

# Written Ministerial Statement

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## Office of the First Minister and deputy First Minister

### **Amendments to the Terms of Reference of the Historical Institutional Abuse Inquiry**

*Published at 10.00 am  
on Thursday 18 October 2012*

**Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister):** Our 31 May 2012 Statement to the Assembly set out the Terms of Reference for the Executive's Inquiry and Investigation into Historical Institutional Abuse, in which the "relevant period" meant the period between 1945 and 1995 (both years inclusive).

We have considered very seriously representations from stakeholders and from the OFMDFM Committee that the Terms of Reference should be amended.

Having consulted the Chair we have concluded that it is appropriate to amend the relevant period of the inquiry from 1945-1995 to 1922-1995 and to add the words "Bearing in mind the need to guard against future abuse". Otherwise, everything is as announced on the 31st of May 2012.

These Terms of Reference will be referred to in Clause 1 of the Inquiry into Historical Institutional Abuse Bill, which will state that "The terms of reference of the inquiry are as set out in a statement to the Assembly made by the First Minister and deputy First Minister acting jointly on 18th October 2012.

### **Terms of Reference**

The NI Executive's Inquiry and Investigation into historical institutional abuse will examine if there were systemic failings by institutions or

the state in their duties towards those children in their care between the years of 1922-1995.

For the purposes of this Inquiry "child" means any person under 18 years of age;

"institution" means any body, society or organisation with responsibility for the care, health or welfare of children in Northern Ireland, other than a school (but including a training school or borstal) which, during the relevant period, provided residential accommodation and took decisions about and made provision for the day to day care of children; "relevant period" means the period between 1922 and 1995 (both years inclusive).

The Inquiry and Investigation will conclude within a 2 year 6 month period following the commencement of the legislation establishing its statutory powers.

The Inquiry and Investigation under the guidance of the Panel will make as many preparations as practicable prior to the passing of the relevant legislation, this will include the commencement of the research element. Commencement of the work of the Acknowledgement Forum is not dependent upon the commencement of legislation and will begin its work as soon as practicable.

The Chair of Investigation and Inquiry Panel will provide a report to the Executive within 6 months of the Inquiry conclusion. If additional time is required the Chairman will, with the agreement of the Panel, request an extension from the First Minister and deputy First Minister which will be granted provided it is not unreasonable.

The Inquiry and Investigation will take the form of

- an Acknowledgement Forum,
- a Research and Investigative team and

- an Inquiry and Investigation Panel with a statutory power which will submit a report to the First Minister and deputy First Minister.

The functions of each are as follows:

### **An Acknowledgment Forum**

An Acknowledgment Forum will provide a place where victims and survivors can recount their experiences within institutions. A 4 person panel will be appointed by the First Minister and deputy First Minister to lead this forum. This Forum will provide an opportunity for victims and survivors to recount their experience on a confidential basis. A report will be brought forward by the panel outlining the experiences of the victims and survivors. All records will be destroyed after the Inquiry is concluded. The records will not be used for any other purpose than that for which they were intended. If necessary, the Forum will have the authority to hear accounts from individuals whose experiences fall outside the period 1922 – 1995. The Acknowledgment Forum will operate as a separate body within the Inquiry and Investigation accountable to and under the chairmanship of the Inquiry and Investigation Panel Chair.

### **A Research and Investigative team**

A Research and Investigative team will report to and work under the direction of the Chair of the Inquiry and Investigation. The team will:

- Assemble and provide a report on all information and witness statements provided to the Acknowledgement Forum;
- Provide an analysis of the historical context that pertained at the time the abuse occurred; and
- Provide a report of their findings to the Acknowledgement Forum and to the Chair of the Inquiry and Investigation.

### **An Investigation and Inquiry Panel**

An Inquiry and Investigation Panel will produce a final report taking into consideration the report from the Acknowledgement Forum, the report of the Research and Investigative team and any other evidence it considers necessary. The Panel will be led by a Chairperson supported by two other members, who will be appointed by the First Minister and deputy First Minister. The Chairperson of the Inquiry and Investigation will also be responsible for the work of the

Acknowledgement Forum and for the Research and Investigative Team.

On consideration of all of the relevant evidence, the Chairperson of the Inquiry and Investigation will provide a report to the NI Executive within 6 months of the conclusion of their Inquiry and Investigation. Bearing in mind the need to guard against future abuse, the report will make recommendations and findings on the following matters:

- An apology - by whom and the nature of the apology;
- Findings of institutional or state failings in their duties towards the children in their care and if these failings were systemic;
- Recommendations as to an appropriate memorial or tribute to those who suffered abuse;
- The requirement or desirability for redress to be provided by the institution and/or the Executive to meet the particular needs of victims.

However, the nature or level of any potential redress (financial or the provision of services) is a matter that the Executive will discuss and agree following receipt of the Inquiry and Investigation report.

The Northern Ireland Executive will bring forward legislation at the beginning of this process to give a statutory power to the Inquiry and Investigation to compel the release of documents and require witnesses to give evidence to the Inquiry and Investigation. It is hoped that the legislative power will not be needed, however; the power will be available if required. As far as possible the Inquiry should be inquisitorial in nature rather than adversarial.

A Witness Support Service will be established by to support Victims and Survivors throughout their contact with the Inquiry process. The Office of the First Minister and deputy First Minister will establish a wider Victims Support Service to provide support and advice to victims before, during and after the inquiry.