



Northern Ireland
Assembly

Committee for the Office of the First Minister
and deputy First Minister

OFFICIAL REPORT (Hansard)

Inquiry into Historical Institutional Abuse Bill:
Inquiry Panel Briefing

4 July 2012

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Members present for all or part of the proceedings:

Mr Mike Nesbitt (Chairperson)
Mr Chris Lyttle (Deputy Chairperson)
Mr Thomas Buchanan
Mr William Humphrey
Mr Danny Kinahan
Mr George Robinson

Witnesses:

Mr Andrew Browne	Historical Institutional Abuse Inquiry Panel
Mrs Norah Gibbons	Historical Institutional Abuse Inquiry Panel
Sir Anthony Hart	Historical Institutional Abuse Inquiry Panel

The Chairperson: You are all very welcome. Thank you very much for your time. Sir Anthony, would you like to make an opening set of remarks and then field our questions? If that is acceptable, the floor is yours.

Sir Anthony Hart (Historical Institutional Abuse Inquiry Panel): Yes, indeed. Chairman and Committee members, I am grateful to the Committee for giving me this opportunity to explain publicly how I see the inquiry into historical institutional abuse in Northern Ireland between 1945 and 1995 going about its work at this early stage.

First, I want to say that I consider it a privilege to have been asked to conduct this important inquiry. As its terms of reference make clear, the remit of the inquiry is to examine whether there were systemic failings by institutions or the state in their duties towards children in their care between 1945 and 1995. Although funded by the Northern Ireland Executive, the inquiry is an independent body. The matters within its remit will be thoroughly and rigorously investigated, without fear or favour, by me and by those who will be appointed to assist the inquiry in various capacities, whether as panel members or staff.

For the purpose of the inquiry, the terms of reference define a "child" as someone who was under the age of 18 and an "institution" as any body, society or organisation with responsibility for the care, health or welfare of children in Northern Ireland, other than in school but including a training school or borstal, which provided residential accommodation, and took decisions about and made provision, for the day-to-day care of children during the relevant period between 1945 and 1995.

The inquiry will have to investigate matters of the utmost sensitivity and importance for all who experienced life as children in those institutions, some of whom may wish to describe their experiences going back more than 60 years. Perhaps the greatest single challenge for the inquiry at this stage is to try to ascertain how many institutions will fall within our remit and how many children went through those institutions in the 50 years from 1945 to 1995. There is no central database to which we can turn that will answer either of those questions. So, it will be necessary to try to identify those institutions, and it is clear that that will not be an easy task.

The initial work that has been done suggests that there were over 100 separate locations that provided such residential care at different times. So far, we have identified 97 homes, hostels, adolescent units, respite units, orphanages or nurseries; 13 industrial schools, training schools, young offenders' centres or borstals; at least 14 schools or homes for people with disabilities; and at least 13 hospital units for children with mental illness or learning difficulties. There were also a number of workhouses and their infirmaries in operation for a period after 1945. On further investigation, it may be that some of those fall outside our remit, but I hope that that conveys something of the potential scale of our task.

We do not know how many children went through those institutions. Various estimates have been given as to how many children may have been in such institutions during the 50 years covered by the inquiry's remit, but until people come forward to contact us and we can obtain more information from the records of those institutions, the estimates are only that: estimates.

The inquiry will therefore have to consider what did or did not happen to many children, perhaps thousands, in a large number of institutions over many years. That will be a complex and demanding task, particularly given the time frame set by the terms of reference for the completion of the report, and it will involve a great deal of time and effort because of the number of institutions, the number of children and the 50-year span of the inquiry.

I have no doubt that many of those affected by the decision to set up this inquiry, some of whom may be well on in years, are very anxious that it should start its work as soon as possible. Through the Committee, I would like to assure them in particular, and the public in general, that I am fully aware of such concerns, as are those who are working with me.

A good deal of detailed preparatory work has already been carried out by the inquiry in recent weeks to plan and set up the necessary procedures to enable it to carry out its task. Some further time will inevitably pass before the inquiry is able to put in place the necessary staff, premises and computer systems that are essential to allow it to carry out its work efficiently and speedily once the necessary legislation has been passed by the Assembly.

