

## Press Release

# Historical Institutional Abuse Inquiry finds evidence of widespread systemic failings and recommends compensation for victims

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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 07786 320916, or at [paula.dawson@hiainquiry.org](mailto:paula.dawson@hiainquiry.org).

The Historical Institutional Abuse Inquiry today published its Report, detailing widespread systemic failings in the care of children in institutions over a period of 73 years.

The Chairman, Sir Anthony Hart delivered a statement in which he summarised the Inquiry's findings and recommendations. In doing so, he paid tribute to the courage of the applicants who came forward to engage with the Inquiry. He said:

**"We know that for the great majority of applicants this was the first time they had described their experiences as children in residential care, even in some cases to members of their own family. Describing those experiences was not always easy, indeed at times it was clearly distressing and painful, and we thank them for their courage and determination in doing so."**

He went on to say:

**"We hope that in some measure the process of giving evidence .... helped those who were not listened to in the past."**

The Inquiry examined whether there were systemic failings by institutions or the state in their duties towards those children in their care between the years of 1922-1995. Unlike current inquiries elsewhere in the UK that are looking solely at sexual abuse, the HIA Inquiry had a wider remit and examined other forms of abuse including physical abuse, emotional abuse, neglect and unacceptable practices.

In its consideration of all the evidence it reached a number of overarching conclusions:

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

- Background factors such as poverty, social conditions and government policies had a significant impact in creating the environment in which systemic abuse occurred.
- Within that context, some institutions providing residential childcare were responsible for a range of institutional practices that constituted systemic abuse.
- Some individuals provided excellent care, while others were cruel and abusive, sexually, physically and emotionally towards the children for whom they were responsible. The effects of this abuse has remained with many people throughout their adult lives.
- In the last three decades of the Inquiry's remit there were perceptible improvements in physical conditions, staff numbers and training, and case management, and by the 1990s the quality of care was generally good.

The Inquiry took account of the relevant political, social and economic circumstances of the times in reaching its conclusions. It did not find that failings were universal in every home or institution investigated, nor were there as many allegations about some homes as others. In general, allegations related primarily to the 1940s, 1950s and 1960s.

As the Report contains nearly 300 individual findings the Chairman provided a general overview of them in his statement at the Crowne Plaza Hotel. The findings are set out in full in Volume 1, Chapter 3 of the Report.

## **Key Findings**

The Inquiry found evidence of systemic failings to a greater or lesser degree in the majority of the institutions and homes it investigated. Hydebank Wood and Barnardo's Sharonmore were the only institutions where no evidence of systemic failings was found.

There was evidence of sexual, physical and emotional abuse, neglect and unacceptable practices across the institutions and homes examined. Not all types of abuse occurred in all homes and there were some institutions where some forms of abuse were more prevalent than others.

The Inquiry also identified failings where institutions sought to protect their reputations and individuals against whom allegations were made, by failing to take any action at all, failing to report matters to or deliberately misleading the appropriate authorities and moving those against whom allegations were made to other locations. This enabled some to continue perpetrating abuse against children.

Failings were also identified in the structure, governance, staffing levels, staff training, funding and strategic oversight of institutions.

The Inquiry found that those institutions that sent young children to Australia were wrong to do so and there were failures to ensure the children were being sent to suitable homes, that

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contact was maintained and that truthful information was provided to parents as to their children's whereabouts.

Father Brendan Smyth was able to carry out widespread sexual abuse of children, including some children resident in homes investigated by the Inquiry, due to the failure of branches of the Roman Catholic Church to properly address his behaviour from before he was ordained as a priest, despite clear warnings. There was repeated failure to assess the risk he posed to children, to confine him to his Abbey, to thoroughly investigate allegations of abuse, to notify the police and social services and to share information between dioceses and report matters to the appropriate civil and ecclesiastical authorities.

## **Kincora**

The Inquiry examined hundreds of files relating to Kincora held by the Northern Ireland Office, Ministry of Defence, Cabinet Office, Home Office, Foreign & Commonwealth Office, Security Services (MI5) and Secret Intelligence Service (MI6), Metropolitan Police, National Crime Agency and the Police Service of Northern Ireland.

