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Vulnerable adults subjected to 'sustained' abuse at HSE-run centre

'Devastating' incidents covered in HSE's National Independent Review Panel report

KITTY HOLLAND
Social Affairs Correspondent

At least 18 intellectually disabled residents of a Health Service Executive-run centre in Co Donegal were subjected to sus-

tained sexual abuse" during a period of about 13 years with the full knowledge of staff and management, an unpublished investigation has found. Upwards of 108 incidents of "devastating" abuse were per-

petrated on mainly non-verbal adults by another resident, who is given the pseudonym "Brandon" in the report.

These included molestation, entering residents' beds at night, exposing himself, and possibly rape. Brandon died last year.

The report, from the HSE's National Independent Review Panel (NIRP), a copy of which has been obtained by The Irish Times, finds the Ard Gréine

Court complex and Sean O'Hare Unit in St Joseph's hospital in Stranorlar had been run with a "disregard for residents' rights", allowing sexual abuse to continue "unabated".

The Independent Review of the Management of Brandon report was commissioned by the HSE national office in December 2018, to examine management of the perpetrator from 2003 until he moved to a nursing home in 2016.

The "common strategy" to manage Brandon – to move him from ward to ward – "simply gave him access to a new cohort of clients whom he proceeded to assault until he was moved on again", the report finds.

'Collusion or complicity'
None of the victims' families were told until December 2018 – more than a decade after the abuse in some cases – despite repeated advice that this could be

"interpreted as collusion or complicity".

Local HSE management did not report the assaults or alleged rapes to gardai until last year, despite being urged to by the HSE's local safeguarding team.

A file on the case has been sent to the Director of Public Prosecutions.

The abuse was brought to light when a whistleblower approached local Independent

TD Thomas Pringle in 2016. He brought it to the attention of senior officials in the regional HSE and then minister for disabilities, Finian McGrath.

The NIRP report was completed this year but it remains unpublished and it has not been provided to families of Brandon's victims. Families of four of the victims have spoken to The Irish Times and are calling for the report to be published. Minister of State for Disabili-

ties Anne Rabbitte, who travels to Donegal today to meet some of them, is backing that call.

A HSE spokeswoman said that as the NIRP "process" was continuing, it was "not in a position to comment further".

The NIRP did not respond to requests for comment.

Families claim HSE was 'pushed' to reveal alleged assaults in care home; page 4

Ministers to push partial easing of Covid curbs

Requirement to show proof of vaccination before entering venues may remain

Government fears compliance with Covid regulations and advice has started to slip

JENNIFER BRAY, PAUL CULLEN and PAT LEAHY

Ministers will push for a partial easing of Covid-19 restrictions next week which could see vaccination passports remain in place as a requirement for entering venues and premises.

There are mounting concerns in Government and among public health officials about the rising number of Covid-19 cases and the high number of patients in hospital.

While no decisions have been made yet about the next phase of reopening on October 22nd, senior sources acknowledge that some of the measures may be paused if the situation continues to deteriorate.

One proposal is to remove some restrictions, while keeping the requirement to show proof of vaccination before entering a business.

The Government will closely monitor the data this week-end before making a final decision next Monday or Tuesday.

Booster shot

The National Immunisation Advisory Committee (Niac) is also due to meet in the coming days to discuss a possible booster shot campaign.

There is growing impatience in Government at the pace of those deliberations as some Ministers believe it is imperative that the booster campaign is expanded as early as possible.

Many health experts, however, say there is insufficient evidence to support a mass rollout of booster vaccines.

"We have to weigh up additional vaccine doses extremely carefully," Prof Mary Keogan of Beaumont Hospital told a symposium in the Royal College of Physicians of Ireland yesterday.

"We know two doses of vaccine provide protection against severe disease in the vast majority of the population. We don't know if a three-dose schedule will improve response or durability of the protection we get."

On the potential easing of restrictions on October 22nd, a Government source said that there might be a "middle way" of easing some restrictions, and this could involve opening up for only the fully vaccinated and recovered. There is a feeling that this could encourage more people to get vaccinated or get their second shot if they haven't done so.

Minister for Higher Education Simon Harris yesterday suggested an extension of the digital Covid certificate beyond October 22nd as a safer way of society fully reopening.

