dawson, on 028 9072 0625 or at paula.dawson@hiainquiry.org.

On Saturday 11 February and Monday 13 February 2017 the *Belfast Telegraph* published two articles severely criticising the way the Historical Institutional Abuse Inquiry dealt with allegations made to it by Dr Niall Meehan of the journalism and media communications faculty at Griffiths College Dublin. The HIA Inquiry was not given a proper opportunity to respond to these criticisms in advance. As the editor of the *Belfast Telegraph* has not responded to letters sent to her on Monday 13 February and Tuesday 14 February by the HIA Inquiry Solicitor which drew attention to a number of matters where the Inquiry believes there were inaccuracies and gravely misleading assertions in these articles, the Inquiry has no option but to issue this statement in order to put the record straight without further delay.

In his article of 13 February, and in the quotations attributed to him in the article of 11 February, Dr Meehan asserts that the HIA Inquiry did not investigate a number of matters relating to the manner in which the General Medical Council and the RUC dealt with allegations relating to Dr Fraser. For example, on 13 February he wrote. "The HIAI has not explained its inaction"

Dr Meehan did not mention in his article of 13 February that when he drew these matters to our attention the HIA Inquiry Solicitor wrote to him on 16 June 2016 saying that "any matters relating to Dr Fraser that are within the Inquiry's Terms of Reference will be considered by the Inquiry".

Dr Meehan also claims that "It is a mystery" why the HIA inquiry did not investigate why Dr Fraser's career was not stopped, and he went on to refer to the RUC and the General Medical Council. Why Dr Meehan and the *Belfast Telegraph* did not refer to paragraph 220 of Chapter 26 in Volume 8 of the Inquiry's Report (which has been available on the Inquiry's website since 20 January 2017) is a matter for them to explain.

In para 220 of its Report the Inquiry said

"These and a number of other matters raised by Dr Meehan about the way the medical authorities and the police dealt with Dr Fraser after his conviction in London are not matters that fall within the Terms of Reference of the Inquiry and we have not considered them."

Dr Meehan appears to believe that the Inquiry should have ignored its remit to investigate matters unrelated in any way to our Terms of Reference because in the 13 February article he wrote "But reference to Kincora is not necessary to investigate Fraser." However, as he

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was aware, the Inquiry's Terms of Reference did not extend to examining these matters as they did not relate to allegations of abuse of children in residential homes, and the Inquiry would have exceeded its remit had it done so in the manner Dr Meehan claims it ought to have done.

In neither article did Dr Meehan or the *Belfast Telegraph* refer to the parts of the transcripts of no fewer than ten days of its public hearings where the Inquiry's counsel examined in some detail matters relating to Dr Fraser that might have a bearing on matters within the Inquiry's Terms of Reference. On several occasions Inquiry counsel referred to Dr Meehan's correspondence with the Inquiry and the material he sent. References to Dr Fraser can be found in the transcripts of Day 195 (4 April 2016), page 21 and following; Day 196 (5 April 2016), page 4 and following; Day 201 (13 April 2016) at pages 102 and following and 150 and following; Day 205 (1 June 2016) at page 16; Day 207 (3 June 2016) at page 178; Day 210 (8 June 2016) at pages 117 and 118; Day 212 (21 June 2016) at pages 18 to 37; Day 218 (30 June 2016) at pages 74 to 77; Day 220 (5 July 2016), at pages 43 to 49, and Day 221 (6 July 2016) page 21. All of these, and the Inquiry's Report, are on our website at www.hiainquiry.org.

On Day 212 in particular over 19 pages of transcript the Inquiry examined allegations by Richard Kerr that he had been abused by Dr Fraser whilst he was in residential care because these, unlike the other allegations made by Dr Meehan relating to the GMC or the RUC, were within its Terms of Reference. In Chapter 26 of its Report these were considered at paras 215 to 226, and at para 225 the Inquiry concluded that "All the available evidence suggests that Richard Kerr is mistaken in his belief that he was seen by Dr Fraser."

As even the most cursory examination of these excerpts from the transcripts and the Inquiry Report will reveal, to assert or imply that the HIA Inquiry ignored what Dr Meehan alleged about Dr Fraser and Richard Kerr is completely at variance with the readily ascertainable facts from the published record of the Inquiry's proceedings and its Report. Either Dr Meehan and the *Belfast Telegraph* did not properly research how the Inquiry dealt with these matters, or if they were aware of these passages, they chose for some reason not to mention them.

