



Northern Ireland
Assembly

Committee for The Executive Office

OFFICIAL REPORT (Hansard)

Historical Institutional Abuse Inquiry:
Panel of Experts on Redress

25 January 2017

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Mike Nesbitt (Chairperson)
Mr Danny Kennedy (Deputy Chairperson)
Mrs Pam Cameron
Mr Stewart Dickson
Mr William Irwin
Mr Phillip Logan
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 from the Panel of Experts on Redress Professor Patricia Lundy of Ulster University; Patrick Corrigan, Northern Ireland programme director of Amnesty International UK; Jon McCourt, of Survivors North West; and Margaret McGuckin, of Survivors and Victims of Institutional Abuse (SAVIA). A lot has happened since you were last with us. We were of a single mind that we wanted to get you here for the last meeting of the mandate and allow you to express yourself freely.

Professor Patricia Lundy (Panel of Experts on Redress): Thank you, Chairman. We are absolutely delighted to be here. It is a good opportunity for us to discuss with you our initial reflections on the report, in particular the redress recommendations. Thank you for the opportunity; we appreciate it. We have a briefing paper, but, after discussion, we believe that it is important that we discuss it with the wider survivor community. We will touch on some of those points today, but we will not submit the briefing paper until we are happy that we have consulted. Today is an important day for us to raise some of the key issues with you. I know that we have limited time, so I will cut short and hand over to Margaret first and then Jon. Margaret will give you an introduction to some of those initial thoughts on the findings of the inquiry report, and then Jon will introduce some of the key issues that we feel we want to bring to the Committee's attention. If you are happy with that, Chairman, we will move ahead.

The Chairperson (Mr Nesbitt): It is your session.

Ms Margaret McGuckin (Panel of Experts on Redress): We thank all of you for your help and support in this. We could not have wished for a better outcome. Unfortunately, the Executive are not working, and that is a big let-down. We are just hoping that, after the debate when all of you supported us, as soon as the election is over you will get together and we will be the number one

priority on the list. Arlene assured us of her commitment as well, as did the former deputy First Minister, Martin McGuinness. We hope that you will stand over that. The other evening, Edwin said that he was committed — that was lovely to hear — along with all the other parties. Sinn Féin said that setting something up would be a priority. Máirtín Ó Muilleoir said that, yes, the budgets were not the best at the moment, but, given goodwill and good faith, you could work together to get something grounded even within the last six weeks, if that is possible and if you are committed to genuinely doing something for survivors. You know how infirm and elderly they are. Something has to be done, especially after the debate the other evening.

We have had nearly everything that we could wish for. Sir Anthony Hart has done us proud. We salute him for the work that he has done. We could not have got a better judge. We look across the water and see inquiries falling part everywhere. We thank you for doing that and having the best for us, which was needed. As we always say, there is no division with us: we represent cross-party groups, unionists and nationalists. We are just one body, one family who went through this horrible abuse.

We have not really got into the volumes of all this, but a lot of the findings and recommendations are the same as those in the report launched by the expert panel and drawn up by Patricia Lundy, Patrick Corrigan and others. We are very grateful for that, but we are a little concerned about a few issues. This is why we need close consultation and negotiation with officials in particular. We have not been contacted by any officials yet, and we need to have close contact with them to work away behind the scenes. Over the years, we have asked for them to let us know about what they have been scoping out and whether they have the Church on board. We know that they are all on standby. We have heard all their apologies. We need to hit them all when the iron is hot. You know that I say it as it is. Bishop Treanor spoke the other day. He was the last to come out, and he is the bishop of Down and Connor. They are all on standby. We want to know if anybody has consulted them and whether they have been brought in. It is important that you all keep a close eye on this and bring them to book while they are stating that publicly. As I said on a radio interview the other day, it is all right for them to apologise now when they were made to because of the report. I will say that for everybody. That apology is fine, but we need to see the action. Could you make sure, as a Committee, to bring them to book on that? The officials need to be talking to us now. This is what we have waited for. There is no more pre-empting. Let us get down to business and get this all resolved.

Professor Lundy: Jon, do you want to outline some of the key points?

Mr Jon McCourt (Panel of Experts on Redress): Yes, thanks. As Margaret said, the panel of experts broadly endorses the report and its recommendations. The report comes in two parts. The first part is the findings, and I think that it went beyond what we expected of the inquiry. Sir Anthony Hart and the panel went beyond what we expected. We expected some niggling doubts and some doubts around some of the evidence and some of the stuff coming forward. I think that he took everything apart and, on the balance of the evidence that he got, when you read the report — trust me, I have had a very good go at it already — you see "systemic failure", "systemic failure", "systemic failure", "systemic failure" all the way through it. That then takes us into the recommendations. How do we address, first of all, the systemic failures and, initially, ensure that they never happen again? Fortunately, the world has moved on, and society has moved on. Children in block institutions does not happen any more, but that does not mean that there are not recommendations in here that can protect children, not just in this country but further afield. There are lessons to be learned, and the world owes Anthony Hart a great debt for that.