There are fears in Government that some indoor hospitality venues are no longer enforcing the requirement for Covid certificates for entry, and also a wider sense that compliance with Covid regulations and advice has begun to diminish. There is also considerable unease in Government about reopening nightclubs.

**Covid news and analysis; page 2
Editorial comment; page 11**



Laura Brennan portrait Campaigner remembered

Larry and Bernie Brennan, parents of the late HPV vaccine advocate Laura Brennan, attend the unveiling of a portrait of their daughter at the Royal College of Physicians of Ireland yesterday. The portrait is the first of a health advocate, who is not a doctor, in the RCPI's collection.

Photograph: Kenneth O'Halloran

Personal injury awards drop 40% under new guidelines

COLM KEENA
Legal Affairs Correspondent

Personal injury awards have dropped sharply since the introduction of new guidelines by the judiciary, a new report shows.

In the five-month period since the guidelines were introduced in April, the value of the awards assessed by the Personal Injuries Assessment Board (PIAB) has dropped by an average of 40 per cent.

The dramatic fall in the value of the awards will add to pressure on the insurance sector to reduce the price it is charging for public liability and other types of insurance cover.

New figures from PIAB show that nearly half of all the claim assessments being made by it are now for less than €10,000. This compares with 12 per cent of awards previously.

People seeking compensa-

tion for injuries must first go to PIAB for an assessment. If the award suggested by PIAB is not accepted, they can take their claim to court.

However, most people who reject the award suggested by PIAB go on to settle with the insurance company prior to their case being heard in court.

Sharply reduced

The new guidelines on awards drafted by a committee of the Judicial Council for implementation by both the courts and PIAB sharply reduced the level of award for whiplash-type injuries.

Because most claims never get to court, the main implementer of the new guidelines for injury awards is PIAB.

The independent State body said the report on the value of PIAB assessments made in the five months since late April was "very significant".

Over the five-month period to the end of September, average awards by PIAB went from €23,877 to €14,233, an average reduction of €9,654 per award.

This level of reduction equates to a total reduction in award values over this period of €25.6 million, the board said.

The report is the first official publication on average award levels since the introduction of the new guidelines and is based on over 2,600 assessed claims.

"While the guidelines are still relatively new, this is still a significant cohort of cases, and it does indicate a significant decrease in average awards," PIAB said.

The report also shows that, over the period, there was a drop to 41 per cent in the number of assessments being accepted.

Normally more than half of all PIAB assessments are accepted by claimants.

Weather

Mostly dry but brighter in the west and north early on with cloud building later. Highs of 10-16 degrees in light breezes.

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Home News

Northern Ireland protocol: Britain's Brexit minister, David Frost, will travel to Brussels today for talks with his EU counterpart, Maros Sefcovic; page 5

Social media: Female politicians have called for greater regulation and tougher sanctions over online abuse; page 5

World News

Lebanon: Six people died and dozens were injured after snipers opened fire on a rally in Beirut; page 6

Business This Week

Travel: Taxpayers are funding compensation for holidaymakers hit by travel agency failures as bonds provided by some companies fell short of the amount needed

Budget 2022: Most Irish households will not see any change in their financial circumstances, claims the ESRI

Sports Friday

Golf: Shane Lowry is 12 shots off the lead at the megabucks CJ Cup tournament in Las Vegas after a one-over-par opening round of 73; page 12

Rugby: Tadhg Furlong and Jack Conan are set to make their first appearances of the season tomorrow; page 13

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Families claim HSE was 'pushed' to reveal alleged assaults in care home



Kitty Holland
Social Affairs Correspondent

Unpublished report alleges sexual assaults by resident on disabled adults over long period

Families of some of the 18 intellectually disabled adults who were allegedly sexually assaulted in HSE care over a 13-year period say they don't believe the HSE "had any intention of telling us" until pushed to do so by the actions of a whistleblower.

The families were not told until December 2018 that a now-deceased former resident of the 40-bed Ard Greine Court centre in Stranorlar, Co Donegal had, according to a report, subjected their loved ones to "a vast number of highly abusive" sexual assaults with the "full knowledge of staff and management".

The unpublished report from the National Independent Review Panel (NIRP) says the assaults happened between the late 1990s and 2016.

