



Northern Ireland  
Assembly

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

# OFFICIAL REPORT (Hansard)

Inquiry into Historical Institutional Abuse Bill:  
Barnardo's Briefing

19 September 2012

# NORTHERN IRELAND ASSEMBLY

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

Inquiry into Historical Institutional Abuse Bill: Barnardo's Briefing

19 September 2012

**Members present for all or part of the proceedings:**

Mr Danny Kinahan (Acting Chairperson)  
Mr Trevor Clarke  
Mr Colum Eastwood  
Ms Megan Fearon  
Mr William Humphrey  
Mr Alex Maskey  
Ms Bronwyn McGahan  
Mr George Robinson

**Witnesses:**

Mr Tom Burford	Barnardo's
Mrs Sara Clarke	Barnardo's
Ms Lynda Wilson	Barnardo's

**The Acting Chairperson:** I welcome Lynda Wilson, Sara Clarke and Tom Burford. You may begin with a brief presentation of, say, 10 minutes, and that will be followed by members' questions. Mike always offers coffee, so if you would like one, we can get it for you.

**Ms Lynda Wilson (Barnardo's):** Coffee would be excellent, but we will start without it.

I thank the Committee for the opportunity to speak on behalf of Barnardo's UK and our board of trustees. It may be helpful for me to begin with fuller introductions. I am Lynda Wilson, the director of Barnardo's for Northern Ireland, and I know many of you already. Sara Clarke is the assistant director of Making Connections, an international service that provides support, information and an archive resource to anyone who has been in the care of Barnardo's. That archive is the custodian of the records of every child who has been in the care of Barnardo's, be that in a children's home, a school or a family placement, since 1866. Sara carries that historical responsibility, and I am sure that she will be open to questions on that. Tom Burford is the chief of staff in our chief executive's office. It is important that he is here today, because it represents our chief executive's commitment to participation in this process. The chair of our Northern Ireland committee, Ruth Laird, is unable to be with us today. She would very much have liked to have been here, but she is with the board of trustees in London. Our trustees have been fully briefed on, and are cognisant of, the significance of this process and are committed to engaging in the process. I think it important to reflect the commitment of those individuals who are not here today.

We want to put on record that we commend the Committee on its work on the Bill and its terms of reference. We do not say that lightly, because we fully appreciate the significance and weight of the legislation and what it means. We recognise the challenges in the process of making this legislation.

Many of you will be familiar with us as a contemporary children's organisation, providing services to the most vulnerable in Northern Ireland. However, another perspective that we bring for your consideration is that of being a children's organisation that has delivered residential care. We have operated residential care and know what that means across a broad spectrum of history. We are also an organisation that has a strong sense of the heritage of what that responsibility means in our duties and responsibilities for those who have been under our care, including direct experience with victims of historical abuse. We hope that that will be a helpful perspective. We want to put on record that we welcome the objectives of this inquiry from both those perspectives: our present-day commitment to the safeguarding of children in the current context and being an organisation that has a duty of care, which, at times, is weighty, to former residents. We also welcome the aspirations of the legislation, particularly the emphasis on transparency and redress. Critically, this legislation must deliver. That is a very important point that we want the Committee to hear. It has to deliver an inquiry process and architecture that are effective. It has to work for the victim survivors concerned, and it has to be perceived as fair and independent and to retain a focus on their voice.

Obviously, we have been following some of the discussions, both those that are part of this process and those in the media, and the last thing that is needed is an inquiry so contentious and unfocused that it will not meet the needs of victim survivors or instil any confidence in any other coterminous or future inquiry process. Our organisation is very interested in what works, so we will apply a similar lens to this matter. We think that the Committee should measure the legislation and terms of reference against the three elements of effectiveness, fairness and focus on victims, when considering what are some very complex questions.

We want to comment on three areas, the first being victim support. In our view, the legislation and terms of reference must allow for the inquiry and its chairperson to develop a responsive approach to the support needs of victim survivors as those needs emerge. I do not think that those can be totally pre-empted. It is also our view that the support must be differentiated. Victim survivors, just like the rest of us, are not a homogeneous group. They will have varying needs at different points. The experience of our organisation is that those needs are complex and very challenging, and they will, mostly, be underestimated.

