

1 Wednesday, 12 December 2018

2 (10.30 am)

3 THE CHAIR: Good morning, everyone, and welcome to Day 13 of
4 this public hearing. Mr Skelton?

5 MR SKELTON: Chair, before I introduce the first witness
6 day, may I invite Mr Hough to address you?

7 THE CHAIR: Yes.

8 MR HOUGH: Chair and members of the panel, as you know,
9 I represent Royal & Sun Alliance. I also, for this
10 purpose, represent Nugent Care.

11 The subject of Nugent Care issuing an apology to
12 some of the core participants was raised in the opening
13 statement by Mr Enright of Howe & Co, having not,
14 I think, been raised previously in correspondence. It
15 was then subject to productive discussions between
16 Mr Enright and Mr Gillespie, which has resulted in
17 a written apology being issued, which it's been agreed
18 I can read to you now. It is a letter from Nugent Care
19 dated 11 December this year, and it is to Mr Enright and
20 it says as follows:

21 "I write in response to your letter to Keoghs LLP of
22 29 November 2018. I write in my capacity as chair of
23 the trustees of Nugent Care.

24 "I understand that you act for three individuals who
25 are former residents at St Aidan's and/or St Vincent's

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1 and who have made valuable contributions to the
2 Accountability and Reparation Investigation as
3 designated core participants.

4 "The trustees of Nugent Care are deeply sorry that
5 former residents suffered under the abuse at the hands
6 of individuals who were employed by our charity and
7 committed appalling crimes.

8 "It is with regret that residents continue to feel
9 the effects of the hurt and trauma they have
10 experienced, hurt and trauma that they have shared with
11 the inquiry. We will never be able to right the wrongs
12 of the individuals who committed these crimes, but we
13 can, and we should, recognise and acknowledge what has
14 taken place.

15 "The trustees of Nugent Care are very willing to
16 help former residents to access appropriate support and
17 counselling through signposting and facilitation of
18 contact. As chair of the trustees, I am also willing to
19 meet individuals to listen to their experiences and
20 offer a personal and organisational apology.

21 "I extend an open invitation to the three
22 individuals noted in your letter of 29 November to
23 contact me so that I can arrange for this to be followed
24 up."

25 It is signed by Father Michael Fitzsimons, chair of

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1 the trustees. Thank you very much.

1 A. Yes, that's correct.

1 THE CHAIR: So there is an acknowledgement there are already
2 many, many victims who suffered in this way as children?

3 MS CASE: Yes.

4 THE CHAIR: Thank you. Mr Sheldon?

5 MR SHELDON: Chair, thank you very much. I have a letter to
6 read out on behalf of the Home Office, but I wonder if
7 Ms Brown and Ms Case might be permitted to step down
8 from the witness box before I get on with doing that?

9 THE CHAIR: Of course. Thank you very much for your
10 evidence.

11 (The witnesses withdrew)

12 Submissions by MR SHELDON

13 MR SHELDON: Chair, as you may recall, I appear on behalf of
14 the Ministry of Justice which is a core participant in
15 this strand of the inquiry's work. The Home Office is
16 not a core participant but has, as you know, provided
17 witness evidence to the inquiry and a number of
18 documents in the course of your investigation.

19 You will remember that during the course of
20 the opening statements on day 1 of this hearing,
21 Mr Enright, acting on behalf of victims and survivors of
22 abuse perpetrated at Forde Park, Stanhope Castle and
23 St Aidan's and St Vincent's Approved Schools, commented
24 on the fact that the Home Office was not a core
25 participant before you, and invited its response to the

1 abuse suffered by his clients.

2 Those comments were subsequently followed up by
3 two letters written by Mr Enright to the Home Secretary.
4 A response has now been sent to those letters by
5 Sir Philip Rutnam, the Permanent Secretary at the
6 Home Office, copied, chair, to you, and to the solicitor
7 to the inquiry, and I have been asked to read that
8 response into the inquiry's record on behalf of
9 the Home Office, which Mr Skelton has very kindly said
10 that I may take a moment to do now.

11 The letter carries today's date. It is addressed to
12 Mr Enright from, as I have said, Sir Philip Rutnam:

13 "Dear Mr Enright,

14 "Thank you for your letters to the Home Secretary of
15 28 November and 3 December about the Independent Inquiry
16 Into Child Sexual Abuse Public Hearing into
17 Accountability and Reparations on behalf of your clients
18 who are victims and survivors of abuse at Forde Park,
19 Stanhope Castle, St Aidan's and St Vincent's Approved
20 Schools. The Home Secretary has asked me to respond.