The families, who live across the county, say they are "shocked", "disappointed" and "very let down" that a HSE-run centre they believed they could trust had "failed" them and their vulnerable loved ones.

Almost three years on from being told the abuse happened, they are left still "with many unanswered questions".

The sister of one victim who still resides at Ard Greine Court said: "We would have concerns about future care and the integrity of this current organisation as it is today."

Details of the abuse and the response of staff and management are detailed in an anonymised, unpublished report from the NIRP, seen by The Irish Times. Commissioned in December 2018 and completed in February this year, it has not been provided to families.

Referring to the perpetrator by the pseudonym Brandon, it says: "Evidence... would suggest that Brandon regularly targeted particular individuals and was able to identify particularly vulnerable residents whom he pursued relentlessly."

Though the review team



Independent TD Thomas Pringle outside the disability services centre at Ard Greine Court, Stranorlar, Co Donegal. Mr Pringle brought the allegations to the regional HSE area manager in November 2016.

PHOTOGRAPH: JOE DUNNIN

were asked to examine "serious incidents of concern that took place" in the HSE facility in 2003-2016, it says earlier records "suggest this sexualised behaviour had been ongoing... prior to 2003".

The first recorded incident, where Brandon was found with his hands on a resident's genitals, was in January 1997.

Warning

It reports repeated efforts by nursing staff from 2008 for effective action to protect residents from "Brandon's assaultive nature" and by an external psychiatrist in 2011 warning about the "sexual threat of the opportunistic, predatory and recidivistic approach of this man".

"The most common response was to move him around various wards. "Brandon was moved... nine times in the... period of this review. While

each of these moves provided some respite to the staff and residents from the ward Brandon was vacating, unfortunately they also gave him access to other residents many of whom became new victims."

The intellectually disabled residents lived in three wards of the Sean O'Hare Unit in St Joseph's Hospital until 2008, when they moved across the road to the Ard Greine campus, which comprised seven bungalows.

Brandon was placed in House 1 with five other men - a decision described by NIRP as "devastating for all the other residents living" there.

A report from an external psychiatrist, dated April 12th, 2011, says: "It is totally inappropriate to allow this man to continue to live with and sexually exploit vulnerable, learning disabled men."

"The fact that relatives of his known victims have not been informed of the episodes of abuse could be interpreted as collusion or complicity if the situation were ever the subject of an investigation."

On November 16th, 2011 a forensic psychologist advised management that a policy should be formulated "regarding the circumstances in which

Evidence... would suggest Brandon regularly targeted particular individuals and was able to identify particularly vulnerable residents whom he pursued relentlessly

to inform families".

In December 2011, Brandon was moved to his own self-contained accommodation with one-to-one care. The abuse reduced dramatically.

"Unfortunately, on 5th September, 2013 he was moved back again to House 1 to live with residents he had previously assaulted."

Minutes from an October

2013 meeting note that because Brandon was now wheelchair-bound, he was considered less able to abuse. The minutes also say that the cost of one-to-one care for Brandon in House 2 meant the service manager "advised it could not continue, hence his move to House 1".

Brandon was discharged to a nursing home in 2016 and died in 2020. His family were never told about his abusive behaviour.

Local TD

A whistleblower, who had contacted the Health Information and Quality Authority (Hiqa) and Garda between 2011 and 2016 and felt the repeated failings remained unaddressed, approached local Independent TD Thomas Pringle in October 2016.

Mr Pringle describes what he heard as "horrifying" and said he "had to deal with it". He brought the allegations to the regional HSE area manager in November 2016, and later documentation provided by the whistleblower to then minister for disabilities, Finian McGrath.

Mr McGrath referred the documentation to the HSE national management - a "key in-

tervention", according to Mr Pringle.

Despite the evidence provided by the whistleblower, families were still not told until after a review, commissioned by the HSE in Donegal in 2016, was completed in November 2018. Nor were Brandon's victims assessed for trauma.

"This reluctance [to take action] resulted in a less than robust approach to ensuring the ongoing safety and wellbeing of the residents... for at least two years," says the NIRP report. "The review team are... concerned that the impact of Brandon's behaviour on each of the residents... has not been fully understood by those who have responsibility of caring for them."