Andrew Browne, who is with me today, is the secretary to the inquiry and has been working extremely hard since his appointment on those matters. We do not yet have permanent premises, but much work has been done on the design of the necessary computer system that we will have to have in place to record and handle data before we can invite members of the public to contact us.

Although the inquiry will require the legislation that your Committee is scrutinising to be in place to fully carry out its work, I emphasise that everything possible will be done in advance of the legislation being passed so that the inquiry is ready to move to the next stage as soon as the legislation is brought into force.

As the terms of reference make clear, an equally important part of the inquiry is the acknowledgement forum. It has a separate team of very experienced panel members and will provide an opportunity for victims and survivors to recount their experiences on a confidential basis. I should like to take this opportunity to place on record the very valuable contribution the panel's members have made to our work so far. I have found it immensely helpful to have the benefit of their experience of similar work elsewhere. I am accompanied today by Mrs Norah Gibbons, who is a member of the acknowledgement forum panel and has performed a similar role with the Ryan commission.

It is intended that the forum will start its work as soon as the necessary staff and procedures are in place. Although it is not yet possible to give a precise date by which the forum will start to hear from those who wish to speak to it, I hope that it will be possible to have the forum operational well before the end of this year. The inquiry will make every effort to have facilities in place as soon as possible, including a website, to allow anyone who wishes to contact the inquiry or the forum to do so on a confidential basis.

We are here to answer as best we can any questions that you wish to put to us either about the legislation you are considering or about how we intend to go about our work. We will do our very best, if we can, to answer any questions you may choose to put to us. I hope you will understand if I invite either of my colleagues to respond if I do not feel able to answer the question.

The Chairperson: Absolutely. Thank you very much. Perhaps I could begin quite mundanely by asking whether you will put on record how you came to become the chair or presiding member of this panel, and, indeed, whether you might like us to, as the legislation comes forward, find a less inelegant title than "presiding member"?

Sir Anthony Hart: It seems to me a rather awkward term. I am not entirely clear as to who thought of it; I certainly did not. I would be quite happy to be described as chairman.

I was approached and asked whether I would be interested, and I realised the importance of the work that the inquiry was going to deal with. I had discussions with representatives of the Office of the First Minister and Deputy First Minister (OFMDFM) and we talked through what would be involved and so on.

The Chairperson: I assume that those discussions would have taken you into the terms of reference. You will be aware that there is some disquiet, questioning or uncertainty as to why the terms of reference are outwith the proposed legislation. What was your input and what is your opinion of how this is being done?

Sir Anthony Hart: As is customary, as the prospective chairman, I was asked for my opinion about the terms of reference and their content. I did not see it as my function either then or now to rewrite the terms of reference in the sense of saying that this should be included or that should be included where those matters would involve policy. That was for those setting up the inquiry, but I did offer some comments on drafting aspects of it, which were accepted. I am not entirely clear in my own mind why, unless it is simply because of their length and complexity, the terms of reference do not appear in the legislation that you are being asked to consider, but for my part, I do not see that as a difficulty when it comes to doing our work.

The Chairperson: Would you have an objection if the terms of reference were included?

Sir Anthony Hart: None. The only difficulty is that if at some stage in the future, it becomes apparent that there may have to be a change in the terms of reference, well then that means it has to come back to the Assembly for legislation. That is ultimately not a matter for me, it is a matter for the Assembly and for Government.

The Chairperson: I am sure that we could build in that flexibility, which I think does exist in the proposed Bill whereby the First and deputy First Ministers could change the terms of reference. Do you think as your inquiry progresses that it is possible that your experience will direct you to think that these terms of reference are perhaps a little narrow or that there is an element that is emerging that has not been covered?

Sir Anthony Hart: Well, I think one has to recognise that that is always possible, but this process, as the Committee will know, is one that I came to relatively late: very late, in fact, in terms of its gestation. I seem to recall that, as you will find in your Assembly briefing document, the first time it came before the Assembly was in 2009. So, clearly those concerned have been exercised and diligent in their discussion of all of these issues. I think that it is unlikely, but one can never rule out, that there may some need to amend the terms of reference. However, they are drawn in a particular way, no doubt deliberately. Of course, any significant change in the terms of reference might well have very significant implications for the scope of the work of the inquiry, the resources necessary and the timetable.

