



Northern Ireland
Assembly

Committee for The Executive Office

OFFICIAL REPORT (Hansard)

Historical Institutional Abuse:
Panel of Experts on Redress

28 September 2016

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Mike Nesbitt (Chairperson)
Mr Cathal Boylan
Mrs Pam Cameron
Mr William Irwin
Mr Phillip Logan
Mr Seán Lynch
Mr Philip McGuigan
Mr Richie McPhillips
Mr Christopher Stalford

Witnesses:

Mr Patrick Corrigan	Panel of Experts on Redress
Professor Patricia Lundy	Panel of Experts on Redress
Mr Jon McCourt	Panel of Experts on Redress
Ms Margaret McGuckin	Panel of Experts on Redress

The Chairperson (Mr Nesbitt): We welcome Jon McCourt from Survivors North West; Margaret McGuckin from Survivors and Victims of Institutional Abuse (SAVIA); Patricia Lundy, a professor at Ulster University; and Patrick Corrigan, who is the Northern Ireland programme director for Amnesty International in the United Kingdom. You are all very welcome. Patricia, are you starting?

Professor Patricia Lundy (Panel of Experts on Redress): No, Jon McCourt will open the session.

Mr Jon McCourt (Panel of Experts on Redress): First, I thank you, Mr Chairman, for the invitation to meet the Committee. The issue has been left too long on the burner. As victims and survivors, we were convinced that, at this point, some work would have been done towards creating a solution for the redress process. I want to point out that, when we talk about the panel of experts, we are talking about a group that is survivor- and victim-led with the assistance of other experts. We have been fortunate that all the work that we have put together has been done with the assistance of the University of Ulster, Amnesty International and others.

The Panel of Experts on Redress is an independent umbrella group made up of individual survivors, survivors' groups, human rights organisations, academics, members of the legal profession and national and international experts. The panel is a survivor-driven process and justifiably asserts that it represents the views of survivors. Members work on a voluntary basis. The panel's remit is to bring to the fore survivors' views on redress in order to determine what survivors want from redress and to design a compensation framework that could meet the needs of survivors.

Financial compensation is a recognised component of justice. It is for abuses inflicted — sexual, physical or emotional — and for injuries and consequences suffered, short and long term, as well as for future care. Survivors' oral testimonies to the historical institutional abuse (HIA) inquiry describe the disturbing nature of historical abuse experienced by many children while in care in Northern Ireland. For many survivors, there is nothing historical about the abuse that they suffered. While no amount of money can erase the harm caused, a compensation payment could ease the pressure and help to make life a little more comfortable for survivors in older age. Importantly, compensation can have a significantly vindicating effect for survivors. It is an acknowledgement of the failure of the state to protect vulnerable children.

The panel has published two reports. The first, 'What Survivors Want From Redress', examines in depth survivors' views on redress. The report is based on extensive consultation with survivors. That included five full-day workshops in Belfast and Derry, with up to 70 participants; a series of follow-up meetings with survivor groups; and correspondence with individual survivors. We are confident that the report, which, I am sure, you have, reflects a wide cross section of survivors' views on redress. The second report, 'A Compensation Framework for Historic Abuses in Residential Institutions', published in May 2016, builds on the first report and sets out detailed recommendations for an out-of-court compensation framework and advice on the way forward.

The panel proposes an out-of-court scheme based on the two categories of compensation: a common experience payment and an individual assessment. Our recommendations have been informed by compensation provided to survivors in other common law jurisdictions where high levels of satisfaction were achieved. The report draws on in-depth research, analysis of international best practice, wide consultation, extensive discussion and feedback from survivors and other experts. The report states that the current litigation option presents problems in providing justice to survivors in historical institutional abuse cases. Among other things, it has the potential to re-traumatise survivors; there are unacceptable delays and uncertainties inherent in the court process; and results are often inconsistent, contradictory and insufficient. It is clear that such difficulties and uncertainties surrounding the implementation of redress has a detrimental effect on survivors' well-being.

A third report is 'A Cost Analysis of a Proposed Compensation Scheme'. It is an independent report written and researched by Quarter Chartered Accountants in Belfast. The report was commissioned by the panel. It details cost-benefit analyses of the panel's proposed out-of-court compensation scheme compared with litigation. The report is due to be launched on 17 October in the Long Gallery at Stormont. The panel's proposed compensation scheme is not only less traumatic and a morally justified approach but more cost-effective than litigation. In the absence of a redress scheme or if there are implementation delays, litigation is increasingly seen as the only option available to survivors.

Ms Margaret McGuckin (Panel of Experts on Redress): Mike, you know how many times we have been here. I do not need to read my notes for this, because it is imprinted on my heart and on the hearts of many people out there, survivors who are not here today and whom we, unfortunately, have just had to tell, "Look, we are just hanging on here in the hope that our Government will do something — will do what's right".

