
HISTORICAL INSTITUTIONAL ABUSE INQUIRY

being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at
Banbridge Court House
Banbridge

on Wednesday, 14th October 2015

commencing at 10.00 am

(Day 150)

MS CHRISTINE SMITH, QC and MR JOSEPH AIKEN appeared as
Counsel to the Inquiry.

1 Wednesday, 14th October 2015

2 (10.00 am)

3 (Proceedings delayed)

4 (10.35 am)

5 MS. KAREN PEARSON (called)

6 CHAIRMAN: Good morning, ladies and gentlemen. Can I just
7 welcome you to Day 150 of the Inquiry's proceedings.
8 However, such is the nature of our work that that just
9 passes very rapidly as there are many more days to come,
10 but it is a milestone of some sort.

11 Can I also, as always, remind everyone to ensure
12 that if they have a mobile phone, it has either been
13 switched off or placed on "Silent"/"Vibrate", and also
14 to remind you that, of course, we do not permit any
15 photography here in the Inquiry chamber or indeed
16 anywhere on the premises.

17 Yes, Mr Aiken?

18 MR AIKEN: 150 days, Chairman. The first witness today is
19 Karen Pearson, who is the senior civil servant within
20 the Department of Justice who is assisting the Inquiry
21 with its work. She is the Deputy Director and heads up
22 the Criminal Justice Division, and she is aware,
23 Chairman, that you are going to ask her to affirm.

24 MS. KAREN PEARSON (affirmed)

25 CHAIRMAN: Thank you, Karen. Please sit down.

1 **A. Thank you.**

2 **Questions from COUNSEL TO THE INQUIRY**

3 MR AIKEN: Karen, in the discussion that we were having this
4 morning you were explaining to me that you have never
5 worked in your civil service career in the context of
6 training schools and you had no involvement in any of
7 the policy and implementing policy that was involved in
8 the matters that have been under consideration by the
9 Inquiry.

10 **A. Correct.**

11 Q. Therefore your assistance in signing off on statements
12 from the Department has been in your particular role
13 heading up the division, but you are not speaking from
14 your own personal knowledge, but rather looking at
15 material that your staff has assimilated and they have
16 looked at and then you have looked at in order to sign
17 the statement.

18 **A. Correct.**

19 Q. And you were explaining to me that you came to Northern
20 Ireland from the Home Office in the summer of 1998 --

21 **A. Yes.**

22 Q. -- for three weeks.

23 **A. Three months.**

24 Q. Three months, and that clearly has not worked out so
25 well, because sixteen years later you are still here,

1 but you were explaining to me that you worked for many
2 years in different parts of the Northern Ireland Office
3 and ultimately then transferred into the Department of
4 Justice.

5 In the structure that is the Civil Service you were
6 explaining to me that within the Department of Justice
7 there is Access to Justice Directorate, which is one of
8 four directorates that exist at the moment in the DOJ,
9 and within that Access to Justice Directorate are four
10 divisions.

11 **A. Yes.**

12 Q. And one of those divisions is the Criminal Justice
13 Division, which you head up, and then you have seven
14 branches --

15 **A. Yes.**

16 Q. -- that are carrying on work as part of the Criminal
17 Justice Division, and one of those is the Historical
18 Institutional Abuse Inquiry Branch, which is assisting
19 the Inquiry with the gathering of material and looking
20 at the issues that arise in respect of matters that
21 touch on the predecessors of the Department of Justice
22 that the Department accepts responsibility for.

23 **A. That's correct.**

24 Q. And in that context there are a series of statements
25 that I am going to draw attention to that the Panel have

1 had access to and have considered, but I am just going
2 to publicly acknowledge their provision.

3 I am not going to bring the first one of them up,
4 but it is from the Permanent Secretary of the Department
5 of Justice, Nick Perry, which was provided at the outset
6 of the Inquiry's work on 17th May of 2013. That can be
7 found in the St. Patrick's bundle at 1592 to 1600, with
8 exhibits from 1601 to 1678, and that was a statement
9 just generally setting out the departmental role and
10 some of the main legislative provisions that were on the
11 pitch, as it were.