The Chairperson: The scope, in terms of the timescale, begins in 1945. Are you content with that? Presumably there will be a number who are excluded.

Sir Anthony Hart: One would have thought it is relatively unlikely that there would be many in that category. The explanation given to me, and which I see as entirely logical, is that, with the end of the Second World War and the arrival of the welfare state, a new direction was embarked upon. Although it took a number of years for that to be translated into legislation and structures in Northern Ireland, the

start of the welfare state is generally taken as being 1945, thus a suitable place to start the inquiry. I think that one has to have some form of time boundaries set, and the starting date seemed to me to be entirely appropriate. Of course, a provision has been built into the terms of reference that will allow the acknowledgement forum members to hear the testimony of those who may wish to recount what happened to them before 1945; in that sense, they are not completely excluded.

The Chairperson: But if you were one of the albeit, I could agree with you, few whose abuse finished before 1945, how would you feel if you were not being offered the full facilities of the inquiry simply because this date was fixed? I understand your saying that you have to have parameters, but why could it not be that if you are still alive, you qualify?

Sir Anthony Hart: If you are still alive, the acknowledgement forum will have the opportunity to listen to what you have to say, and it will ultimately report to me as chairman of the committee. The experience of those who testify to the acknowledgement forum will not be lost or ignored; it will be transmitted to the statutory inquiry, so —

The Chairperson: Sorry, but it will be treated slightly differently.

Sir Anthony Hart: But treated slightly differently, I agree. In practical terms, it is difficult to envisage how the experiences of anybody before 1945 would be any different to those immediately after 1945. Therefore, our inquiry will certainly be examining the state of affairs in 1945. It is, I think, hard to envisage the inquiry not becoming aware of material information merely because of this 1945 cut-off date. For example, other than the unique wartime circumstances that obtained, it is difficult to see how someone who had gone into a home in 1942 or 1943 would be any different from someone who did so in 1945 or 1946.

The Chairperson: Might the circumstances of someone whose abuse finished in 1944 speaking to the acknowledgement forum be such that the forum panel would be coming to you to say that you have to change the terms of reference?

Sir Anthony Hart: If a sufficiently compelling case were made, I would have no hesitation in asking for them to be changed.

Ms Ruane: Go raibh maith agat. You are very welcome. I welcome the work that you are and will be doing. This is very important. The work that was done in the South made huge changes to the Southern state. While it did not meet everybody's needs, it was really important. I suppose that I have to declare an interest; I was Minister of Education at the Executive table when it first came up for discussion and I pledged my full support for an inquiry to get to the truth. So, I do not need to tell you that your work is really important. I did have a question about the date. I understand that it is difficult. If you start at 1940, you might be asked why it is not 1935, but, if there were cases, I think that we need to keep an open mind and see how people can be facilitated, because we do not want to victimise further in any way.

I have a couple of questions. Perhaps it is not the right question to be asking you, but I am asking myself about boarding schools. Is there a reason why they are not included? Also, there is the link between certain institutions and adopting and fostering. I am just interested in your opinion in relation to that. For you, Chairperson, but also for Nora and Andrew — are there lessons that we can learn from other inquiries that you have been involved in, and what are those main lessons?

Sir Anthony Hart: I will answer that as best I can. I can only presume, because I do not know why schools have been left out, that it may be to do with the scale of the matter. I just do not know. I do not feel that it is appropriate for me to indicate that this or that additional substantial area should be included. If it is included, well and good, but no doubt those from OFMDFM would be able to explain better than I can why they chose to limit it in that way.

Fostering agencies and so on present a more difficult case. I can understand why one is looking at institutions, because, insofar as it is possible to examine these matters, experience elsewhere shows that the problems were particularly acute in institutions. The experience of the Ryan inquiry in the Republic and similar work that one of our acknowledgement forum members, Tom Shaw, did in Scotland, suggests that people are subjected to those experiences in the context of being in institutions. If they were not in the institutions, they could not be exposed to them in the same way. Clearly, for example, if one had an inquiry into child abuse without any form of limitation, one would be

looking at families and social services, and that would be an enormously larger, more complicated and, dare I say it, more expensive and considerably longer inquiry than this one. That is the only explanation that I can give.