We cover state- and Church-run bodies. If we want to say it, Protestant and Catholic are all together here today. We are speaking to the Church and the state, asking them to do something. How many times do we need to come here? How many times do we need to run after other people to get them on board to try to help us because our Government are not listening to us?

I know the Church. We have met the Church. It is waiting for the Government to approach it. It is not pre-empting. We need to stop the excuses about not pre-empting the findings of the inquiry. Sir Anthony Hart would not have issued that statement on 4 November saying that one of his recommendations would be compensation if he did not already know what had gone on in those institutions, state- and Church-run. The Justice Minister has already apologised, as has the Church, for what went on in those institutions.

We wonder why there is stalling. When the Government took the issue upon themselves, the First Minister and the deputy First Minister said, "We will take it under our remit and look after you because the other Departments did not know what to do". One Department was blaming the other, be it that responsible for education, welfare and health. They seem to have shied away all of a sudden.

Eight years I have been doing this. I am exhausted. How many times do I need to come up and tell you all and pour it out in the papers? Like our people, I have had no life. I have watched so many

people just die. Now, other people, elderly people, with tears in their eyes, say, "Why did we open up? We trusted our Government. Yes, they gave us an inquiry, but why are they prolonging it?". We then had a year's extension on top of that. We need a gesture. We have asked for this. Please, do something. Set something up. No scoping exercises have been done. There is the excuse that we cannot pre-empt the end of the inquiry: the Government already know and you already know that Sir Anthony Hart has recommended compensation.

The excuses are "Well, maybe we need to get counselling services". What you have given us so far is inept, do you know what I mean? Our people want to be compensated in ways that will allow them to live in some sort of peace and tranquillity and afford them some comfort for the remainder of their life. As has been quoted on many occasions, our people were all unemployable. The majority of them have had no life because of the many years spent in those institutions and the damage that was done — physical, emotional or mental.

We ask and plead with our Government that they come off the fence, stop the excuses and get something sorted. We know that the Office of the First Minister and deputy First Minister is saying that it is just waiting for the Government to give it the go-ahead. I know that Sinn Féin said that it is up for it. We saw Martin McGuinness under scrutiny at this table, where he said that it was not a question of the probability of compensation and they were just waiting to get it sorted out. It is a joint office. We want the Government here — the joint office — to stop making these excuses, please. How many more of us will be dead and gone? I am sure that, up until now, it has been hundreds. Last year, I said 50. I know now for a fact that many, many more have died. By the time a redress or compensation scheme is set up, none of us will be here any more. It will be worthless. Why has all the money been spent on the inquiry? Our people are asking for something to be done for them and for the stalling to stop, please.

Professor Lundy: We are happy to take questions. You have the briefing paper in front of you. There is no point in going through every word in the paper, but the key point is that we have carried out a considerable body of work, yet there has been no response from OFMDFM, the Executive or officials. That really is the heart of the problem for us. We are happy to take questions.

The Chairperson (Mr Nesbitt): OK. Let me start with that, please, Patricia. Talk me through the timeline here and your disappointment.

Professor Lundy: OK. We are all very disappointed, as we feel that we have been making all the moves. We have carried out the research and published our reports. We have also been very proactive in trying to get meetings with officials. Our first request was on 27 January 2016, so there has been a period of nine months in which we have tried to make contact with OFMDFM. We contacted the junior Ministers at the time from Sinn Féin and the DUP. The DUP junior Minister did not respond; the Sinn Féin junior Minister responded and met members of the panel in her role as an MLA. There was no response at all from the DUP. I made a few phone calls and did not get any response. I suppose, in a sense, the thing that bothers us as the panel and particularly worries and bothers survivors is that this is a very vulnerable group of people, and it is surprising that a junior Minister would treat such a vulnerable group in such a way. These are survivors of child abuse. It is particularly upsetting for survivors to get no response at all.

The panel made a formal request to the previous junior Ministers to sponsor the launch of our first report. We contacted them because they have the remit for the inquiry into historical institutional abuse and for redress, but, despite numerous follow-up calls and emails from me to the DUP junior Minister at the time, there was no response either way — no "Sorry, but I can't make it" or "I don't have the time". There was no response at all. The Sinn Féin junior Minister, Jennifer McCann, did sponsor the event. She spoke at the launch of the first report. There was great disappointment, but it is not just that. It is difficult to organise a launch when you have to wait for somebody to sponsor the event so that you can secure the room — the Long Gallery — and so on. There is quite a lot of upset in our group about the lack of response, because it sends out a very negative signal to survivors that their issues, concerns and needs are not being taken seriously.