What do the recommendations mean to us? First of all, unless the recommendations are endorsed, they are worthless. They are words on paper. I refuse to believe that, after bringing us this far, Sir Anthony Hart, the Executive and the Assembly will have any doubts about endorsing the recommendations. My difficulty with it is that, at this point, we are not clear what the role of the Executive and the Assembly will be when it comes to endorsing the recommendations. Will they be endorsed "as is" when they come down, or will there be a debate and a discussion? Will there be a panel that can interpret or reinterpret some of the recommendations? Some of them seem fairly harsh by comparison to a justice system that treated people with equality and dignity. That is not taking away from what Sir Anthony Hart is trying to achieve in this.

I want to get on to something. It may be early because there has not been the formation of a redress panel and there has not been consultation on the terms of reference for a redress panel. I sincerely hope that victims and survivors are closely involved in any discussion on drawing together the terms of reference for a redress panel. I will jump to some of the issues, particularly the band structure that Sir Anthony Hart talked about. He put out two limits: one was £7,500, and the other went up to £80,000.

In reading the report, I did not see that it went from zero to £7,500. Is there an in-between figure? I have looked for it. Also, at what point does it go beyond £7,500, which Sir Anthony states would be for people who suffered minor abuse and stuff in that category? I believe that, when Sir Anthony Hart talks about systemic failure in every one of these institutions, he has already said that it is beyond the point of minor abuse. Those are just some of the points that have jumped out at us.

On the standard payment, Sir Anthony has said that it would be a standard payment across the board, so there is not an equity. There is not a balance between someone who spent four months in an institution, which actually was the case that Sir Anthony cited, and someone who spent 16 years maybe in one institution or, in other cases, in many institutions. Out of that also came a statement that, I think, incensed particularly some of the victims and survivors who had already been to court and had a court settlement because the institutions decided not to invoke, for want of a better word, the statute of limitations. Their lawyers decided not to do that, and it allowed a judge to proceed with the case. Anybody who got a settlement in that way may well find themselves a lot worse off under that settlement than under Sir Anthony's recommendations. He made a statement, and the expression that is bandied about is that there would be "no double-dipping"; in other words, you cannot get from one and from the other. He also said that there would be no top-up of the award: if a court's award was lower than that from a redress system, it could not be topped up. You got it, signed off on it and accepted it. That is it.

Consider the fact that the majority of people who came in front of the acknowledgement forum and the inquiry at Banbridge were not at any point legally represented. We made it clear that this was not going to be a gravy train for lawyers and we were not going to fill rooms with lawyers and cost the taxpayer millions of pounds. We were prepared for our truth to be heard from us. A lot of weight should be given to the fact that we did not load the inquiry with lawyers and representatives working on our behalf. That should be reflected when it comes to balancing out how the redress process would work.

As I said, there are issues in it. These are issues that have to be talked out and discussed in the drawing of the terms of reference. We are prepared to wait our turn to do that in the discussions as the terms of reference are framed.

You have to remember the previous terms of reference for the inquiry. We were consulted. There were some points in the terms of reference. Mr Chairman, you raised the issue of the time frame — 1945 — and having it moved back. We had also raised that, and it was taken on board. We raised the issue, and you took it on. That is what we are talking about. Let us have flexibility in the terms of reference this time. We certainly were not happy with the fact that — forgive me, members — the power of deciding redress, whether financial or otherwise, would be handed to the Executive. We would have preferred that the chairman and the panel at the historical institutional abuse (HIA) inquiry be responsible for that. That is where we are.

At this point, I have said what I need to say. I could say much more, but I want to leave an opportunity for Patrick, Patricia and you to come back.

Professor Lundy: I will come in with some of the other key points that we have discussed. Please bear in mind that, at this point, we have not had the opportunity to speak to the wider survivor community.

There is an issue around decisions being made on the basis of a paperwork submission. That is great for some survivors as they will not have to give evidence. It particularly suits people from the 22 institutions who gave evidence to the inquiry. However, it is raising some concerns in the survivor community because of the other 43 institutions that were not investigated and the problems around accessing records, records that are flawed, half-full files and so on — you know the arguments. We suggest that there should be a choice for survivors to give oral evidence. It would just be choice and a voluntary act. That is one thing that is important.