21 "Let me begin by saying that the government
22 recognises and deeply regrets the suffering that your
23 clients and many others endured in institutions in the
24 past. Some of the most vulnerable in our society were
25 let down at the very time that they most needed care and

1 support, and by the very people whose duty it was to
2 provide that support. It is crucial that we understand
3 what went wrong in the past so that right can be done by
4 those who suffered and lessons can be learned to protect
5 others in the future. That is why the government set up
6 the independent inquiry: To examine the extent to which
7 institutions have failed in their duty to protect
8 children from sexual abuse and exploitation; to identify
9 further action needed to address any failings
10 identified; and to make recommendations.

11 "The Home Office, along with all other government
12 departments, is fully committed to supporting the work
13 of the inquiry, including through the provision of
14 witness statements, disclosure of documents,
15 participation in public hearings and, most importantly,
16 taking meaningful action in response to inquiry's
17 findings.

18 "You raised the specific issue of core participant
19 status, and it may be helpful if I explain how the
20 government is handling this. In most of the inquiry's
21 investigations, there are several departments who have
22 an interest in the issues under discussion or who have
23 had an interest in the past. We do not believe that it
24 would be helpful for the inquiry for multiple
25 departments to instruct multiple legal teams to sit

1 alongside one another in public hearings. For this
2 reason, the approach adopted has generally been that the
3 department with the greatest interest in the areas under
4 consideration applies for core participant status and
5 works with other departments as necessary as the
6 investigation progresses. This is what has occurred in
7 relation to the accountability and reparation strand.

8 "As a result of current or former policy
9 responsibilities, there are several departments with an
10 interest in the issues to be considered in this strand.
11 As the department with national policy responsibility
12 for victims for the civil and criminal justice system,
13 support services and criminal injuries compensation, it
14 made sense for the Ministry of Justice to apply for core
15 participant status. However, the Home Office has been
16 very much involved. Home Office officials have carried
17 out significant research, provided three witness
18 statements, disclosed 135 documents and have followed
19 the hearings closely.

20 "You raised the issue of a corporate apology on
21 behalf of the Home Office, both in public and personally
22 to your clients. I want to stress that ministers
23 completely recognise the importance and value of
24 acknowledging when institutions have not done what they
25 should have done and individuals have suffered as

1 a result. However, it is also important that apologies
 2 properly reflect the actions and responsibilities of
 3 those involved. With that in mind, I am conscious that
 4 there are differences between the position set out in
 5 your letter of 28 November and that set out in the
 6 Home Office witness statement of 17 October, a copy of
 7 which I attach to this letter.

8 "I am sure that you will agree that the inquiry
 9 hearing is the proper forum for consideration of these
 10 matters, and that it is important to engage through that
 11 channel rather than through separate discussions whilst
 12 the hearing is under way.

13 "I can assure you that ministers are treating these
 14 proceedings with the outmost seriousness and are
 15 committed to considering very carefully the inquiry's
 16 findings and recommendations in due course.

17 "I would like to conclude by paying tribute to your
 18 clients for coming forward to tell their stories and
 19 shining a light on these shameful episodes. The
 20 department's ministers and I do not underestimate the
 21 courage that this must have taken, and we want them to
 22 feel it has been worth doing. The inquiry could not
 23 move forward without those willing to tell their
 24 stories, and I am grateful to them.

25 "I am sending a copy of this letter to the inquiry

1 chair and solicitor to the inquiry."

2 As I have indicated, it is signed by Sir Philip
 3 Rutnam.

4 Thank you very much, chair, for the opportunity to
 5 read that letter out.

6 THE CHAIR: Thank you, Mr Sheldon.

7 MR JACOBS: If I can very briefly respond?

8 Submissions by MR JACOBS

9 MR JACOBS: In relation to the comments about a corporate
 10 apology, those who instruct me do not accept that the
 11 Home Office bears no responsibility for the abuse of
 12 children when they were in Home Office approved
 13 institutions. I represent 11 such former children
 14 today.

15 Those who instruct me have today written to the
 16 Permanent Secretary pointing out a number of errors in
 17 his letter, and a copy of that correspondence has been
 18 copied in to this inquiry. Thank you.

19 THE CHAIR: Thank you. All of these comments are noted.

20 Mr Skelton?

21 MR SKELTON: Chair, no doubt some of these issues will arise
 22 in closing submissions, which are of course for Friday.
 23 However, in the meantime, the evidence in these case
 24 studies has concluded.

25 THE CHAIR: Thank you. We will reconvene on Friday. Thank