This inquiry has an ambitious timescale, and our view is that it should have the capacity to extend and sustain victim support as appropriate and to give a level of capability and authority to the chairperson to achieve that. We want the Committee to give due consideration to the magnitude of potential support required and to draw learning from other similar inquiries.

Again from our experience, the independence of victim support from the inquiry process itself and a sense of separation from statutory and government processes are very important considerations so that there is a sense of independence and separateness in the support process. As the inquiry is established, it will be important for organisations such as Barnardo's to be very clear about how they fulfil the expectations of the inquiry at each stage. We must be clear on what the inquiry expects of us as an organisation in how we respond and participate, but, at the same time, how we exercise our duty of care to our ex-residents. That is quite a challenge, and I do not think that it has been fully addressed in the inquiry's terms of reference.

That brings me to the second area that we wanted to comment on. The fact that it is critical to place victims at the centre of the inquiry means that the focus of the legislation and the inquiry's terms of reference is, quite rightly, on the needs of victims. That is where the focus must lie. However — again this comes from experience — our view is that the capacity of the inquiry process to fulfil those needs will be enhanced if organisations such as Barnardo's are sufficiently clear on what they need to do to be prepared to engage effectively and responsively. That goes back to my earlier points about effectiveness and having a focus on victims. It will be good for victims if there is clear guidance for organisations such as ours. Sara can talk more about this, but we are undertaking work to place ourselves in a position of preparedness to respond to the inquiry on all matters. However, as they stand, the terms of reference do not adequately clarify the nature and extent of that preparedness. Further clarification is needed on what exactly is required of organisations at each stage of the inquiry. As much precision as possible is needed on the parameters of the terms of reference. I know, for example, that there has been a lot of discussion here on timescales. Also, there must be as much precision as possible on definitions, jurisdiction, which is particularly pertinent to us, and what is and what is not in the public domain. Those are all important points not only for organisations such as

Barnardo's but for the victims. We think that there is, perhaps, a place for a note of guidance or direction or standards of engagement from the inquiry to organisations such as Barnardo's to help us to fulfil our responsibilities. At this point, our view is that the extent of the inquiry's responsibility, if any, to give direction and facilitation to organisations such as Barnardo's to achieve appropriate engagement is unclear. More clarity, we think, will lead to a more effective inquiry, and we would welcome more guidance on that.

We would also welcome more guidance on the status of certain potential victim groups. There are particular issues for us, as a number of our children and young people from Northern Ireland were placed in Britain or migrated. The terms of reference are unclear on the inclusion or status of those children. We feel that the inquiry should be able to reach all Northern Ireland's children, and they should have access to this inquiry regardless of what jurisdiction they may be in now. That is a fundamental, underlying principle. At one point in its history, Barnardo's also provided services on an all-Ireland basis, and we have a sibling charity, Barnardo's (Republic of Ireland). Again, from the terms of reference, we are unclear whether those young people, who came from what is now a different jurisdiction, are included in or excluded from the inquiry.

There is also a potential lack of clarity on the inclusion of peer abuse. Additionally, we have contact with a number of victim survivors who are imprisoned in this and other jurisdictions. That goes to the heart of the issue of the hierarchy of victims, and I think that it needs to be addressed. There are also issues about disclosures that relate to victims or alleged perpetrators who may be deceased. We think that a higher degree of precision in the definition is needed in that area.

Our final point is on the importance of learning about protecting the most vulnerable. We think that the inquiry has real potential to provide learning in influencing current safeguarding, standards of care and the training of those who care, as well as influencing other inquiry processes. There are lessons to be learned. The terms of reference, as they stand, do not give sufficient weight and emphasis to that objective or to placing that responsibility on the chairing of the inquiry.

We submitted our views in writing on, I think, 20 August, and you will be relieved to know that we will not go over all that again in detail, but we will be more than pleased to take questions or provide clarification. In summary, we encourage the Committee to ensure that the terms of reference are drafted with a very full understanding of the magnitude and complexity of victims' support needs, and a commitment and capacity to reach and support all in an inclusive way, so that organisations such as ours clearly know what we are required to undertake in our role in the inquiry while exercising our contemporary duty of care.