I have already found it extremely helpful to have the benefit, in particular, of Norah and her colleagues, who have been through comparable exercises. There are a whole range of ways in which my eyes have been opened just from listening to the accounts they have given of the detailed way in which those problems affected children, both at the time and in later life. If you wish, I am sure that Norah would be happy to add to what I say about that.

Mrs Norah Gibbons (Historical Institutional Abuse Inquiry Panel): Indeed. I would also like to say what an honour it is to have been asked to take part as a member of the acknowledgement forum. I bring with me experience of a similar type of forum in Dublin. One of the things that impressed on us who worked on the Ryan commission was the importance of reporting to the public sooner rather than later, because of the age of some of the people who may wish to speak to us. For people who experienced, for the first time, being listened to and believed about what had happened to them, having their voices heard was extremely important. What our chairperson has spoken about in terms of the effects that went on into their later lives is something that can help our whole societies in looking at how we care for children now who need to be in the care of the state. The issue is that, if we do not provide the kind of stability and emotional well-being that every child should have — and, indeed, material well-being to an acceptable standard — the difficulties that can arise can come with them into their lives.

This inquiry will have learned from what happened in other inquiries. We are able to use my experience and that of Tom Shaw and, indeed, the other members of the acknowledgement forum, and, no doubt, the other inquiry members, to make this inquiry work very well from day one, because we are more tried and tested than we were when I started many years ago in Dublin.

Ms Ruane: I want to ask one supplementary question. Are you content with the powers that you have?

Sir Anthony Hart: Yes. It is important to confirm that an absolutely crucial element of the Bill that the Committee is required to scrutinise relates to the powers that we have been given to call for documents and to require people to appear before us. Of course, our ability is limited geographically, in the sense that we cannot operate outside of Northern Ireland.

Access to records will be of the utmost importance to the work of our inquiry. We have already started exploratory conversations with health trusts to get access to records that we think they may have. We have also started work with the Public Record Office to get information that we know has been deposited with them by a number of organisations. In due course, we will request and, ultimately and if necessary, require Departments, religious orders and voluntary organisations, all of which have played a part in this history, to produce relevant documents. We will request their internal records, and not just admissions records but things like punishment books. From a governmental point of view, we will also request reports from inspectors. We want to know what the nature of those reports was, and whether they were thorough or ignored. We will have to look at all those things.

Although I very much hope that everyone to whom we issue a request to provide information will do so voluntarily, if they do not, I will have no hesitation in making it clear that I will seek to use the powers the Bill will give. It would perhaps be unrealistic to assume that absolutely everybody will co-operate voluntarily without us having to use those powers. I hope that we will never have to use them, but, if necessary, we will. Their existence is crucial to persuading those who normally might be reluctant to co-operate to do so. They will know that if they do not co-operate voluntarily, regrettably but necessarily, one will have to invoke those powers.

The Chairperson: Norah, you said something that I would not like to be lost. It was about building a better future for children. However, it seems that your terms or reference do not allow you any scope to define the lessons to be learned.

Sir Anthony Hart: I see our role as making findings about what happened; that is clear from our terms of reference. If it becomes apparent to us — particularly as we look at the latter part of our period, up to 1995 — that there is reason to believe that some practices and procedures may still be continuing, I see no difficulty in making appropriate recommendations for further work or consideration. I do not

see the inquiry being precluded from commenting, if it thinks it necessary, on what may have happened after 1995.

Mr Humphrey: Good afternoon and welcome to the Committee, and thank you very much for your presentation.

Given what we have just heard from you, Sir Anthony, it is clear that the lady sitting to your left, and her experiences with the Ryan commission, may prove to be invaluable. If there are people who refuse to co-operate — and I hope that that will not be the case; I hope that everyone, every organisation and every body that is approached will do that. You will be aware that there will be considerable media and public attention on the work that your inquiry will carry out. Placed on your shoulders will be a huge responsibility and trust, and the hopes of many people who are seeking to get answers and bring closure to horrendous events that we cannot even think about. I wish you well and Godspeed in that work, because it is vitally important.