Another is the 75% that is awarded to the families of deceased survivors. We have wondered why it is 75% and not 100%. I was particularly interested in this 75%, as it seemed to be an arbitrary amount plucked from the air. I had a look at the survey that the inquiry conducted. Amazingly, only 3% of those surveyed ticked the box for 75% to be given to the families of survivors, while 52% ticked the box that they should have 100%. I wonder what was the basis for that decision on 75%. We ask people to reflect on that. It is important. Some of these individuals rely on social security benefits, and that is quite a lot of money when you think about it. That is another issue for us.

We are also concerned that loss of income and opportunity is not included in the issues that you can be compensated for. We suggest that that needs to be included. It is a huge issue. In our conversations, in the five workshops that we held and in all the interviews that I have carried out, loss of opportunity and income was huge for survivors. That is left out of what can be claimed for. We ask people to please consider this and to go back to our initial report, 'What Survivors Want From Redress'. Jon has already discussed the top-up issue, which is a huge issue for survivors. I have interviewed some individuals, and, truthfully, it had a massive impact on me. I spoke with one individual, Conor Ryan, the day that he came out of the court. I was so upset that he was given a very low amount of compensation: I think that it was £10,000.

Mr McCourt: It was an out-of-court settlement.

Professor Lundy: Yes. It would be an injustice if that is not addressed. I ask you to consider that. We will hopefully have that opportunity. I would say that this is the start of a discussion. Those are some of the issues that we have reflected on in the first instance. We are in agreement that these issues should be raised today just to alert everyone to our concerns.

Ms McGuckin: On the point about solicitors, we did not want solicitors involved because of what happened in the South. Because of the length of time, our people did not know what to do. In the terms of reference of the inquiry, it says that they were not mindful of compensation. I know that a lot of solicitors were saying to people, "You are not going to get any compensation". I will not name them just yet, but I will call them out on it. That is why many of our people were going with the solicitors and accepting £10,000. They may have been in there a lifetime until they were 16 or 18, and they were getting £10,000 or £15,000 at the most. That was from these solicitors. I know that these are Hart's recommendations and it is now over to the Executive. Is there wriggle room in the report for those amounts to be topped up? We will leave that with you. It is a fact that many of them got just £10,000.

Mr McCourt: I want to make it clear that service provision is also very important. There are a lot of mental health issues. Sir Anthony Hart has listed them here: employment problems, addiction problems and all of that. That is all part of the redress package.

I want to come back on the figure that has just been put out there. Sir Anthony Hart mentioned the McKee case, and you may remember that that McKee case was rejected in the court. Mr Justice Colton went through how, if the case had proceeded through the court, it would have worked out, and he outlined the award that would have been given. The person whom we have just mentioned, Conor, never had the opportunity to go into court and have the judge say, "Look, I can't hear your case because you're time-barred, but, because you're time-barred, I will brief you on what it would work out to be". Because in that case the solicitor had said that there was no point going in the door of the court because the case would be thrown out, a man in his 70s with heart problems and cancer who wanted to get out of this quickly and go home to his wife whom he had left in hospital in London before he came here to meet at the High Court stood on the steps of the courthouse and accepted a nominal figure. If he had gone into the court and somebody like Mr Justice Colton had given that review, Conor would be entitled because his case was time-barred.

Ms McGuckin: They did not accept liability, and all the payments were made under the table. They took advantage of vulnerable people.

The Chairperson (Mr Nesbitt): We have to call those out-of-court settlements, Margaret, to be technically accurate, but your sentiment stands, and I understand how you feel.

Mr Patrick Corrigan (Panel of Experts on Redress): On a final point to conclude this, it really is about taking this forward. We have the findings and the recommendations, and we have some questions to ask about how they may be implemented and to what degree they may be interpreted in line with what victims and survivors want. The core point is about the process for moving ahead, and it is about participation of victims and survivors in the decisions that government will now take in implementing the recommendations. We would like to see victims and survivors closely consulted on the design of the redress scheme; on decision-making around the giving of apologies; on the agreement of the design, wording and placing of a memorial; on the appointment of a commissioner for victims and survivors; and on the delivery of future services.

We are aware that today is the last day of this institution, at least for a while, that there is some period of political uncertainty ahead and that there are no ministerial decision makers in place for we do not quite know how long ahead. As we have welcomed the participation and interest of the Committee,

we would welcome what support you can give in asking the Department to meanwhile task officials to work closely with the expert panel on redress, particularly on redress issues, and with victims and survivors groups more broadly on designing implementation schemes. It may require the appointment of Ministers at a future date to hit the "Go" button, but that does not mean that an awful lot of advance work cannot be done meanwhile.