The panel held a round-table, so again, we were being proactive. We took the initiative and held the round-table at the university on 22 March. We sent out an invitation to all the political parties, but, once again, the DUP junior Minister did not respond. All the other groups did, and most sent a representative. Officials attended and engaged in the debate that took place. I thought that it was a very useful discussion that took place, but we were disappointed that there was no follow-up to the round-table. You can imagine the effort that went into producing the reports and all the research —

they are comprehensive pieces of work — and into the launches and the round-tables, and we still have had no response from some Ministers. That is disappointing in the extreme.

We have also been in contact with the First Minister and the deputy First Minister, and, in the response to our letter of 30 June, we were told that the First Minister could not meet the panel. Remember that the panel is the umbrella group that all the survivor groups are part of. We are the contact point for discussion and consultation.

The officials — by "officials" I mean civil servants with the responsibility and remit for this — have not engaged with or consulted the survivors. They may have had individual meetings about funding and other matters, but they have not consulted on redress, and that causes distress. I think that we have had no feedback at all from officials, and the phrase that I have used is this: survivors have been left in the dark.

That is the timeline, Chairman, of some of the efforts that we have made to engage with officials. There is no doubt that the inquiry has raised expectations. We have tried our best to manage those expectations, but officials, the Executive and OFMDFM also have a responsibility to manage those expectations.

The Chairperson (Mr Nesbitt): To be fair, no response does not necessarily equate to no interest, although I accept that it does not send out the most positive signal, particularly to the vulnerable, who might reasonably make assumptions that are not necessarily based in fact.

How did the group come together? Do you have a mandate from survivors? Are you, as it were, the moral authority?

Professor Lundy: The best people to answer that question are the representatives of two of the largest survivor groups.

Mr McCourt: We are based in the north-west, while Margaret is in Belfast. It made sense that, at some point, we would do something bigger than the two individual groups. We decided that we would look at international models of best practice, particularly on redress and compensation in historical child abuse cases. Reaching out to people in Australia, Canada and the Republic of Ireland, we found that we could do it only if we all got together and agreed that we had the mandate from the north-west and Belfast and that other groups would be covered by that umbrella. Nobody has said that we are not the voice. The assumption therefore is that we are the voice. Any time that we have met anybody from Stormont, it has been in consultation with the groups that we represent.

We needed international expertise, and we needed some guidance on some of the human rights issues and on precedents. We certainly needed the facilities of an organisation such as Ulster University, because our facilities and resources are so limited.

The Chairperson (Mr Nesbitt): Who funds you?

Mr McCourt: The committee work is voluntary. We got a small grant from the former OFMDFM, as we do now from TEO, to cover expenses for running the programmes that we run.

Ms McGuckin: It is very small.

Mr McCourt: We are talking about £8,000 this year and £10,000 last year.

Ms McGuckin: It covers a trip here and there.

The Chairperson (Mr Nesbitt): You are up here today: is somebody paying your expenses for being here?

Ms McGuckin: That is lobbying, and that is not allowed.

Mr McCourt: The last time that we came to Stormont was for a Committee meeting, and we were told that the money to cover it could not come out of the small grant that we had already applied for, because it was not in the letter of offer. This would be programme funding.

The Chairperson (Mr Nesbitt): OK. What is your reach? How many survivors —

Ms McGuckin: Overall? Together?

The Chairperson (Mr Nesbitt): Yes. How many can you reach?

Ms McGuckin: We have been in contact with 300 or more people throughout the world. People are scattered, even to Australia. People look to us from all over the world, and we have our website and Facebook page. A lot of people are interested, and they look to us. We set up seminars in Belfast and Derry, and the survivors went to them. They were not coerced into doing that; they did so voluntarily. They made their own decision that they needed to go to the university and get the documents done, including 'What Survivors Want From Redress'. It is the survivors' voices.

Professor Lundy: The four survivors' groups are all represented on the panel. All the institutional abuse survivors are represented through those groups, so we have a wide remit.

The Chairperson (Mr Nesbitt): The fact that nobody is speaking out against it is also significant.

Mr Patrick Corrigan (Panel of Experts on Redress): When Margaret and I spoke to the Committee in March of this year, I reminded Committee members that, a year previously, in March 2015, when a decision was taken to extend the HIA inquiry by a year, Amnesty International and Survivors and Victims of Institutional Abuse had presented jointly to Ministers, suggesting to them, in the light of the extension and therefore the further pushing down the line of when a redress scheme might come into being, that they do two things. One was to establish an interim redress scheme, and the other was to start preparatory work on final plans for a compensation scheme. Neither happened, and nor was there willingness to take forward either of those options. It was that vacuum, in that sense, in which the Department was unwilling to take on this work, that provided the impetus for the groups to decide that they could not leave a vacuum and wait until January 2017 without anybody doing any homework on this. It was in that vacuum that the initiative was taken and there was a coming together of all the groups and the advisers.