However, there are a couple of points from what you said that I want to home in on. I am pleased that the work has started and that contact has been made with the health boards and the Public Record Office and so on. It is vitally important that the Government bodies and the religious orders are spoken to as the process continues. In the preliminary discussions you have had with those institutions or organisations, have you and your colleagues had co-operation?

Sir Anthony Hart: Yes. I see no reluctance whatever on the part of either of the health and social care trusts, which are the successor bodies to, for example, the county welfare committees that existed prior to the local government reorganisation, or the Public Record Office. I see no indication of any reluctance. They are concerned about what anybody who runs any organisation would be concerned about: the resource implications of the requests that we make. We will try to manage our requests in a way that places as small a burden on those who have to respond to them as possible. However, the burden will rest on those who have the material, to produce it to us. So far, although it is a very early stage, we have seen no signs of any reluctance. Far from it: both bodies have made it clear that they are anxious to co-operate in every way they can.

Mr Humphrey: I am pleased to hear that.

Sir Anthony Hart: We are still at, you will appreciate, a general exploratory discussion stage with them.

Mr Humphrey: Yes. As I said in the House on the day we discussed the issue, many people — families and parents — placed trust in institutions and, in many cases, faith. They were let down, and that trust and faith was literally abused. People are different, and some will react to that process. As we have heard from victims' groups and those who were victims of the terrorism campaign, people react differently.

One of the important things that your inquiry has to consider is where the offices are located. You mentioned premises, and some people will more readily come forward and speak, but other people will do so much more reluctantly, if at all. We need to do as much as possible to enable them to come forward. Therefore, where the premises are located is crucial to giving people who are coming forward the comfort to do so. For example, if it was based in Royal Avenue, which it would not be, people would be able to see who was going in and out. However, if it was based in a more private or secluded place, there would be more opportunity for people to come forward.

Sir Anthony Hart: I am not, I hope you appreciate, in a position to discuss an individual location, because we have not got one yet. Although negotiations are proceeding, they are far from concluded, so there is an element of commercial confidentiality. We are very aware of the need to have to somewhere that is, first of all, central and accessible in the sense that it is easy for people to travel to.

Secondly, it should be somewhere that, whilst accessible, is relatively anonymous. So, I do not anticipate us having a great big sign outside the door saying, "Historical Inquiry". There may be a very small label, if there is one at all, so that the individuals who come to us will be able to do so without any feeling of stigmatisation from people recognising them. That can always happen, but we will do what we can to reduce that. We have looked at premises from the perspective of ensuring that, once people have come through our door, we will arrange the layout in such a way that there is little prospect of their meeting someone whom they do not want to see. I have learnt from my discussions with colleagues that many of the people who have had these experiences have never talked about

them to their nearest and dearest and that others may, unfortunately, have been divided as families. They may never have seen brothers and sisters or have lost contact with them. They may not want it known in their families or wider circles that they had these experiences. Therefore, it is extremely important that we can reassure them that we will do everything that we can to make it confidential in the full sense of the word when they come to give evidence.

The Chairperson: On a technical but very important point, can you clarify that, until the legislation is passed, you can have only tentative negotiations with these bodies because you do not legally exist and that, therefore, you cannot sign up with the Information Commissioner? Can you clarify that, until then, you will not have data handlers and processors, so you cannot start to gather information?

Sir Anthony Hart: I do not see any reason why we cannot start to gather information in the sense of asking people to write to us. Ultimately, we will advertise. When we get premises, we will ask people to contact us. Hopefully, there will be a website and so on. It is our view, at least, that we do not need statutory power to operate the acknowledgement forum. That is why we hope to bring it into being later this year, and our structures and procedures will be developed to service it as well as the inquiry.

The Chairperson: Will getting information from institutions require the legislation to be passed?

Sir Anthony Hart: Only if they do not co-operate. We will certainly be in contact with them well before the legislation is passed, and we will invite them to provide it voluntarily. If they do not agree, we will not be able to take it any further without the legislation, but we will then be ready to move. I assure you and your colleagues that we will move as quickly as we can after the legislation comes into force, rather than allowing time to go by through writing letters back and forth. If people co-operate voluntarily, so much the better; if they do not, we will be ready, I hope, to move as soon as the Bill becomes law.