When the review did not tally with the whistleblower's documentation provided to the HSE's national office, NIRP was commissioned to investigate, says Mr Pringle. "When I first raised this in 2016, I didn't think we'd still be here five years later trying to get answers for the families."

The HSE declined to comment on the issue. The NIRP did not respond to requests for comment. The Garda has sent a file on the case to the Director of Public Prosecutions.

Women lose child swing damage claims

Judge says 'common sense' would tell adults they should not use child's swing

MARY CAROLAN

Two women have lost their separate High Court damages claims over minor ankle injuries suffered as each got out of a "bird's nest" basket swing in a children's playground on two different occasions.

Mr Justice Michael Twomey found there was no negligence or breach of duty by Tipperary County Council.

The injuries were caused by two adults deciding to use equipment not designed for adult use and "common sense" would tell any adult they should not use a swing designed for use by children, he said. In dismissing both cases, he voiced concern about the "chilling" effect of such litigation, even when unsuccessful, for the provision of play facilities for children and the freedoms of all citizens.

Such cases are more appropriately brought in the District Court, where legal costs are much lower than the High Court, he said.

There are economic reasons why an impecunious plaintiff with an unmeritorious claim for a minor injury, who is hoping for a settlement, would choose to institute proceedings in the court where legal fees are the highest, since there will be greater incentive for a defendant to settle the claim, he said.

He stressed he was not suggesting that had happened in this case.

In a judgment published this week, he dismissed the separate cases by Sarah Kennedy, of Ballyknockane, Clogheen, Cahir, Co Tipperary, and Susan O'Mahoney, of Ballyvera, Goatenbridge, Ardinnan, Clommel, Co Tipperary.

Both sued over ankle injuries sustained, on different occasions, as they got out of a bird's nest basket swing in a community playground in Newcastle, Co Tipperary, built after members of the local community raised funds for it.

Ms O'Mahoney's injury occurred on March 30th, 2016 as she was exiting the swing which she had got onto with a child whom she was then minding, aged two years and 10 months. She caught her right ankle on the underside of the swing and suffered an undisplaced ankle fracture. She was in a cast for six weeks, an ankle boot for four weeks and was back working as a carer within two and a half months.

Ms Kennedy's injury occurred on July 13th, 2016 as she was exiting the swing after getting onto it with her cousin, a boy aged 16 months. She had the child in her arms as she got off and caught her right ankle in a children's playground on the underside of the swing. She suffered an undisplaced ankle fracture and some ligament damage, was in a cast for four weeks, out of work for eight weeks and had some ligament damage for a short time after.

Both women knew each other as acquaintances and their cases, against the council, were heard together because they involved similar claims. He noted both women were seeking compensation at the High Court level, more than €60,000 from the council on grounds it had negligently set the swing height too low and, as a result, created an entrapment risk for them.

The judge accepted engineering evidence for the council that the swing was set at the right height and in compliance with the relevant British Standard then applicable. That was the end of the personal injuries claim as there was no breach of duty or negli-

gence by the council, he held.

Even if wrong on that finding, he held the council had not breached any duty, statutory or otherwise, to the plaintiffs.

He said common sense suggests an adult should not use a child's swing and there was no evidence of the swing being an injury risk to children who used the swing on their own, without an adult. A notice at the playground made clear the equipment in it, was "for the use of children", the corollary being it was not for use by adults.

There is a duty on adults to take "reasonable care" for their own safety and it was thus no breach of duty by the council not to raise the swing for use by adults. Raising the swing would make less safe for use by small children, he said.

Both women sued over ankle injuries sustained, on different occasions, as they got out of a bird's nest basket swing

Briefs

Northern Ireland

Lewis failed to comply with duties on abortion, court rules

Northern Ireland Secretary Brandon Lewis failed to comply with his duties by not expeditiously providing full abortion services for women in Northern Ireland, the High Court in Belfast has ruled.

However, Mr Justice Colton declined to make any order compelling Mr Lewis to set out a timetable for the provision of the services.

He was delivering a ruling after the Northern Ireland Human Rights Commission took a judicial review against the secretary of state, as well as the Northern Ireland Executive and the Department of Health, over their failure to commission and fund abortion services.