The Inquiry does not intend to refer to every other inaccuracy in these articles, but we cannot ignore the assertion by Dr Meehan that "The Inquiry even smeared Roy Garland, whose sincere efforts in the early 1970s are largely responsible for the Kincora scandal emerging in 1980."

Mr Garland was offered the opportunity to participate in the Inquiry but he chose not to do so. Given the importance of his accounts over the years the Inquiry examined the material relating to him in Part 8 of Chapter 27 of its Report, and concluded at para. 245.

"In those circumstances it required considerable courage on his [Roy Garland's] part to speak to DC Cullen at all, and in the way that he did, and we commend Roy Garland for doing so. We also commend him for his unsuccessful efforts before that to ensure that the police and social services were alerted to the risks posed by McGrath to the boys in Kincora. When it was obvious to him that his anonymous and indirect attempts through others to bring these risks to the attention of social services had failed, he was prepared to approach DC Cullen in the fashion we have described. It was not Roy Garland's fault that his efforts fell on stony ground."

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To allege that Roy Garland was “smeared” by the Inquiry is completely without foundation, and misrepresents and distorts what the Inquiry did, and what it concluded.

It is also inaccurate to claim that Roy Garland’s efforts “were largely responsible for the Kincora scandal emerging in 1980.” As the previous extract from our Report makes clear, Roy Garland’s efforts to expose the risks of McGrath abusing boys in Kincora were unsuccessful through no fault of his own. The discovery in 1980 of the abuse in Kincora was due to the information given by social workers to a journalist which resulted in the allegations in the *Irish Independent* of 24 January 1980, this article led to the police investigations which resulted in the convictions of McGrath and others in December 1981. The events leading up to the disclosure are covered in paras 151 to 153 of Chapter 27 of our Report. Again no reference was made to this by Dr Meehan.

The Inquiry regrets having to issue this statement, but the very serious inaccuracies, distortions and misrepresentations of the Inquiry’s work contained in these articles cannot be allowed to go unanswered.

This is not the first time that the Inquiry has had to issue a press statement correcting coverage of its work in respect of Kincora in the *Belfast Telegraph*. On 13 January 2015 it had to do so, and the then editor of the *Belfast Telegraph* apologised. The Inquiry has therefore today lodged a complaint against the *Belfast Telegraph* with the Independent Press Standards Organisation (IPSO) for breach of Article 1 (i) of the Editors’ Code in publishing the articles of 11 and 13 February 2016 that contained inaccurate, misleading and distorted information without taking proper care; under Article 1 (ii) for failing to promptly correct significant inaccuracies, misleading statements or distortions; and (iii) for failing to give the HIA Inquiry a fair opportunity to reply to these significant inaccuracies.

ENDS

NOTES TO EDITORS

1. The Report is the culmination of four years’ work by the Inquiry. It is 2,300 pages long and comprises 10 volumes. It includes the report of the Acknowledgement Forum.
2. The final cost of the Inquiry has yet to be confirmed, but is expected to be in the region of £13m.
3. The Report was delivered to the First Minister and deputy First Minister as required by the Inquiry into Historical Institutional Abuse Act (Northern Ireland) 2013 on 6th January 2017. A copy was also delivered on the same date to the Secretary of State for Northern Ireland, as the Inquiry had been asked to investigate the actions of non-devolved departments and agencies in respect of Kincora.
4. There were 223 days of public hearings, which formally opened on 13 January 2014 and concluded on Friday 8 July 2016. During the course of the public evidence sessions the Inquiry heard from 527 witnesses. Of these 246 were applicants who gave evidence in person and a further 87 applicants’ statements were read into the record.