Mr Lyttle: Thank you for your presentation. I wish you well in your important work to give a voice to victims and survivors and to meet their legitimate needs. One of those needs was to ensure that the inquiry was independent, judge-led and public. Some concerns have been expressed about the extent of the powers that have been given to OFMDFM in relation to the inquiry, including the power to terminate the inquiry, to withdraw funding and, possibly, to decide whether the inquiry report will be published in full. Can you speak to those concerns, Sir Anthony?

Sir Anthony Hart: I certainly anticipate that, at some stage, the inquiry will have public hearings. The acknowledgement forum, by its very nature, is not designed for that purpose; that would be self-defeating. However, I anticipate that we will have to move to some form of public hearing, although it may be some time before we can do that. I accept the explanation that has been furnished to me about the powers of OFMDFM, and, in some instances, it was I who made the point in correspondence when we were discussing the terms of reference: the inquiry will take a certain length of time and it would be foolish in the extreme to proceed without taking into account the risk that one of our panel members might fall ill, for example. If that happens, there needs to be a mechanism to allow replacements to be provided. We do not know, as I have explained, how many people will come forward, but we have proceeded on the assumption that four acknowledgement forum members would be sufficient. However, if that were not sufficient, we would have to ask for more to be appointed, so there has to be a power to provide all that.

The powers to interfere with the production of the report and so on are similar to those of the Inquiries Act 2005. I do not see them as likely to be a difficulty in the circumstances of this inquiry. I cannot envisage how anyone would want to stop our report becoming public. It is not, after all, concerned with issues of national security, commercial confidentiality, scientific processes or matters of that sort. Therefore I do not see those as likely to be problematic, and there are possible reasons why they may be beneficial.

Mr Lyttle: Concern has also been expressed about a decision on redress not being taken until the final outcome of the inquiry. Can you speak to that concern?

Sir Anthony Hart: I can understand that, particularly for those well on in years, that is a live issue. However, until the inquiry completes its work it is not likely to be in a position to make any recommendations, because that would be arriving at a decision before we had heard all the relevant evidence. So I am afraid that, given the scope of what it is we are being asked to do, the reality is that although I will do everything I possibly can to ensure that we produce the report within the time limit,

the nature of the process makes it inevitable that, from the inquiry's perspective, it would not be possible to make any form of recommendation, and I would not like to commit myself even to saying that we would look at producing interim recommendations because they would be subject to the same inhibition.

Mr Lyttle: What type of arrangements will be put in place to assist and support victims and survivors when they are contributing to the inquiry?

Sir Anthony Hart: As you will have seen from the terms of reference, there are two ways in which that will happen. The mechanism, which is not in any way the responsibility of myself or my colleagues, is a victim support service, which I understand the Executive intends to provide to — I think the expression is "support". I am not in any way concerned with that. We do not know exactly how it will work or what its terms of reference will be.

That aspect will be our responsibility; we have referred to it, perhaps as a working title, as a "witness support service". What we envisage is that, quite apart from ensuring that our staff who deal with correspondence and enquiries react sensitively and appropriately when an individual physically comes to speak, either to the acknowledgement forum or later to the inquiry, whenever that may be, they will be met by individuals who will explain to them what will happen, give them whatever emotional or other support they need and help them afterwards. Perhaps, since Norah Gibbons is more familiar with that sort of thing, I could ask her to give a little more detail.

Mrs Gibbons: Thank you. The role of the witness support officer is to help the person who wants to talk to the acknowledgement forum. First, he will help with whatever practical arrangements may be necessary and to explain to them in advance whatever expenses system is put in place so that they know precisely what is likely to happen. The officer will then set up an appointment for them that is conducive to them and to the forum or inquiry; meet and greet them, if you like, have a cup of tea with them, or whatever they wish; make sure that they are as comfortable as they can be by the time they come to meet us; and to look after them afterwards. The experience can be very traumatic, particularly for people who have not spoken about what happened to them before. It would be wrong to let people leave to go about their daily lives without making sure that they were all right, that they could return to wherever they came from comfortably, that we would be in touch with them, if they so wish, perhaps a few days later, and that we could hand them on to the long-term support service that may be put in place to help them. That has certainly proved very helpful in the past.