The Inquiry confirmed sexual abuse did occur in Kincora and was perpetrated by three members of staff. Those individuals were subsequently convicted for their crimes, that is Mains, Semple and McGrath.

The Inquiry is satisfied that there is no evidence to support any allegations that prominent individuals were involved in the sexual abuse of residents in Kincora. It was not a homosexual brothel, nor used by any of the security agencies as a "honey pot" to entrap, blackmail or otherwise exploit homosexuals.

Having summarised the findings of the Inquiry, the Chairman then went on to make a series of recommendations.

## **Key Recommendations**

- The Northern Ireland Executive and those who were responsible for each of the institutions where systemic failings were identified should make a public apology.
- The apology should be made on a single occasion at a suitable venue.
- A physical memorial should be erected in Parliament Buildings or in the grounds of the Stormont Estate as a reminder to legislators and others of what many children experienced in residential homes.
- A Commissioner for Survivors of Institutional Childhood Abuse (COSICA) should be appointed to act as an advocate for children subjected to abuse while resident in institutions between 1922 and 1995, with responsibility for ensuring the co-ordination

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and availability of services, and identifying suitable means whereby such services can be made available to those who need them.

- An Advisory Panel made up of individuals who, as children, were resident in residential homes in Northern Ireland should be appointed to assist the Commissioner.
- Specialist care and assistance should be provided with sufficient ring-fenced funds for a fixed period of 10 years and tailored to the needs of victims.
- A publicly funded compensation scheme be created by the Northern Ireland Executive.
- A time-limited Historical Institutional Abuse Redress Board should be established to administer the compensation scheme.
- Compensation should take the form of a lump sum payment to those who can show on the balance of probabilities that they were abused in a residential home.
- Compensation payments would be a minimum of £7,500 with an upper limit of £80,000 for those who were more severely affected, except for those who were sent to Australia, where the maximum payment should not exceed £100,000 because they should receive a payment of £20,000 in addition to any award by the Redress Board to which they may be entitled.
- Those who have brought civil claims which have not been resolved would be free to apply to the Redress Board, but would have to abandon their civil claims to do so.
- People who have already been compensated would not be able to claim twice.
- The relatives of someone who was abused but died after the Executive announced on 29 September 2011 that there would be an Inquiry would be entitled to claim 75% of the award to which the person would have been entitled.
- Compensation payments should not be taxable and should not affect social security payments.
- Applicants should be eligible for legal aid to obtain legal assistance to make an application for an award.
- Any voluntary institution found guilty of systemic failings should be asked to make an appropriate financial contribution to the overall cost of the HIA Redress Board and any specialist services.

The recommendations in full are contained in Volume 1, Chapter 4 of the Report.

CHAIRMAN: SIR ANTHONY HART SECRETARY: ANDREW BROWNE

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In concluding his remarks, the Chairman referred to the current political situation and its impact on the consideration and implementation of the Inquiry's recommendations. He commented:

**“The Assembly Election inevitably means there will now be a significant delay in considering and implementing our Recommendations. We appreciate the intense disappointment this will cause to all those affected, and we recognise that there may be calls for interim payments of compensation. However, experience in the past has shown that all too often interim payments prolong the final resolution of claims. We therefore urge the new Executive and Assembly to give effect to our recommendations, and to do so as a matter of priority after the Election. We believe that those who have waited so long for their voices to be heard deserve no less.”**

The Inquiry Report and Sir Anthony's statement can be found on the Inquiry's website: [www.hia inquiry.org](http://www.hia inquiry.org)

ENDS

## NOTES TO EDITORS

1. The Inquiry has issued a **Media Protocol** and legally-binding **Restriction Orders** of relevance to the media. **It is essential that all editors, journalists, photographers and camera crews involved in covering the publication of the Inquiry's Report read these documents.**

### GENERAL BACKGROUND

2. 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.
3. The final cost of the Inquiry has yet to be confirmed, but is expected to be in the region of £13m.
4. 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 6<sup>th</sup> 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.
5. 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.
6. 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.

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7. 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.
8. 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.
9. 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>
10. 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.
11. 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.
12. 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.
13. 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).
14. 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.
15. 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.
16. 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](http://www.hiainquiry.org)

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17. 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.

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.

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18. 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](http://www.hiainquiry.org)

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