The Chairperson (Mr Nesbitt): Your collective thinking on an interim payment and then a final payment seems to have developed, and we now have a two-tier payment recommendation. There would be a common recognition payment for everybody that would be a set amount and the same for everybody, and that would be supplemented by something based on an analysis of the particular experiences of the individual. It is a two-tier approach.

Mr McCourt: It is a two-tier approach, as you say, with the common experience payment the first part. I remember being in this room when you raised the possibility of an interim payment, and we built on that. The interim payment may or may not have created difficulties for government, but our bottom line was that, at some point, something had to be put in front of victims and survivors in good faith to show that the Government were taking their concerns seriously. These are really vulnerable people, and the further down the line this gets pushed and the less work and consultation that gets done, not on particular project funding but on redress and compensation, the harder it is for people to believe that the Government will live up to the commitment that they gave us when we started this that they would see it through to the end. That is what we are asking for.

The two-tier payment, including the common experience payment, is something that was done in Canada. It is also something that I had looked at when the Eames/Bradley report came out, and it involved a common payment across the board. Without getting into the politics, it meant that everybody would be recognised and that, for the first year, there would be a fixed payment and, for every year after that, there would be a reduced pro rata payment for the length of time that somebody had spent in an institution. There is no doubt from what Anthony Hart said, even in that brief statement, that there were serious flaws in what happened in those institutions. At some point, somebody has to be made accountable for those flaws.

The Chairperson (Mr Nesbitt): As you mentioned Eames/Bradley, it is probably worth putting it on the record that the big difference is that, as far as I am aware, nobody is contesting the definition of a victim of institutional abuse.

Mr McCourt: With respect, Mr Chairman, I use that just as an example of where some of the material was drawn from.

The Chairperson (Mr Nesbitt): Yes, but it is an international model. You are also making that clear.

Mr McCourt: Yes.

The Chairperson (Mr Nesbitt): We are four months away from when Sir Anthony is due to hand his report over.

Ms McGuckin: Three months. The Executive will get it at the end of December. Every week counts to us. It will be published in mid January, but the Executive will get it two weeks before.

The Chairperson (Mr Nesbitt): You know more than I do. So, it will be three months. Presumably that interim payment will not come in the next three months.

Ms McGuckin: Why not?

Mr McCourt: That is why we suggested in February last year that work should be done on a scoping exercise to figure out where the resources would come from to meet that need and that we could deal with the individual compensation payments after Sir Anthony Hart's report came out. There has not been movement on that. There has been no research done or scoping exercise conducted to find out where the resources are to come from.

As Margaret alluded to, our latest conversation with the Catholic Church led us to believe that it is waiting for the Executive to jump. To put it bluntly, I felt let down at the meeting with the Catholic Church, which I had not expected. At the meeting were the archbishop and a representative of the Conference of Religious of Ireland (CORI), which was ultimately responsible for the care of children in homes run by the Sisters of Nazareth and other religious orders.

The Chairperson (Mr Nesbitt): Jon, if that meeting was not confidential — I do not know the status of it — can you expand on your disappointment?

Mr McCourt: Previous discussions had seemed welcoming, with a lot of concern and compassion around where we were going. We were not told that the meeting was confidential; it was at the archbishop's invitation. He had the report in front of him and seemed to focus on this turning from an issue of concern about the abuse of children into a financial argument. We have no argument with the Church or the state; that argument is within the law. It is not our argument. Abuse has happened, and people are entitled to be compensated for those abuses, the same as they would be for any criminal act. The Church fobbed us off, and there was point at which Margaret and I were going to get up and leave the meeting, because we were more or less told that, if the Church had not done what it did in the 1950s and the 1960s, things could have been a lot worse for us. In other words, we were made to feel so belittled in that meeting.

Ms McGuckin: Archbishop Eamon Martin asked, "What did you expect us to do? What did you want us to do?". I had to reply, "Well, we didn't ask to be abused, whether sexually, physically, mentally or emotionally". He had his guard up, and I said to him that it seemed that he had been schooled. This was a new phase we were entering, and I told him that he had settled in very well, because he was of the same ilk as Cardinal Brady. He felt that they were the victims. What was the language that he used? He said, "It's as if we are under attack". The mind boggles. That is us coming from a supposedly Catholic background. We let him know that. He is waiting for the Government. The Government need to step in, Mike.

The Chairperson (Mr Nesbitt): I want to step in here, if you do not mind. Your opinions are very clear.