Sir Anthony Hart: Perhaps I could add to that. In our preliminary discussions on the content and format of any written material that we may send people before they come to us, we are looking at being able to recommend to individuals who may not have had any contact with some form of help or counselling that there are organisations, which we will identify in our written material, that they may be able to get in contact with. For example, if someone, through their evidence, makes it clear to the acknowledgement forum panel that they have never had help of any sort, we would not take responsibility for their getting that help — that would not be part of our terms of reference — but we would see it as part of our service to those individuals to try to direct them to the appropriate place. Indeed, as Norah indicated, we anticipate having some form of follow-up, a week or two later, when someone will contact the individual and ask whether they are all right, whether they got home all right and so on. If there was a particular concern, we would point out the leaflet that says that they can ring such and such.

Mr Buchanan: I thank you and your team for coming to the Committee again today and wish you well in the mammoth task before you. I know that some concern has been raised about this, but the terms of reference talk about looking at historical institutional abuse. Is that your only remit: to look at those who were abused in institutions, or does it go wider than that to look, perhaps, at those who were abused outside institutions? For instance, if somebody came to you who had not been in an institution but who had been abused, could you cover that?

Sir Anthony Hart: I do not think that we could cover it in quite the circumstances that you envisage. Our terms of reference relate to:

"any body, society or organisation with responsibility for the care, health or welfare of children ... which provided residential ... accommodation".

Of course, the situation may arise, because we know from other inquiries that that did sometimes happen. I am not, as it were, prejudging what we may find, merely indicating that we know that it has

happened in the past and, therefore, that we may find that it has happened here. For example, if someone was in an institution and was abused, not on the grounds or in the building, but by a member of staff who, let us say, took them out for a day trip, whose home they went to, whose farm or business or place of employment they went to and then came back, that is a matter that we will pursue. Even if they were abused outside the physical location of the institution, if the institution knew about it, or should have known about it, and did nothing, that is a matter that we will pursue. However, were we to hear about an extreme case in which someone came forward and said that they had been beaten or ill treated by an aunt and an uncle with whom they lived but that they had never been in an institution, that would not come under our terms of reference.

All I can say is that our deliberations will depend on the particular circumstances, but we are limited by the terms of reference to organisations, for want of a better word, that looked after children in residential settings.

Mr Buchanan: The remit of your inquiry covers only those who suffered in an institution.

Sir Anthony Hart: Yes. If a member of staff took someone out for a day trip and abused them on the day trip, that would clearly be within our terms of reference, because it would not have happened unless the individual had been in the institution and entrusted to the care of the abuser. However, we are required to look at what happened in the institutions. There will, undoubtedly, be some other grey areas around the margins where things may not always be entirely clear.

I cannot commit my colleagues on the inquiry side, who have not yet been appointed, but I hope that we would take a generous view, so far as we can, without violating our terms of reference.

The Chairperson: Tom's point is that if you have a serial abuser — an abuser who has abused more than one person — it is possible that some of the abused people will get comfort from your inquiry and others will be excluded.

Sir Anthony Hart: That may be inevitable.

Mr Kinahan: Thank you. I look forward to seeing you up and running. My questions are about the press. If you are using the same building all the time, perhaps in Belfast, will you look at using others in different locations if there are suitable ones that the press are not aware of? Anyone, by watching any building, can put two and two together and work out a story. In order to protect victims, will you use other locations?

I was not present for the debate in the House, but I know that clause 7 requires the presiding member to take whatever steps he judges reasonable to ensure that people are able to attend the inquiry. I feel that that is the wrong way round, because it seems to put the onus on allowing the press and the public in, which would frighten people away. Should we change that around so that the onus is on you to decide when the public can come in? Do you see where am I coming from?

Sir Anthony Hart: Yes. I will deal with your question in several stages. First, we are very alert to the need to have relatively anonymous premises; on the other hand, however, people have to be able to come to us. There is an extent to which, perhaps, one cannot achieve a completely perfect solution. Bearing that in mind, we may have to compromise on it in practical terms.