No matter how painful the process is, and it will be painful, one of the positives that we can take from it, quite apart from hearing the stories of victims and providing reparation and redress, is learning the lessons on how to meet the current and future needs of the most vulnerable. We very much welcome your thoughts and questions.

**The Acting Chairperson:** An enormous thank you. We all have huge respect for Barnardo's, so it is very good to see you here. You have come up with a mass of important points that we will take to Sir Anthony Hart next week and to others. I know that there will be questions from members. Many of your comments were on the need for us to keep you informed as we go along. We are learning at the same time as taking all the evidence from everyone. I am sure that you will not do this, but do not sit back. Keep asking the questions to make sure that we are scrutinising in the way that we need to. This needs your input just as much ours. You have given us a lot of extremely useful points to put to Sir Anthony.

**Mr Maskey:** Lynda, thank you for your presentation and for the material that you provided earlier. A lot of work went into that.

You raised two particular points. The first was about the lifespan of the inquiry and the ability to extend that if needs be. I take that point. All the presentations that we have heard so far, particularly those from victim survivors, said that they wanted the process to happen quickly. They do not want it to be drawn out, and so on and so forth. Nobody wants that, and I am certainly not suggesting that you do. I do not think that the inquiry would prevent that, but we must tease that out and get clarity for ourselves. As I said, people genuinely have an interest in trying to get this done and in doing it in the right way without undue delay.

You also raised a point about the status of victims or groups. I got a wee bit lost there. I am not sure what you mean by that and what the relevance of it is. Just so that it is clear in my mind, will you

explain what that means? Are you asking whether someone living in another jurisdiction would be invited to participate?

**Ms L Wilson:** Yes. The inquiry will want to reach everyone who wants to be a witness and raise their victim survivor status. One major exercise for the inquiry is ensuring that those people are reached. Some organisations may be in contact with victim survivors serving prison sentences, for example, not just in this jurisdiction but elsewhere. Some very elderly people may have been affected before 1945, and some may be outside this jurisdiction. Our organisation, and Sara may talk more about this, estimated how many children and young people may have been here and how many may have gone elsewhere. It is important that they are not excluded and that they have a choice. Some may have been in establishments outside this jurisdiction but were still Northern Ireland children and still in the care of Barnardo's. There are questions there. I know that there must be some precision and that there must be boundaries, but if that is not clarified, it will, potentially, leave some victim survivors not knowing whether they are included. For them, never mind the inquiry, that is critical.

**The Acting Chairperson:** We will take those points on board. In other presentations, people raised questions about things that happened on the periphery and beyond. We have to remain flexible, which is one of the points that we will all take on board, but at the same time, it must —

**Ms L Wilson:** Be effective.

**The Acting Chairperson:** Yes, it must be effective, and it must happen within the time frame.

Was Barnardo's involved with the Ryan inquiry?

**Ms L Wilson:** No, but Barnardo's in the Republic of Ireland was significantly involved with the Ryan inquiry. Its director of advocacy sat on the Ryan inquiry panel and has been appointed to the acknowledgement panel here, so we were keen observers of that process.

**The Acting Chairperson:** Hence some of the points that you made. I imagine that they come from lessons learned from that inquiry.

**Ms L Wilson:** Lessons have been learned from our experience in Northern Ireland and from Sara Clarke's work, at an international level, on responding to the needs of both ex-Barnardo's residents and their relatives.

**Mrs Sara Clarke (Barnardo's):** Thomas Barnardo set up aftercare, and there has always been an aftercare element. One of our values and bases is to continue to provide support to all those formerly in our care. We do that in a number of ways, including providing access to their records and some understanding of their experience. That enables individuals to share their experiences of their time in Barnardo's, both positive and where there was ill-treatment and abuse. We take all disclosures of abuse very seriously and seek to work on an individual basis with all those who come forward, and we wish to continue doing that throughout the inquiry. Again, greater clarity on roles and expectations would help to enable us to continue that work while fully engaging with the inquiry.

**The Acting Chairperson:** We will add that point to our questions for Sir Anthony next week.

You referred to the magnitude of victim support needed for those participating in the inquiry process.

