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HISTORICAL INSTITUTIONAL ABUSE INQUIRY  
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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 INQUIRY .....3