Mr McCourt: We realise he is not here to defend himself.

The Chairperson (Mr Nesbitt): The archbishop is not here, members, and, in fairness, we probably need to give him the opportunity to respond, possibly in writing. If he wants to come to the Committee —

Professor Lundy: Chairman, can I bring it back to the inquiry and to Sir Anthony Hart's statement almost a year ago? He clearly stated that he would recommend financial compensation. He did not

say "redress", which is a broader term; he said "financial compensation", and he said that survivors should be consulted. Our question is this: why has government not consulted survivors? That is one of our main concerns. It is almost a year since that statement was made, and that is the question that I and the panel want the answer to.

The Chairperson (Mr Nesbitt): You know that the Department is taking a view that it will take receipt of the report and consider it from there. Margaret suggested that you have not given up on an interim payment or the common payment tomorrow. You know that it will not come tomorrow, but, without putting words in your mouth, would the best thing for victims and survivors be that, on the day the report is handed over, that payment is made, and possibly the additional individualised payment follows at a later date?

Ms McGuckin: Could we get an agreement, maybe this week, that they would prepare that? That would be satisfactory.

The Chairperson (Mr Nesbitt): Is that your call?

Ms McGuckin: Yes, it is our call.

Mr McCourt: We are saying yes.

Ms McGuckin: How long will it be if they stall and wait? Will it be another couple of years? They need to do something and show some compassion, leadership and good faith as a Government, and maybe act on this today. They should get together and say, "This is the least we can do for a start for these people".

The Chairperson (Mr Nesbitt): We have concentrated on financial compensation, but obviously survivors have a basket of needs. I know that the Commission for Victims and Survivors, which is for Troubles-related victims, put a lot of effort into a needs assessment and had a league table of who needs what — mental health, physical assistance, financial assistance and education. Does this report, just to put it on the record, have a comprehensive assessment of needs?

Mr McCourt: There is not a comprehensive assessment of need, but what is in the report is some general views from victims on how this has impacted on them, such as on their mental faculty and their ability to cope socially. All that stuff is in there. This could be tabled and worked on. I hate to almost put a value on it because that is demeaning to us, but, in the modern world, that is the only way things can be resolved. Look at the numbers that we are talking about: 392 witnesses came forward to the inquiry. Either Margaret or I are in immediate contact with most of those, and we know their needs. We know what has to be addressed.

Ms McGuckin: It has to be specific.

Mr McCourt: There are housing needs, physical mobility needs and potential future risks to people. People need to have somebody who is prepared to step in and assist with that. The one thing they are clear about — and we are clear — is that victims do not wish to be re-traumatised by a second inquiry process that is almost like a board of investigation into the validity of their needs. These needs are real.

The Chairperson (Mr Nesbitt): Do you agree that cash or a cheque on its own is not necessarily in the best interests of some of the people you are talking about?

Mr McCourt: Mr Chairman, with respect, I think that we have had enough decisions taken out of our hands through our lives not to be trusted, at least. If the Government want to assist with this, they can assist by having financial advisers help people through that process, but I think taking that decision out of people's hands demeans them and demeans the process. This was not about demeaning or making victims feel small, incompetent or incapable. This was about empowering victims. That is what this process is about.

The Chairperson (Mr Nesbitt): But there are other ways to empower, and surely they are important parts of the mix.

Mr McCourt: They are for sure — looking after their other needs, yes.

Professor Lundy: The report sets out a package of measures which relate to the broader redress.

The Chairperson (Mr Nesbitt): That is what I am trying to get to.

Professor Lundy: It has set out quite clearly what the needs are. To go back to your point of whether we have carried out, in a sense, a scoping exercise on victims' needs, surely that is the Civil Service's job? This is part of our problem: officials have not consulted with survivors. We have no funding. We do not get funding from any particular body. We do this on a voluntary basis. We have our day jobs, and we fit this in. It is back again to the lack of action to meet and consult with survivors and document their needs. That is the problem. That has not happened.

The Chairperson (Mr Nesbitt): The needs assessment for Troubles-related victims was carried out by the commission, sponsored by the Executive and by victims' groups, well funded by —

Professor Lundy: If we were funded, I assure you that we would carry out that needs assessment.

The Chairperson (Mr Nesbitt): There is a big difference. I will bring Seán in after Patrick.

Mr Corrigan: Our recommendations for how to move from here — we wish we were not at this point right now — to January 2017 and beyond is that the Executive Office should engage, without further delay, with the panel and all the victims and survivors' groups; set up a process through which we are involved as stakeholders in determining the way forward on a redress or compensation scheme; and talk, in parallel, to other stakeholders, including Churches, religious orders and other private organisations that ran homes effectively on behalf of the state. Then, collectively, a compensation scheme should be designed, and to enable victims and survivors' groups to participate in that properly, they must be funded and assisted. There has to be equality of arms, because we have no doubt that the Government have lawyers and advisers, and no doubt the Churches and religious orders have as well. The victims, by and large, do not.