12 However, when we came to training schools then,
13 that's when the first statement from you and Dr Harrison
14 on behalf of the Department of Health and Social
15 Services and Public Safety was provided. That was
16 a joint statement with the two departments looking at
17 issues to assist the Panel. That was provided on 21st
18 August of 2015. Now it is the revised version that I am
19 going to work from, which came a little later with
20 exhibits and references added, but it is still dated
21 21st August. So it is that revised version I am going
22 to bring up on the screen at 1723, please. You can
23 confirm for me as we scroll down, Karen, that you
24 recognise the document, and this second page at 1724
25 indicates the two authors of the statement, as it were,

1 yourself and Dr Harrison. If we scroll down, you have
2 signed the statement, as has Dr Harrison.

3 **A. That's correct.**

4 Q. And you want to adopt the contents of this statement as
5 part of your evidence to the Inquiry on behalf of the
6 Department.

7 **A. Yes, please.**

8 Q. And the statement runs through with exhibits then from
9 1756 to 1998. So a significant volume of exhibits that
10 cover the historical legislative and policy background
11 to the training schools that the Inquiry has been
12 considering.

13 The statement, Karen -- what I am going to do is
14 just articulate in broad terms -- covers the history and
15 background of the training schools; the statutory scheme
16 and policy development from government; how the
17 regulatory obligations in the legislation were operated
18 by the departments; the registration mechanism for
19 training schools; comment on the staff ratios that were
20 used for staffing; the operation of the inspection
21 mechanism, how that duty was carried out through the
22 inspection team available to the Department of Health;
23 and then the funding of training schools, where the
24 money came from to operate them; how individuals came to
25 be resident in the training schools; and then you draw

1 attention in paragraph 15 -- if we just look at that at
2 1754, please -- to some specific incidents. Just scroll
3 down. Thank you.

4 "During the review of the archived material and
5 departmental files the Departments have found a number
6 of reports relating to investigations of allegations of
7 abuse in training schools during the period of the
8 Inquiry examination. It was not appropriate to address
9 these matters within the context of the responses, but
10 it is the intention to submit a further agreed
11 statement."

12 Now that was flagging up a forthcoming statement and
13 it came from the Department of Justice rather than
14 a joint statement I think for reasons of time, but that
15 joint statement, if we look, please, at 2039, it is of
16 21st August 2015. It is filed by, if we scroll on to
17 the next page, Gary Wardrop, who works in the branch
18 that you head up, and he is referring back, as we can
19 see, to the supplementary statement further to
20 paragraph 15 of the joint statement of 21st August.
21 This statement runs from 2039 to 2044 in the bundle and
22 has exhibits that run from 2045 to 2108.

23 You want again on behalf of the Department --
24 although it has got Gary Wardrop's name, you can perhaps
25 sign a copy for us, because I am not sure there is

1 a signature on it -- but you want to adopt the content
2 as part of your evidence to the Inquiry on behalf of the
3 Department.

4 **A. I would be very happy to. I think this was a day when**
5 **I wasn't in the office and Gary very kindly did this for**
6 **me. So I would have signed this one, had I been there.**
7 **So I am very happy to.**

8 Q. Yes. This statement identifies particular allegations
9 of abuse disclosed in the NIO files found to date by the
10 Department, and as far as St. Patrick's is concerned, it
11 draws attention to the suspension issue in November 1993
12 in respect of the allegations made against BR26, and the
13 Panel heard Mary Madden, a colleague in the Department
14 of Justice, giving evidence about that yesterday, and
15 the statement simply flagged that issue up and attached
16 two of the extensive memos that we were looking at
17 yesterday, and I know from our discussions there's going
18 to be an attempt to complete the circle of paperwork in
19 relation to it.

20 It covers also particular investigations in respect
21 of other training schools that the Panel will be looking
22 at in due course. So it's a statement that will be
23 returned to in the later part of the module.