We anticipate that the acknowledgement forum is the one on which people are likely to wish to be unrecognised so that they can be as discreet as possible. There may be occasions where, for logistical reasons, it is necessary to go outside Belfast. We may have to look at that in some detail.

We have already talked in general about whether we may just have to, for example, rent some rooms in a hotel somewhere. Although they would know and we would know who they were, the hotel staff would not know, but of course we would look at each location with a view to ensuring that it was, as far as we could achieve it, possible for people to come in and not be stigmatised by being accommodated with us.

As far as the inquiry side is concerned, there is a long-standing convention, which has now almost become a matter of public law, that proceedings of a public inquiry are public; that is necessary to ensure that the public can see and hear for itself what is happening. An inquiry is not a court. However, it shares some of the characteristics in the eyes of the public in the sense that those who are interested want to be able to see and hear for themselves the material that the inquiry is

considering. In practical terms, that means that it has to be done in public. We have not yet reached any concluded position about whether individuals would be named, whether we would give them a pseudonym or whether they would simply be referred to by a number. Some may be quite content to be identified, but others may not. We may have to look at devices such as screening for individuals. We will look at all those things, but, generally, the emphasis must be under clause 11 to have public access.

We would have facilities to have a transcript available as quickly as could be achieved; perhaps not simultaneously, but certainly by the next day. As for broadcasts including the individual appearing on screen, we would have to look at that. Ideally, proceedings would be broadcast to allow the largest number of people possible to follow what we are doing. Some individuals may be content to be named but may not want their faces to appear, and we might wish to screen them, for example. It is unlikely, but not impossible, that we would exclude anybody from our hearings. However, there may be some people whose state of health, for example, is such that they say that they will talk to the inquiry but could not cope with the world and his wife looking on. We will just have to look at each on a case-by-case basis.

The Chairperson: If I may just ask a quick-fire question to finish: you mentioned obliquely time and money, and of course nobody wants to spend more for longer than is necessary. However, you also say that you do not know how many people we are dealing with here. With two and a half years and £7.5 million to £9 million; are those constraints? What happens if that gets squeezed?

Sir Anthony Hart: Naturally, my attitude and that of my colleagues is to start from the position that, since the Assembly, if it passes the legislation, will let this inquiry take place, it is up to government to provide the resources to allow it to be done in an adequate way. Like everybody else, I have to realise that we live in an era in which the most common word seems to be austerity, and there are clearly constraints on spending public money that perhaps were not as acute five or 10 years ago when there was more in the way of resources available. We have to be careful to balance, on the one hand, the need to do the work of the inquiry properly to see that it is adequately resourced and, at the same time, not to spend money without consideration for the welfare of the public purse. I am not convinced that it will always be an easy decision in every instance, and we are at present negotiating with the relevant portions of government over our budget and so on.

The Chairperson: You are the presiding member of an inquiry panel of three. Will it be the chairman's report or will it be the panel's report?

Sir Anthony Hart: The way the legislation is drafted indicates that it would be my report. However, I envisage that we will try to arrive at a report that all three members would feel able to sign. I hope that that will be the case. My approach will certainly be a collective one. The input of those who we hope will agree to serve as panel members will be extremely valuable; they will be people of great experience and standing in their respective fields. Any report produced as a result of deliberations of the panel will gain extra weight and authority from being the report of all three. They are not merely there to offer advice; they are part of the process just as much as I am.

The Chairperson: I think that I am right in saying that this is the first time since 1998 that the devolved Administration has put together a process to deal with the legacy of a very specific part of our past: institutional abuse. Do you, in any sense, think that you are a road test for perhaps a broader model in the future for dealing with the legacy of the past as we define it in terms of the conflict?

Sir Anthony Hart: That is for others to comment on. I certainly consider that the task that we have been given is sufficiently taxing not to look outside it to see what lessons others might draw from it in future.

The Chairperson: Sir Anthony, Andrew and Norah, thank you very much for your time. We wish you well.

Sir Anthony Hart: Thank you, Chairman. I repeat how grateful I am for the opportunity to put into the public domain many of the things that we have talked about today.

The Chairperson: Obviously, we have a role in the process of legislating. Perhaps we can keep in touch over specific issues as we go forward.

Sir Anthony Hart: Indeed.

The Chairperson: Thank you again for your time.