Mr Lynch: First of all, I empathise with you. I met you a number of times, Margaret, when I was on the Justice Committee along with Raymond, and you said that Jennifer had met you. We have supported your needs and a redress programme along the way. We are new to this Committee — you are talking to a new Committee here — but I am still very much aware of the issues because I was on the Justice Committee. Some may argue that there will be no excuses after Judge Hart reports and that we should not pre-empt him. I do not talk for the Executive, even though I am a member of it. I am saying to you that we have said all along that there should be a panel and a redress programme, and that it should be survivor-driven, which it is. Really, I just want to say that I support you. As I said, some may argue that we should not pre-empt Judge Hart.

Ms McGuckin: He has already done that himself.

Mr Lynch: But there will be no excuses after the report, which is not too far away.

Mr Corrigan: The concern is that the issue of redress has been on the table from as far back as 2011, when some of us were involved in designing the sort of inquiry process that might be moved forward. It has been clear that this has been a delivery item for quite some years now. Our concern is that meanwhile, as Margaret pointed out, many victims are elderly, infirm, in poor health or no longer with us at all. If we have to wait until January 2017 and the Executive Office is essentially starting with a blank page, without having done the scoping or preparatory work or the outreach to stakeholders on all sides of the equation, then we are building in an inevitable further time lag before any scheme can actually be delivered. That is why we say that there is an urgency to it. We would have liked to have engaged with the Executive Office over the last nine months, but meanwhile there is no reason for further delay. We have put our cards on the table. We have done our homework. We have put out two reports. In a fortnight's time, we will put out another report, and all MLAs have been invited to the publication event. We are just pleading for a response so that we are not speaking into a vacuum.

Ms McGuckin: Seán, you said that you totally support a redress scheme. As joint Executive Office, can you commit yourself, with the DUP, to getting this up and running? You have agreed. Can you perhaps meet with your colleagues in the DUP to commit together, as joint Executive Office, to get this off the ground?

Mr Lynch: Well, we will bring back what has been said today. It will probably be watched. There is no doubt about it. Patrick, we will support what you said, and I particularly commend the work that you have been doing and which you understand best. Yes, we will bring that back, Margaret.

Mr Boylan: Thank you very much for your presentation. Like Seán, I am new to the Committee, and I am finding my feet. I just picked up something as I listened to the presentation, and maybe Patrick and Patricia can respond to this. Clearly there are other jurisdictions with models of compensation and other measures of the services that people need. Those models would be easily adaptable and would not take a long time to get through. Have there been any discussions with officials about bringing that forward?

Professor Lundy: No.

Mr Boylan: I do not see as a big issue in terms of a model being out there already.

Professor Lundy: We have presented our own proposals and our own model, which is based on international best practice. We have had no response from officials, and that is part of the problem for us. We have given a detailed account of the structures and the framework for compensation, so we have already done homework for government, yet we still have not had a response from officials.

Mr Corrigan: I suppose that we are conscious, as well, of governmental decision-making timetables. There is a Programme for Government being agreed at the moment, and, presumably, budget lines for the next four-plus years are being agreed. This, with a degree of detail, needs to be in there. Perhaps it is, but we have certainly had no engagement from the Executive Office about that to give us assurance that it is in there, that the thinking and the scoping have been done and that budget lines are being prepared to enable this to be delivered. There is little point in coming to the table with a blank sheet in mid-January if decisions have been taken a month before that around the Programme for Government and budgets.

Mr Boylan: I am just trying to find my way through it to ask questions. To be fair, Pat, the need is now. That is the reality. I have listened to all that you have said, and the need is now. I am not going to argue the point about the report or what is in it or outside of it. I think that some of the issues could have been addressed, because the need is now.

Mr McCourt: Cathal, in talking about a needs analysis, I think that a lot of this stuff will actually be based on the individual needs of victims and survivors. The material is there. All that you have to do is look at the transcripts from 159 days and 392 witnesses to see the psychological, mental, physical and financial impact that this has had on all of the people who came forward to that inquiry. One of the closing questions from the inquiry was, "How is this affecting you now?". We have been there. It is heartbreaking to listen to some of the testimony that people gave on the broken relationships, the lost friends, the deaths in families and the deaths of family members who were in care with them. All of the information is there if you want to figure out where the needs analysis should be measured from. I agree with you, Cathal: there is a need now to see this addressed.

The Chairperson (Mr Nesbitt): It adds up to lost opportunities: life opportunities, social opportunities, economic opportunities and educational opportunities. The whole nine yards; the full spectrum.