24 The third statement available to the Panel is
25 another joint statement from Dr Harrison and you, Karen.

1 That's dated 21st September of 2015. If we can bring
2 up, please, 2783, and again if we then scroll on to the
3 second page, you can again see the declaration signed by
4 you, Karen, and if we scroll on down, we will see it is
5 signed by Dr Harrison. This statement runs from 2783 to
6 2798, and then again with substantial exhibits that run
7 from 2799 to 2885. We can see it is signed by you.
8 Again you want to adopt the content of this statement on
9 behalf of the Department, and indeed Dr Harrison will
10 confirm that when she gives evidence in due course, as
11 part of the evidence of the Department to the Inquiry.

12 **A. Yes, please.**

13 Q. This statement again covers some of the historical
14 legislative background in respect of training schools.
15 It explains the rather -- what I was describing to you
16 -- the rather convoluted way in which the transfer of
17 responsibilities occurred in 1973 between departments in
18 terms of working out who would be responsible for what,
19 and the statement then goes on to look at in a little
20 more detail some of the allegations of abuse in training
21 schools that the Department has become aware of,
22 including those in respect of St. Patrick's, and there's
23 four in particular that are referred to in the
24 statement. That's the 1948 matter in Forkhill and the
25 ecclesiastical investigation that followed; DL137 --

1 **A. Yes.**

2 Q. -- in the mid to late '70s; and then the allegations
3 that were made to the police by SPT134, SPT135 and
4 ultimately SPT96 then in relation to BR26. Again those
5 issues have been looked at by the Panel with the
6 witnesses who can speak to them.

7 Then the fifth statement that I am going to draw
8 attention to which you have provided is in the context
9 of a particular issue of a graphic and very difficult
10 issue arising out of the murder of Bernard Teggart in
11 November 1973. The statement that you have provided to
12 the Inquiry is at 3002. If we can bring that up,
13 please. If we just scroll down on to the next page at
14 3003, we can see it is signed by you, Karen, and again
15 you want to adopt this as part of the Department's
16 evidence to the Inquiry.

17 **A. Yes, please.**

18 Q. And this statement was dealing with a specific issue,
19 which was efforts made to try and find an NIO, as it
20 would have been, or Ministry of Home Affairs
21 potentially, just becoming NIO at the end of 1973, file
22 into the investigation that's likely to have taken place
23 after Bernard Teggart was murdered. Your view would be
24 that you would be astonished if there wasn't
25 an investigation that flowed within the Department

1 responsible at the time, and that there therefore would
2 have been a file or files where what was considered and
3 thought about and done was recorded.

4 **A. I completely agree, yes.**

5 Q. And I was saying to you this morning and I am going to
6 assist with proving that to a certain degree in that the
7 Inquiry has received the police file in relation to the
8 murder investigation, and the Panel are aware of
9 a report from Detective Inspector Neill, who was the
10 investigating officer, who wrote an interim report to
11 his Assistant Chief Constable on 15th November 1973,
12 which was two days after the murder, and it runs in the
13 bundle from 27639 to 27641, and he sets out at the end
14 of that report -- if we look at 27641, please, he
15 explains in the last paragraph:

16 "I have gone into detail concerning difficulties
17 encountered by Newtownabbey CID staff during the
18 investigation of this case, particularly in relation to
19 St. Patrick's School. In this respect I would be
20 grateful for any information which the Ministry of Home
21 Affairs might have concerning events which took place at
22 the school."

23 I think he is right that at that point -- he is
24 writing on 15th November '73 -- it still would be the
25 Ministry of Home Affairs. It's a few weeks later it

1 becomes the Northern Ireland Office.

2 But having raised that issue then in the police
3 file, it contains the murder log, where the senior
4 officer records events of significance in respect of the
5 investigation. The murder log begins at 27660, and I am
6 going to show the Panel entry 89 in the murder log at
7 27685, and this entry 89, which is halfway down the
8 page, is of 3rd December 1989, and what it indicates is:

9 "Ministry of Home Affairs file on investigation into
10 St. Pat's school."

11 So while as yet the file has not been found -- and
12 you have explained in the statement the efforts that
13 ever been made to find the file -- at least this
14 indicates that it appears there was a file and it may
15 well be it was something that was looked at by the
16 police at the time, but because the file or files are
17 not available at this remove at this point, it is not
18 possible to say what considerations were given as to
19 what changes, if any, should be made in the departmental
20 approach to St. Patrick's arising from the death of
21 Bernard Teggart. The Panel are aware that in 1975
22 security fencing was placed around, and because we don't
23 have the file, it is not clear whether the onset of that
24 was the aftermath of the murder or otherwise, but at
25 least this indicates that, as you would have expected,

1 there was an investigation file within the Ministry, and
2 whether we are ever going to be in a position to account
3 for what has happened to it will be a matter of
4 continuing to see what can be said about it.