I will mention one other issue that is outside the ambit of redress specifically, but it is relevant and we have discussed it in the Committee before: the groups of abuse victims who fall outside the remit of the HIA inquiry; the child clerical abuse victims to whom the abuse did not happen in a residential institution; and the women over age 18 in so-called mother-and-baby homes. We have seen great patience from those victims, who have been asked to wait until Sir Anthony delivered his report. That has now happened, and they are knocking on my door and the doors of the other groups here and are asking, "What about us now?". That is a question to which the Department and the Committee should now return.

The Chairperson (Mr Nesbitt): Thank you all very much. The Committee has been trying its best to think about whether there is a workaround. Today, we were told by the head of the Civil Service what we expected to hear, which is that there is no legal mechanism to extract Sir Anthony's report from the Executive Office and pass it to, as we had suggested, the Department for Communities or the Department of Justice to be progressed. He cannot do that. He has made it clear that, because it is cross-cutting and because it is significant, it has to be discussed and agreed by the Executive, and there will not be one for a time. To complete that, I want to ask my first question. We had a little discussion before you came in. Without in any way trying to predict the result of the election or assume that any of us around the table will have a mandate to come back, in that context, would it be helpful if, on the far side of the election, we were to encourage the formation of an Executive, for whatever time it took, to discuss the single agenda item of instructing the head of the Civil Service to progress the recommendations of the report in full? From what you say, you have some difficulties about double-dipping and top-ups. Would that help?

Mr McCourt: If it would help us to raise our concerns. They may seem like major concerns, but they are not on the scale of what the report has covered. If it would be possible for authority to be given to a senior civil servant to move forward on this, we would be very happy with that. As you said, we do not know who may be returned, what a new Executive may be made of and what deal has to be done, but I want it to be clear that, in that case, we will certainly not be prepared to be almost the bat and ball that ensures that people who feel that there are other issues are brought together. It would suit us, but let us look at it in the broader context of all the asks that are on the table at the minute: then we would be happy to do it.

Ms McGuckin: Time is of the essence, Mike, so we would go with your suggestion. There are minor issues that we can get resolved. I am sure that, with the goodwill of Sir Anthony Hart —

The Chairperson (Mr Nesbitt): I am trying to strike a balance between offering false hope and seeing whether there is a workaround. I think that everybody around the table would go for a workaround, if we can find one. There is a solid argument that says that you are different. Your lives were badly impacted on by the state in the first place — that is the only reason why you are here — and, at the end of the whole process, for whatever reason, the state is once again frustrating you in receiving what is within reach. That is a different argument from some of the others that we have had. Sorry, Patrick did you want to say something?

Mr Corrigan: It has already been acknowledged that we appreciate the degree of cross-party support, which was reflected in the debate the other evening. Whatever about the disagreement on some of the other issues on the other side of the election, there does not seem to be any significant disagreement about how we move forward on this. I hope that, meanwhile — during the period of the election and beyond — the officials will work behind the scenes with the victims' representatives and, whatever way it can be done, that the political parties and a putative future Executive can prioritise the issue for implementation as quickly as possible. We are conscious that legislation might be required and other measures put in place to take it forward.

The Chairperson (Mr Nesbitt): Jon, I thought that you said some remarkable things about Sir Anthony Hart, given that it was the establishment and institutions that were responsible for the abuse, yet you praised a member of the establishment to the hilt. Is that not remarkable? Is it reflective of —
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Mr McCourt: It is. Anybody who was at the launch of the report at the Crowne Plaza will have heard the applause that he got as soon as he had finished, even though he was not taking questions. He was just getting up and leaving the room. That was the voice out there. As I said, the report comes in two parts, and our satisfaction comes in two parts as well. The report has findings and recommendations. Our satisfaction comes from, first, truth — that was last Friday — and now, justice.

The Chairperson (Mr Nesbitt): Last Friday, as Sir Anthony went through his findings and conclusions institution by institution he used the expressions "systemic abuse" or "systematic abuse" 41 times.

Ms McGuckin: Yes, we were believed. We did not think that he would say that all the time. We had doubted authority, and then he came out with all of that. I will just tell you that, on the SAVIA website, we have started calling him St Anthony. All the religious orders let us down, so he is our "St Anthony of the Sacred Hart". *[Laughter.]* I am talking like a nun — I even have the lilt.

Mr Stalford: I am a Presbyterian, Margaret. *[Laughter.]*

Ms McGuckin: I have heard that he goes to Dundela. I might go up and see him some time.

The Chairperson (Mr Nesbitt): I am about to fight an election. Is there any chance that you could get me a — *[Laughter.]*

Ms McGuckin: Yes, St Michael.

The Chairperson (Mr Nesbitt): On a serious matter, when you were last with us, you were extremely critical of a meeting that you had at a very senior level with the Catholic Church. I am hearing that it now seems to be sorted out, so let us put that on the record.