Mr McPhillips: Thanks to the panel. Like Cathal and like Seán, it is my first opportunity to listen to you, but I have seen and followed you for quite a number of years. In the month of June, we had the First Minister and deputy First Minister at the Committee, and I asked the question on that day regarding scoping exercises on redress. I got the answer that you have trotted out today in the sense that they were waiting —

Mr McCourt: Not predetermining the outcome.

Mr McPhillips: Yes. I do not believe that that is, in any shape or form, right. My predecessor on this Committee, Alex Attwood, our justice spokesman, has stated clearly that all parties should commit to supporting every effort to make sure that redress comes your way, and deservedly comes your way, ASAP. Cathal has already said that. I have nothing further to add to that except to say that we will continue to support your cause, and I hope that you realise a good result very soon.

The Chairperson (Mr Nesbitt): I have just a couple more questions, if I may. What about an apology?

Ms McGuckin: I remember asking that the first time we met the First Minister and deputy First Minister. Peter Robinson answered, quite correctly, "What use is an apology without action?" Those were his words at the time. That is foremost in our minds; that is very important. We want that to take place. As to what shape or place it should be, I think that it should also be from the seat of Government and the Church. I suppose that that is up to officials, but that is something that we very much want and that is important to our people. Some people might say, "Sure, anyone can say sorry." Yes, but that apology, with action, is very important to us.

Getting something ready for us would mean a lot. That would show that people are meaningful in saying sorry to do something for survivors. So many times we have been rejected all over again and have been ignored, shunned and thrown to one side — that is what it was like — with these excuses. Have we not gone through all that all our lives? As you know from mental health practices, that follows us throughout our lives. That rejection follows us too. We are rejected all the time by our Government, who are supposed to be looking after us.

Mr McCourt: From wherever the apology comes — the First Minister and deputy First Minister or whoever accepts responsibility — it is an acceptance of responsibility for what happened previously. We got to a point at which we were apologised out. We had apologies from priests, bishops, archbishops, cardinals and the papal nuncio, and we had individual apologies from members of the Executive. It has to be delivered alongside something. It has to be meaningful and it has to be seen that they are serious about it. If you are going to apologise, how do we make it right? That is the important part.

The Chairperson (Mr Nesbitt): Yes. Is that not the point, Jon? An apology is an expression of regret and, on its own, that is not good enough.

Mr McCourt: That is right.

The Chairperson (Mr Nesbitt): What you need is an acknowledgement of the pain, the ongoing hurt and the consequences that are now intergenerational —

Ms McGuckin: Yes.

Mr McCourt: Yes. Without a doubt.

The Chairperson (Mr Nesbitt): — for people who were not actually physically or mentally abused themselves.

Ms McGuckin: We know that.

The Chairperson (Mr Nesbitt): There is one other point in your report. You talk about accepting liability for student-on-student sexual or physical assaults, on or off the school premises, whether or not there was actual knowledge of the assaults by the school authorities.

Mr McCourt: Sorry, I want to jump in to explain the student-on-student thing. That actually came from an international report, so the language may appear confusing. What we are we talking about is resident-on-resident abuse, which ends up being the ultimate responsibility of the organisation that was responsible for that residential care facility. If it had a lack of monitoring, reporting, supervision and, shall we say, screening or vetting of its staff to enable them to undertake the task of ensuring that there was a possibility of reporting resident-on-resident abuse, then that is a failing on behalf of the institution. It falls right into its responsibility.

The Chairperson (Mr Nesbitt): I appreciate the clarification on that.

Finally, you know that the legacy Committee had some reservations about the remit of the HIA inquiry because it was only for institutional abuse, and we know that there are victims of abuse who do not have recourse to Sir Anthony because the setting for that abuse was non-institutional. What is your latest thinking on that?

Mr McCourt: We totally support an inquiry into any form of abuse, organised or otherwise. A commitment was given that the Safeguarding Board of the former Department of Health, Social Services and Public Safety would investigate clerical abuse. There was also a commitment that the Department of Health would be looking into the history of abuse or whatever in the mother-and-baby homes. One of those was to report in six months, and I want to hand that over to Patrick because maybe he has more detail on that than I have.

Mr Corrigan: I wish I had an awful lot more detail, but I do not. After we met with you back in March, we got a response from OFMDFM to our correspondence on this point. It advised us that in February a decision was taken by the Executive to establish an interdepartmental group under the Department of Health to look at the sort of Magdalene laundry mother-and-baby home victims of abuse aged 18 and over, who are excluded from the HIA inquiry. It was to report within six months. Obviously we are beyond that six-month timetable, and we are not aware of what work that group has done, what their timetable is for reporting or what engagement they have had with victims. Certainly, they have not been in touch with us. On clerical abuse, there was no timeline set but the Safeguarding Board was to review and make recommendations to the Executive. Again, we have had no contact from it, so we have no further information.