5 **A. Can I just say, having seen this, we will obviously now**
6 **go back and use precisely those words and see what we**
7 **can find. We will go back. We have made a very**
8 **thorough search, but we would obviously wish to look at**
9 **this and see if it helps us any further.**

10 Q. Yes. You were explaining to me this morning, Karen, on
11 behalf of the Department that you are aware of a number
12 of issues that have come into sharper focus for the
13 Inquiry during the Panel's hearing of the evidence and
14 matters that have been raised, and that's again
15 something -- the Department is going to consider its
16 position in relation to those issues and say as quickly
17 as it can in the collaborative way the Inquiry wishes
18 all to work what the Department's position is on whether
19 certain things were done or not done and whether that is
20 the way that matters should have been handled or handled
21 otherwise. Those are matters that you are going to
22 continue with the officials to reflect on.

23 **A. Absolutely.**

24 Q. You have also been explaining to me today that already
25 in progress is another witness statement explaining and

1 accounting for as far as it can be done the documents
2 that would be relevant to the Inquiry's work, explaining
3 the production of those that are available. and where it
4 can be explained, those files that are no longer
5 available and accounting for them as best that can be
6 done.

7 **A. That's correct.**

8 Q. Karen, because you were not yourself involved in the
9 matters, I am not going to ask you any further matters
10 today. It may be the Panel Members will want to ask you
11 some matters or flag up with you some matters that the
12 Department can take forward. So if you bear with me for
13 a short time, please.

14 **A. Thank you.**

15 CHAIRMAN: Well, I think you will be relieved to hear that
16 we don't intend to ask you any questions today. We very
17 much appreciate the point you make, which is that you
18 have no personal experience of these matters and
19 therefore in a sense are presenting to the Inquiry the
20 fruits of the research and what remains of the
21 collective memory, which may not be very much due to the
22 passage of time, of the Department.

23 Just for the record, we are not taking a different
24 view or approach to you, because we require as part of
25 our procedures that ultimately those who are in

1 a similar position to yourselves authenticate by the
2 type of evidence that you have given in written form the
3 documents which they put before the Inquiry, but we
4 don't expect you to be able to deal with what we can see
5 is a huge quantity of material, because you have no
6 personal knowledge of these matters. We are grateful to
7 you and to Dr Harrison for putting together such
8 a substantial amount of material, which we will look at
9 again. It is possible that we may have a number of
10 specific requests, which we will send to you through the
11 Inquiry legal team, for further elucidation in relation
12 to one or two points, but I think it is preferable that
13 we do that in the form of correspondence rather than
14 taking up your time by asking you questions which we
15 know in advance you may not be in a position to answer.
16 So the short period of time that your evidence has taken
17 is not in any way a reflection on you personally or on
18 the nature of the material that has been put before us,
19 but thank you very much for coming to us this morning.

20 **A. Thank you.**

21 **(Witness withdrew)**

22 MR AIKEN: Chairman, Members of the Panel, that concludes
23 the evidence for today. On Monday we will move to the
24 next part of this module looking at another training
25 school. As the Panel is aware, there are a number of

1 issues relating to St. Patrick's, including the evidence
2 of BR26, that we will return to in the coming weeks.

3 CHAIRMAN: Yes. Well, this brings us to a point where, with
4 the exception of BR26, we anticipate that the public
5 hearings in relation to St. Patrick's conclude so far as
6 this module is concerned, but there may, however, be
7 some matters that we do need to return to, not least
8 BR26's own evidence, which will be fitted in at a later
9 stage.

10 So we will rise now and resume again next Monday.

11 (11.00 am)

12 (Inquiry adjourned until 10.00 am
13 on Monday, 19th October 2015)

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MS. KAREN PEARSON (called)2
Questions from COUNSEL TO THE INQUIRY3