Ms McGuckin: Yes, it is sorted out now, but it was St Anthony of the Sacred Hart who had to call them out on it. That is the only reason why they came out of their denial mode, believed us and then properly apologised, but we will see how they act. I am sure that Christopher would not be a bit behind the door in calling them in. The Finance Minister is waiting for them — is that not right, Christopher?

Mr Stalford: That is right.

Professor Lundy: I just want to comment on your earlier question. It is possibly more important to survivors that it was a member of the establishment who put forward such a hard-hitting report. The point about the Church and the religious orders is, of course, key. When will discussions take place with those individuals? Surely, it has to happen now. It cannot wait until the Executive are up and running again. We have to get that in place now.

I also think that structures should be put in place to enable survivors and their representatives to talk about the issues that they want to talk about and some of the points that we have raised. It should not be just a phone call or an informal conversation; there needs to be a full-on structure put in place.

Ms McGuckin: Treat us with a little respect.

The Chairperson (Mr Nesbitt): Patricia, I fully understand why there has to be urgent action, and you have all made the point that we should start scoping it out. However, I do not think that any of us are clear about how you do that. On Friday, for example, there was a statement from the Executive Office about the publication of the report. We do not know who issued it or on what authority. The Ministers are not there. The junior Ministers are there, but our understanding is that they have no authority to do that. With dissolution coming in a few hours, I do not think that we will get answers.

Ms McGuckin: Yes, but they are still working behind the scenes, are they not?

The Chairperson (Mr Nesbitt): Officials are, but they always work through ministerial direction, and there is nobody giving them ministerial direction. It is just frustrating.

Ms McGuckin: Surely, someone will pull them up on that.

The Chairperson (Mr Nesbitt): If you write to the Department, officials cannot necessarily respond, because any response needs to be cleared by the Minister, and the Minister is gone. For your intents and purposes, the Executive Office is, effectively, closed.

Mr McCourt: I want to go back to the, shall we say, incident with Archbishop Eamon Martin. After it was mentioned here — it got some coverage — at the bishops' conference the following week, one of the things that he spoke about was the need to be sensitive not just in how we address people but in the language that we use to address people. Sometimes, it can be a matter of thinking. What you have to think about is that we are coming from a difficult place, and sometimes we hear a word that comes out in way that someone might not have intended, and we are sensitive about it.

We need to make sure as we move forward — this also depends on what structure is put in place and whether it is possible that a senior civil servant could look after this — that the organisation and contributions of victims and survivors' groups are effectively resourced to enable us to do what we need to do for the people who put their faith in us. We put our faith in you, they put their faith in us, and we need a meeting of minds. As we move forward, we also need to ensure that it is properly resourced to enable us to do that.

The Chairperson (Mr Nesbitt): Thank you very much. It is entirely coincidental that, after being warned about language and tone, the next member to speak is Christopher.

Mr Stalford: That is lovely, isn't it? *[Laughter.]* I sat beside a guy at the launch of the report — I referred to this in the House — and he told me about himself and his brother and how he was beaten every day. He was in the place on the Ravenhill Road — Nazareth Lodge. They beat him every day and put bars of soap in his and his brother's mouths. The guy was probably 10 or 15 years older than me, but, while he was talking, I could see that he was regressing into his memory. Those things happened to him 45 years ago, but he was clearly still carrying them with him and could not let them go. That is why it is a tragedy, and it is just wrong that we are now at the point where there is no Executive to action the report.

I have been on the Committee since I was elected to Stormont for the first time in May. We have dealt with some serious issues here, such as Brexit and all that stuff, but this is one of the most important and profound issues that has ever confronted me. My background was 11 years in City Hall, and I was used to dealing with potholes and bin collections. When you are confronted with suffering on this scale, it brings to you an awesome sense of responsibility that something has to be done about it.

I read your paper, in which someone said — this is an important point — that, when you start to get into the nitty-gritty of talking about money, there is always a risk that you insult people. Any redress scheme with payments needs to be handled extremely delicately. We all know that, in law, there is a sliding scale of compensation for industrial accidents and stuff like that, but we are dealing with a completely different thing here. It is important that we, as a Government — if there is a functioning Government — try to have a conversation about that that is delicately and sensitively handled.

Ms McGuckin: So that people are not dictated to.

Mr Stalford: Absolutely. I share your concern. If people were being given £6,000, £7,000 or £8,000, effectively not to make public what had happened to them in order to protect institutions, those people should be allowed to avail themselves of any redress scheme. That would be right and proper. I also said in the House — again, this is where the Government have to take on institutions — that Churches and religious orders are some of the wealthiest organisations in our society. They sit on vast reserves of land and property.

Ms McGuckin: Off the backs of their own people.