CHAIRMAN: SIR ANTHONY HART SECRETARY: ANDREW BROWNE

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5. In total 526 individuals made a formal application to speak to the Inquiry and/or its Acknowledgement Forum. Most of the applications (330) were from individuals residing in Northern Ireland. The Inquiry's Acknowledgement Forum heard from 428 of those applicants.
6. Following an inter-departmental task force report, the Northern Ireland Executive, on 29 September 2011, announced there would be an Investigation and Inquiry into historical institutional abuse.
7. On 31 May 2012, the First Minister and deputy First Minister announced the Terms of Reference for the Inquiry, and advised the Assembly of the Chair of the Inquiry and of the Panel Members for the Acknowledgement Forum.
8. An amended Terms of Reference to widen the scope of the Inquiry from 1922 - 1995 was announced by the First Minister and deputy First Minister on 18 October 2012. See <http://www.northernireland.gov.uk/news-ofmdfm-191012-ministers-widen-historical>
9. On 12 June 2012, the Inquiry into Historical Institutional Abuse Bill and the associated Explanatory and Financial Memorandum were laid before the Assembly. The Bill passed through a number of stages and, on 11 December 2012, the 'Inquiry into Historical Institutional Abuse Bill' was passed by the Assembly. Following Royal Assent, the Inquiry into Historical Institutional Abuse Act (Northern Ireland) 2013 became law on 19 January 2013. The Inquiry is formally established under this Act.
10. Sir Anthony met with Ministers in the Office of the First Minister and deputy First Minister in April 2014 to seek an extension of one year to the date by which the Inquiry must submit its report. This was subsequently granted in January 2015 and, therefore, under its amended Terms of Reference, the Inquiry was required to complete its hearings and all investigative work by mid-summer 2016, and to submit its report to the Northern Ireland Executive within 6 months.
11. The Inquiry had a remit to investigate physical, emotional and sexual childhood abuse, and childhood neglect which occurred in residential institutions in Northern Ireland over a 73-year period up to 1995.
12. For the purposes of the Inquiry "child" meant any person under 18 years of age; "institution" meant anybody, society or organisation with responsibility for the care, health or welfare of children in Northern Ireland, other than a school (but including a training school or borstal) which, during the relevant period, provided residential accommodation and took decisions about and made provision for the day to day care of children; "relevant period" meant the period between 1922 and 1995 (both years inclusive).
13. It should be noted that the Inquiry was tasked with examining whether there were institutional failings in respect of historical abuse and neglect. The Inquiry had no legal power to make findings of civil or criminal liability.
14. The Inquiry's Chairman, Sir Anthony Hart, is a retired senior High Court judge who practised in Northern Ireland. The other members of the Inquiry panel are Geraldine Doherty, who was formerly the Head of the Central Council for Education and Training in Social Work in Scotland, and David Lane CBE, who was formerly Director of Social Services in Wakefield, West Yorkshire, England.

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15. Acknowledgement Forum Panel members are: Beverley Clarke, Norah Gibbons, Dave Marshall QPM and Tom Shaw CBE. Biographical details for these individuals, Senior and Junior Counsel to the Inquiry, and other members of the Inquiry team are available on the Inquiry website: www.hiainquiry.org

16. The Chairman announced on 4 November 2015 that the Inquiry would be investigating an additional 6 homes or institutions in relation to alleged historical institutional abuse and/or neglect. The full list of homes/institutions is as follows:

Local Authority Homes

- Lissue Hospital, Lisburn
- Kincora Boys' Home, Belfast
- Bawnmore Children's Home, Newtownabbey
- Fort James and Harberton House, Londonderry (added May 2015)

Juvenile Justice Institutions

- St Patrick's Training School, Belfast
- Lisnevin Training School, County Down
- Rathgael Training School, Bangor
- Hydebank Young Offenders' Centre (added May 2015)
- Millisle Borstal (added November 2015)

Secular Voluntary Homes

- Barnardo's Sharonmore Project, Newtownabbey
- Barnardo's Macedon, Newtownabbey

Roman Catholic Voluntary Homes

- St Joseph's Home, Termonbacca, Londonderry
- Nazareth House Children's Home, Londonderry
- Nazareth House Children's Home, Belfast
- Nazareth Lodge Children's Home, Belfast
- De La Salle Boys' Home, Rubane House, Kircubbin
- St Joseph's Training School for Girls, Middletown, Co Armagh (added November 2015)
- Institutions run by the Good Shepherd Sisters in Derry/Londonderry, Belfast and Newry (added November 2015)

Church of Ireland

- Manor House, a children's home near Lisburn (added November 2015)

The Inquiry 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 the 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.

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In total therefore the Inquiry investigated 22 homes during its public hearings, and conducted targeted investigations into six others. It also conducted two additional hearings into related matters.

17. Further background information on the Inquiry is contained in a background briefing paper which is available from the Inquiry's Deputy Secretary. Further information is also available on the Inquiry's website www.hiainquiry.org

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