Mr Stalford: Thank you for coming and speaking to us. It is important that the Government not only are seen to act but do act on the issues that you have raised. I asked for information while the thing was going on. That is important, because I would not want an impression to come out of the meeting today that there has been no engagement with the Executive in terms of victims.

I have a list of dates here. On 5 July 2016, junior Ministers Ross and Fearon met Birth Mothers for Justice and their children. On 6 July 2015, junior Ministers McIlveen and McCann met Survivors North West. On 28 April 2015, the then First Minister met SAVIA. On 2 February 2015, junior Ministers Bell and McCann met SAVIA. On 20 January 2015, junior Ministers Bell and McCann met the Rosetta Trust. On 5 October 2014, junior Ministers Bell and McCann met groups, and on 2 October 2014.

I understand why frustration has been expressed. I understand that absolutely, but it is important that those meetings are put on the record in order to be fair. I am a newly elected Member; I was elected in May. There are elected Members who were involved in that process who are no longer here. It is important to put on the record that from OFMDFM, the predecessor of the Executive Office, there has been a level of engagement. It is obviously not the level that some people are happy with —

Professor Lundy: Absolutely not.

Mr Stalford: — but I would not want anyone to come away with the impression that there has been no engagement. That is important.

You used the expression that the Church was waiting for the Executive to jump first. Are you able to expound on that?

Mr McCourt: That was the impression that we got when we had the meeting with Archbishop Martin: that they were not doing anything. Again, it was almost like, "We can't be seen to be predetermining the outcome of the inquiry". After Sir Anthony Hart released his statement, the possibility existed at least for him to get in touch, even as a courtesy, with the Executive Office and say, "Look, can we get together and talk about whether we are going to move or not going to move?"

It was almost like nothing is going to happen, and nothing happens until Sir Anthony releases his report, which, again, pushes it way down the line for us. It also leaves particularly Catholic-run institutions in a position where they can pass the responsibility over to government. It is a fact that in the Republic of Ireland — it is unfair to talk about another jurisdiction — the congregations of religious in Ireland, solely and without any money from government at all, put together a redress programme that had €140 million in it. That is there and is operating. We are looking — and I hate to use the phrase again — for parity of esteem, certainly from the Catholic Church here in the North. We want them to make the same movement.

Ms McGuckin: They did agree — Tim Bartlett even sent me an email to say the same — that they would be in support of an interim payment scheme. At a previous meeting, Eamon Martin and Donal McKeown said that they would support that also, but that was for the Executive and them-uns to get together.

Mr Stalford: I think it is fundamental that you were handed over to institutions and people who abused you. They have to recognise their guilt in that regard — not only the state but also religious organisations. Ultimately, society has a moral duty to ensure that guilt is recognised and compensated. I have asked all that I want to ask and said all that I need to say, but I will certainly make sure that the sentiments that you have expressed will be fed back.

Professor Lundy: On a point of clarification, the point we are making is that the panel of experts were set up, and this is the vehicle that we are asking OFMDFM, the Executive and officials to engage with. The list that I read out of the meetings we had requested relates to the panel of experts. I know and understand that individual MLAs and others have met groups informally.

Mr Stalford: To be clear, the meetings I listed were those of junior Ministers or Ministers in the Executive Office, not just individual MLAs.

Professor Lundy: Yes, and my point is that we request that consultation is with the panel of experts that has been set up and is representative of all the survivor groups.

Mr McCourt: To clarify that, we have met former junior Ministers Jonathan Bell, Martina Anderson and Jennifer McCann. We have met them, and they came and met us in Derry.

Ms McGuckin: Regarding the setting up of the inquiry and stuff like that.

Mr McCourt: Those meetings have all been informative, and they have all been good for us. What we are talking about now is that, on this part of the process, there appears to have been a complete stop on the level of engagement that we previously had. That is recognising the engagement that previously happened.

The Chairperson (Mr Nesbitt): Christopher's intervention has been useful in putting the balance in. There has been engagement with groups; your frustration is engagement with your group or lack thereof.

Ms McGuckin: The inquiry has been over since early July, and we are now in a different stage and phase.

The Chairperson (Mr Nesbitt): I thank Patrick and Patricia and, with no disrespect, I thank the more important guests today, Margaret and Jon.

Mr McCourt: Thank you.

The Chairperson (Mr Nesbitt): I hope that the next time you are here, it is because it is all over and resolved.

Ms McGuckin: Wouldn't that be a nice Christmas present for us all?