Mr Stalford: Precisely — from the offerings that people make and what have you. It would be reasonable to say that those institutions will be required to make a contribution to the redress scheme.

Ms McGuckin: Absolutely, and as soon as possible.

Mr Stalford: Yes. That is where I am on the issue of payment.

The other thing is that I do not want this to end up like *Jarndyce v Jarndyce* in 'Bleak House', where it goes on and on for years like a case in chancery court and never reaches a conclusion. We need to have a time-limited period for the implementation of the recommendations. As you say, there are people who are in danger of passing on before they are compensated, so we need to move swiftly to implement the recommendations.

I also wanted to raise the issue of the memorial that was suggested. All of these things have to be handled extremely delicately. I read in your paper that there were different ideas about what would constitute a memorial. Is a memorial a window, a statue or a waterwork, or is a memorial a fund to help vulnerable children? I am interested to hear what, from your perspective, would constitute a memorial.

Ms McGuckin: I and, I know, many others think that a piece of art in the grounds of Stormont would be nice — not an old grey statue of doom and gloom but something bright and heroic to epitomise the courage of survivors and victims and the work that they have done. It would be something that everybody passing by would ask about, and schoolchildren walking through the grounds would point to it and ask, "What's that?" and "Who did this?". They would hear about the children who grew up to be adults, many of whom are still children in mind, and spoke up for the thousands of others. It would have to be something bright.

Mr McCourt: As you said, we all have different views of what a memorial should be, but, within it, there should be some kind of reflective space for people. I think that the key thing — Sir Anthony Hart talked about it — is to remind legislators, no matter who comes up that drive to sit in this Building, that this is why you are here.

Mr Stalford: When I was tweeting from the event, a guy responded to me. He had been in Termonbacca and was insistent that these things had not happened. He said that he had had a good upbringing there and what have you, and I said, "I've no doubt that that may be the case, but these things did happen" — and I put asterisks around it.

Mr McCourt: Thank you very much.

Mr Stalford: Institutions rely on the faithful to continue the denial of reality. That cannot continue. It is important that we get the memorial right. You do not want something that is gauche and crass; you want something that is fitting and appropriate.

I want to raise a final issue. It is important that, before dissolution, the Committee makes it clear that we expect that officials will take this forward even in the absence of a functioning Executive. Chair, we discussed the idea of having an Executive formed to issue instruction on this issue even if, after the election, it is not possible to get an Executive up and functioning for an extended period. I am perfectly prepared to support that idea. I would absolutely support that because we have an absolute responsibility to ensure that people are not left hanging.

The Chairperson (Mr Nesbitt): The head of the Civil Service is making it clear that only a meeting of the Executive with agreement at that meeting can take this forward, but that is not to say that the Executive would need to exist for longer than five minutes. If there are other issues that will lead to prolonged negotiations, that could happen. All we are asking is, "Can you not form something?", and then we can say to the head of the Civil Service or whomever "Here are the actions that will at least start the process or parts of it", rather than leaving it and leaving you.

Mr Kennedy: Welcome, and thank you for not only your presentation today but the dedication to your cause. Wider society is grateful that you have done what you have done. Unfortunately, it has been very necessary. I am sure that it has been very painful and a hard slog for all involved, and society owes you a huge debt. We are all grateful to Sir Anthony and those who compiled the report and recommendations.

We have to focus now on how we can best quickly implement all of the recommendations. It seems to me that there is considerable work to be done — a range of things. Whilst, hopefully, an Executive will be reconstituted to give authority to that work or whatever authority is required, it seems to me that there are key recommendations for not only government but outside bodies, including Church authorities. Making sure that those people rise to meet those obligations and recommendations in a satisfactory way is, perhaps, more challenging than we might at first see. With due respect to all those bodies, some of them or some within them may feel that an apology is enough and attempt to escape

the financial implications. Have you given any thought to how that can be addressed and how that can be done if some of those institutions have to be dragged unwillingly to act? You have had to drag some of them thus far.

Ms McGuckin: More fool them if they turn away, because we have the support of everyone here and the media. It would be a shame on their congregations as well if they failed to comply. I believe that you are talking about the Church because of what happened in the South.

Mr Kennedy: Yes.

Ms McGuckin: Yes — let us just say it as it is. They have agreed, and there have been apologies all round. I have been noting them, so let us see. I have spoken on radio to Bishop Donal McKeown too. They can apologise now, but we need to see action. We will meet Bishop Treanor, who has said the same, as have Eamon Martin and the head of the Conference of Religious of Ireland (CORI). They have already said that they are on standby and are waiting to be called in, but this is where we need the Government: it is important that our Government call them to the table. We will do what we can, and we will not be short in calling them out and putting more shame on them. I can guarantee you that.

