

Judicial Communications Office

Tuesday 13 December 2011

COURT DISMISSES CLAIM FOR DAMAGES BY A FORMER RESIDENT OF A CHILDREN'S HOME RUN BY THE DE LA SALLE BROTHERS

Summary of Judgment

The High Court today dismissed a claim for damages by Stephen Larkin who alleged that he had been sexually abused while resident at a children's home run by the De La Salle Brothers.

The plaintiff's case

The plaintiff, Stephen Larkin, is 41 years old. He claims damages as a result of sexual abuse which he says he sustained during a three month period in 1982 when he was resident at Rubane House, Kircubbin, a children's home run by the De La Salle Brothers.

The plaintiff states that he was brought to Rubane House in February 1982. He states that when he arrived he was disruptive at night and after two months this resulted in his being moved to one of two single rooms in the chalet in which he had been housed. He alleges that about one week after he moved into this room Brother Christopher entered during the night and sexually assaulted him. He alleges that the abuse continued for about three months (between April and June 1982) occurring two or three times a week. The plaintiff states that he did not report this at the time as Brother Christopher had threatened to send him to Borstal in Dublin if he did so. The plaintiff spent July at home and on his return to the children's home he states he was moved to a different chalet. He states that he was not abused on any further occasions during his stay at Rubane House.

After a series of events in his life, the plaintiff severely abused alcohol and drugs from around 1996. A number of detailed psychiatric histories were taken from the plaintiff between 1996 and 2002 but the first reference to abuse in his medical records was a note made by his GP in 2007. The plaintiff attended his solicitor in 2009 and was advised to contact the police.

In support of his claim, the plaintiff called Francis Corr who had been in the home from March 1974 until May 1974 when he was 14 years old. His evidence alleged that Brother Christopher also sexually abused him at the home.

The plaintiff also relied on the fact that there was a well-established history of sexual abuse within the home.

The defence case

Brother Christopher denies the allegations made against him. He was made Director of the home in April 1980 following the suspension of the previous Director because of allegations of sexual abuse. From June 1980 Brother Christopher was supported by Brother Camillus. Social Services had placed an embargo on admissions to the home in 1982, the time when the plaintiff was present, because of their continuing investigations. There was a high degree of supervision of

Judicial Communications Office

activities within the home by the Board's social workers. Brothers Christopher and Camillus lived in the main house. There was a night watchman at the chalet that the plaintiff states he lived in. Witnesses state that it would have been difficult for Brother Christopher to have gone to the chalet at night without being noticed. Furthermore witnesses provided evidence to state that boys older than the plaintiff were generally assigned the single rooms. Two witnesses, referring to the time of the alleged assaults, state that the rooms were assigned to two boys other than the plaintiff.

Limitation period

The Lord Chief Justice considered whether or not the limitation period prescribed by Article 7 of the Limitation (Northern Ireland) Order 1989. He concluded that it is appropriate to disapply the limitation period.

Consideration

The Lord Chief Justice took into account the following factors in reaching his decision:

The Lord Chief Justice considered the fact that the plaintiff had not reported the abuse in any form to a doctor, social worker or police officer until May 2007 at the earliest. He did not place any weight on the fact that he did not make disclosures at home nor when he was interviewed by police on a separate matter in 1995.

There were three aspects of the plaintiff's reporting which caused him concern about his reliability as a witness:

- He underwent psychiatric examination in 1996, 2000 and 2002 and did not disclose the sexual abuse in interviews;
- He states that he suffered flashbacks but did not report these during interviews;
- He states that he did not report the abuses to his family because of the threat of being placed into borstal, a place he was aware of because he attended a cross-country race at the venue. The evidence before the court stated that the plaintiff did not attend this race until after the dates of the alleged abuse.

The plaintiff called on Mr Corr to provide supporting evidence. The Lord Chief Justice concluded that Mr Corr provided no supporting evidence for the plaintiff's case.

The Lord Chief Justice, delivering his judgment, stated that it was vital to the plaintiff's case that he establishes that he was in a single room. He considered that the allocation of the plaintiff to a single room would have been a considerable departure from the usual policy and the absence of documentary evidence indicating that it happened supports the evidence provided which stated that the plaintiff did not have a single room. He concluded that the evidence on this issue was overwhelmingly against the plaintiff.

The Lord Chief Justice concluded that the evidence was overwhelmingly against the plaintiff. He stated he was not satisfied that the plaintiff was abused as he alleges and he dismissed the claim.

Judicial Communications Office

NOTES TO EDITORS

1. This summary should be read together with the judgment and should not be read in isolation. Nothing said in this summary adds to or amends the judgment. The full judgment will be available on the Court Service website (www.courtsni.gov.uk).

ENDS

If you have any further enquiries about this or other court related matters please contact:

Alison Houston
Judicial Communications Officer
Lord Chief Justice's Office
Royal Courts of Justice
Chichester Street
BELFAST
BT1 3JF

Telephone: 028 9072 5921

Fax: 028 9023 6838

E-mail: Alison.Houston@courtsni.gov.uk