**Mrs S Clarke:** Yes.

**The Acting Chairperson:** There was also another point. The inquiry is into abuse that occurred before 1995. You asked whether we should be learning and building up recommendations based on law and procedure that are not current. Yes, we must learn from it today. However, with a limit of 1995, we must get what we can from it.

**Mr T Clarke:** Thank you for your presentation. I am a wee bit curious. Lynda, in your presentation, you drew a parallel with other jurisdictions. Did you say that Barnardo's was in the South as well?

**Ms L Wilson:** When Barnardo's was originally set up, it was an all-Ireland organisation. We made a formal, constitutional separation 23 years ago, I think — I have to work these things out by the ages of my children — and it is now a separately constituted sibling charity but with a very close relationship.

**Mr T Clarke:** This possibly follows on from what Danny asked about your connection with the Ryan inquiry. Was that other organisation involved with the Ryan inquiry?

**Ms L Wilson:** I do not think that it was. To be perfectly honest, I do not know. We could check that out and get back to you. From my informal knowledge, I do not think that Barnardo's (Republic of Ireland) was called to the Ryan inquiry because the residential facilities, the 15 main homes during the period under consideration, were all in the North. We still do not know, but we are in the process of finding out whether any children came from what is now the Republic of Ireland into the North. There must have been some, but we are looking at just under 2,000 files.

**Mr T Clarke:** Your point about this inquiry and other jurisdictions was interesting. Obviously, we have no influence on inquiries in other jurisdictions. I can see your openness when it comes to this inquiry. You said that the inquiry covered 15 homes in the main, but I would hate to think that there were others. We have to be very conscious in this inquiry of ensuring that people are not forgotten about just because they are not "in the main".

**Ms L Wilson:** Exactly. There is a question about whether the legislation will include young people who moved from here to a facility in Scotland or Wales as Northern Ireland's children or whether they belong to another jurisdiction.

**Mr T Clarke:** My reading of it is that if the state placed them somewhere, they come under our jurisdiction.

**Ms L Wilson:** That is why we are raising the question.

**The Acting Chairperson:** It is a good point that we will take on board and explore.

**Ms L Wilson:** It has to be answered.

**Mrs S Clarke:** We have examples of young people who were Northern Ireland residents as children but were placed in homes in England, from where they have disclosed that abuse happened in those English homes.

**Mr T Clarke:** My understanding of the legislation as scripted is that the responsibility is on the state, regardless of the location of the home in which it placed young people, although it does not actually say "regardless of location". The very fact that the state here placed them in a home, regardless of where that home is, means that there is a responsibility on the state.

**Mrs S Clarke:** The state would have placed them in the care of Barnardo's, and Barnardo's would have made the decision about where to place them, whether that was in Northern Ireland or England.

**Mr T Clarke:** I do not want to keep repeating myself, but my point is that the state made the decision to place them, whether that was through Barnardo's or whoever. The state made the decision that they had to go into care.

**Ms L Wilson:** There was a period in our history, probably up until the 1950s, when there was a probability that a child coming into the care of Barnardo's in Northern Ireland would be placed in England, Scotland or Wales. If a child was placed in Barnardo's, there was a possibility that he or she, and others whose initial care may have been here, would have gone on to train, perhaps in seamanship or printing, in England and lived in residential facilities.

**Mrs S Clarke:** The current starting point of the inquiry is 1945, at which time many children were not placed by the state, because the statutory legislation to facilitate that did not exist. In those cases, the children would be outside that jurisdiction. Many came in through other voluntary organisations, the poorhouse or just turned up on the doorsteps of charitable institutions.

**The Acting Chairperson:** We really need to look into this. There are too many vagaries, and, at the same time, we do not want to miss anyone. We very much take that on board. Do members have any other questions?

**Mr Maskey:** I do not have another question, but I am working on the basis that the inquiry is designed to follow the child, wherever the child was placed eventually.

**The Acting Chairperson:** If we are missing someone, we need to know, or if there is a link that is suddenly not going —

**Ms L Wilson:** There is an important principle at stake.

**The Acting Chairperson:** We have had a number of briefings so far, so if our questioning has been short, it is because the same points have been coming up all the time. Thank you very much for giving us your time.