Professor Lundy: It is the role of the state to enter into negotiations and discussions with the Catholic Church and the religious orders. I do not believe that that burden should be put on the shoulders of survivors. The state should take the leadership role.

Mr Kennedy: It may require legal force through legislation to achieve that. Without that, there may be an issue.

What is your sense of the numbers involved? As in all these things, there will be individuals who, for a variety of reasons, did not come forward or were reluctant to do so. How complete is the register of victims and survivors?

Ms McGuckin: As we speak, Danny, more people are contacting us — a lot more. I am even in touch with people I grew up with as a seven- and eight-year-old. It is lovely to know that they are still alive, but many others have died. Of one family of five, only two are left, and they live in England or wherever. A lot more people are coming forward, as you said, Jon.

Mr McCourt: It is fair at the outset not to judge people on this. There was uncertainty, first, about whether the inquiry would take place and, then, about its effectiveness. There was a lot of mistrust of all the systems that went into place to put this together. People's personal circumstances were also a factor. As mentioned in the House by, I think, Chris Stalford, another Member and you, Mr Chairman, there were people who had not even told members of their family that they had been in an institution. The release of the report has created the opportunity for them to come forward. Sir Anthony, in his recommendations — from, I think, suggestions that we made — has made it clear that there will be a window of opportunity for those who have not yet come forward. Whatever system is put in place to deal with that should be compassionate, thoughtful and caring of all the needs of the people. Many are still very broken and still mistrusting of this system. They will want to have their experience shared and seek justice. There will be many reasons why people did not come forward. A lot of them were to do with shame, guilt and all those emotions and trying to keep a secret hidden because they did not want to embarrass not themselves but their family. We have to create a space where it is safe for people to do that and ensure that they are justified.

Mr Corrigan: Certainly, the experience south of the border, after the publication of the Ryan report, was that many more people came forward to tell of their experience, because they felt that the truth of their experience had been vindicated by the inquiry. It would be surprising if we did not see something similar happening here.

Your point, Mr Kennedy, is that, as well as the 22 homes, including the 20 where there was found to have been systemic abuse, there were 43 institutions that the inquiry did not investigate further. It is not suggested that there was no abuse of children in those homes, yet those children, now adults coming forward, are at something of a disadvantage because we have not had that depth of investigation into what went on in those homes. Yet they will need to somehow set forward and prove to some degree — on some balance of proof — what they had experienced to meet the terms for eligibility. There is a bunch of issues about how that gets taken forward.

The Chairperson (Mr Nesbitt): If you do not mind, Danny, I will come in. We now have a very uneven playing field. We have the report for those who were within the terms of reference. We have two scoping exercises with the Department of Health that, effectively, have yet to begin.

The Committee Clerk: From the most recent correspondence, yes.

The Chairperson (Mr Nesbitt): From the correspondence we have, they have not started yet. Then you have those who were clerically abused in a non-institutional setting. Heretofore, the Executive Office — OFMDFM as was — has given the response that someone abused in a non-institutional setting can go to the police or social services. Now that the report is out with recommendations for redress, it cannot be acceptable to say, "You two suffered the same abuse by the same person, but, because of where it happened, you will get and you will not". You cannot even start to talk about equality in those circumstances. There is a lot more that we will have to do. Danny, sorry.

Mr Kennedy: I have one final point, which is the issue of the apology and the day of healing. Sir Anthony, I think, recommended that on a set day —

Ms McGuckin: A single day.

Mr Kennedy: Do you have any thoughts on that yet, or is that connected to —

Ms McGuckin: Is it the institutions, the Churches, everyone from here together? Would it be here in the seat of government? Is that what we hope for?

Mr McCourt: It is what we would hope for. Again, I have to be very clear: this is not about the politics of it. The investigation was pushed back from 1945 to the foundation of the state. If that is the case, then, given all the institutions that were involved — government, charities and Churches — the right place to do it is here in this Building and on these grounds. I would like to think that this facility would be able to accommodate the physical presence of the number of victims and survivors that would come forward and look after their needs on that day. It is a big task, but there is no reason why a representative from a Church or charity could not make their way here to be part of some acknowledgement and apology, which would mean a lot to a lot of people.

Ms McGuckin: And the unveiling of whatever it will be —

The Chairperson (Mr Nesbitt): A memorial.

Ms McGuckin: An art piece or whatever it is on the same day, for the world to see.

The Chairperson (Mr Nesbitt): Jon, I have made clear, not as Committee Chair but as a party leader, where I stand on what happened in those early decades.

Professor Lundy: Sorry for interrupting you, Chairman. That is the point that I was going to make: it is absolutely crucial that it is very senior individuals who make the apologies. It cannot be just some low-level individual; it has to be the most senior people to demonstrate the sincerity and depth of the concern.

The Chairperson (Mr Nesbitt): I was going to do it, but we will see what we can do.

Mr McCourt: We will have Charlie Brown in, if that is OK — the papal nuncio.

Mr Irwin: I commend you for the fight and the determination to deliver and get redress for those who have suffered so horrendously. As the Chairman said, all victims need to be treated equally in the matter of redress and compensation. It is probably a difficult enough issue. I am not so sure that the Church will want to be dragged through the courts, with the embarrassment of all that, before it agrees to compensation. I could be wrong, but I would have thought that it would be a very embarrassing situation for it. I hope that some agreement can be made without bringing everyone to that situation. We all have sympathy with your situation. I think that we all have children and grandchildren of our own; just the very thought of something like that sends shivers up your back. We certainly have every sympathy. We will do all we can. Unfortunately, we are in a position where there are changes as far

as this place is concerned, but, hopefully, after 2 March, as has been said, things can be pushed forward and we can give some guidance and leadership at that stage.

Mr Dickson: Thank you all for coming today. My predecessor on the Committee, Chris Lyttle, took a deep interest in this, and it is one that I want to carry on on behalf of the Alliance Party. I recognise the incredible way in which you have handled all these issues over a very long time. You have the admiration and support of many people across the community in respect of these matters. From a personal point of view, after reading the report, I realised that I went to school as a day pupil with some young people who may have been in one of the children's homes. The thought that some of the young people whom I may have been sitting beside might have been abused or mistreated in some way fills me with horror. I was speaking to a woman who had been at school with me as well; we both talked, having come from homes in which parents looked after us, about how shocking it was to think that young people coming from that home into our day school may have been so appallingly treated. Thank you very much for all the work that you have done. You have our absolute support.

The Chairperson (Mr Nesbitt): That brings towards a conclusion, but it is your session, so, by all means, say whatever you wish to say in conclusion.

Mr Corrigan: There are a couple of points in conclusion from me. When Sir Anthony set out the findings and recommendations on Friday, he indicated that he hoped that, by the end of 2017, everything would be in place, to the point where the redress board would be handing out the first of the compensation payments and that, obviously, the other recommendations would be in train as well. Notwithstanding the dissolution today and the election and the period of uncertainty to follow, we would welcome some workaround, as you put it, to stick as closely as possible to that timetable and avoid at all costs the opposite of that: an indeterminate end to the process and no decisions. That would be a disaster for people, as has been touched on today.

In terms of the contribution of the private institutions that ran some of the homes, it has always been our position that it was the responsibility of the state to establish and finance a compensation scheme. Sir Anthony said that too. However, we have also said from the start that there is a moral responsibility on those who ran the homes privately to make a proportionate contribution to that fund. I think that that was one of our points of disagreement at the meeting in Armagh some months ago; it did not seem that they had done the thinking around that. We would like to see the various institutions brought into negotiations. It will be in the interests of the Finance Minister and the whole Executive to ensure that that is the case.

Finally, I will pick up on the issue that was touched on earlier: the victims who fell outside the remit and the scoping exercises that were handed over to the Department of Health to conduct. I am somewhat taken aback that, apparently, those scoping exercises have not even commenced. One of them had a six-month period in which to take place, and one of them did not have an end date as such. If the one with the six-month timescale had been under way, it would have concluded at this stage, and the other one would be well advanced. I would be concerned if neither had got off the ground, given that victims in those categories have been told that delivery of the report day was the day on which people would start to look at their situation.

The Chairperson (Mr Nesbitt): The Clerk will keep you right here on exactly what is going on. I was as taken aback as you were.

The Committee Clerk: Some work was undertaken in the Department of Health, but it was determined that the best way to move it forward was with TEO and the Department of Health working together. The process at the moment is that a group will be established and research commissioned. The most recent correspondence from the Department of Health to the Committee was that they expected that to happen in the early part of 2017. Some work was undertaken but possibly not to complete the scoping exercise.

The Chairperson (Mr Nesbitt): I think that we are on the same page in being surprised that we are not as far forward as might have been reasonably expected. You have been vindicated, but you have not had redress. You are only halfway there.

Ms McGuckin: We do not want to wait until the end of 2017. We hope that it will be as soon as possible in March or April.

The Chairperson (Mr Nesbitt): Thank you very much, Patrick and Patricia and, particularly, Jon and Margaret, once again. I know that sometimes we almost glibly say that you are members of a vulnerable community, which is to ignore the blindingly obvious that you are very strong and very determined.

Ms McGuckin: For others.

The Chairperson (Mr Nesbitt): For others. Thank you very much.