The claims against the Department of Health and Executive were dismissed.

The judge said Mr Lewis "failed to ensure expeditiously that the State provide

women with access to high-quality abortion and post-abortion care in all public facilities in Northern Ireland."

Abortion laws in Northern Ireland were liberalised in 2019 following legislation passed by Westminster when the Stormont power-sharing government had collapsed. However, although individual health trusts have been offering services on an ad-hoc basis, the Department of Health has yet to centrally commission the services.

After the legal proceedings were launched this year, Mr Lewis formally directed Stormont to commission the services.

He used new powers to direct ministers in Belfast to take the steps necessary to roll out abortion services, with a deadline of the end of March 2022. - PA

Gerry Robinson

Businessman and television presenter dies aged 72

Co Donegal businessman and former television presenter Sir Gerry Robinson has died at the age of 72.

He was born in Dunfagh, Co Donegal in 1948 but left Ireland for England with his family when he was in his teens.

The father of four spent a large part of his life in England working with Matchbox Toys and Coca Cola and became the chief executive of Granada Television in 1991.

He fronted the BBC's I'll Show Them Who's Boss in 2004 when he went into struggling businesses to try to turn them around by advice and mentoring.

In January 2007, he presented a three-part series, Can Gerry Robinson Fix the NHS? as he attempted to reduce waiting lists at Rotherham General Hospital.

Mr Robinson, who also served as chairman of the Arts Council England for six years from 1998, was knighted in 2004.

He returned to Co Donegal in 1996 after he acquired Oakfield House in Raphoe.

He is survived by his wife Heather, and their four children, Samantha, Richard, April and Tim.

His funeral takes place on Sunday.

STEPHEN MAGUIRE

Finance

Company executive arrested in theft and deception inquiry

A man who has been a leading executive in the Irish corporate sector has been arrested for questioning by detectives investigating allegations of theft and deception.

The Irish Times understands a large Irish firm went to the Garda more than a year ago and made allegations of a criminal nature.

The company alleges that one of its former executives benefited from expenditure by the firm.

It was alleged that building works on the former executive's home had effectively been charged to the company

through a third party. Money central to the allegations is relatively small.

That investigation has been under way since last year. Yesterday morning in a Dublin Garda station, the man met officers by arrangement to be arrested for questioning.

He was released subsequently.

The investigation is continuing and will result in a file being sent to the DPP, whose office will decide if the former executive has any case to answer.

CONOR LALLY

Abortion



Group launches campaign ahead of legislation review

Members of the anti-abortion organisation the Life Institute have launched a national billboard campaign ahead of a review of current legislation.

Some 30 billboards have been erected, with more planned.

An independent expert is to review Ireland's abortion laws three years after the country voted in a landslide referendum to allow terminations in certain circumstances.

The upcoming review of the Termination of Pregnancy Act "must rethink the abortion regime established since the Eighth [amendment] was repealed," Megan Ní Scealláin, a member of the Life Institute said.

She said the billboards were central to a campaign urging TDs and the public to examine the number of abortions that have taken place in the State since the repeal of the Eighth amendment.

HSE figures show 6,666 abortions took place in Ireland in 2019, followed by 6,577 in 2020.

In 2020, the vast majority of terminations - 6,455 - were carried out in early pregnancies of less than 12 weeks.

Of the other abortions, 20 were carried out due to a risk to life or health under the grounds, five due to a risk to life or health in an emergency situation, and 97 due to a fatal foetal anomaly.

Couple accused of abducting their child released on bail

TOM TUITE

A mother and father accused of abducting their child have been released on bail with strict conditions, including that they must remain drug and alcohol-free.

They appeared before Judge Treasa Kelly at Dublin District Court yesterday where gardai objected to bail due to the seriousness of the case.

The court heard the child is now in the care of another family member.

The man and woman cannot be identified due to reporting restrictions.

Gardaí said the pair, in their 30s, had been witnessed by a family member leaving the scene of the alleged kidnapping this week. They had an access arrangement prior to the incident.

Gardaí had concerns that they lived close to the child, and there could be a recurrence. It was alleged both told gardaí they intended to leave the jurisdiction. They allegedly made admissions at a Dublin Garda station.

Judge Kelly heard that gardaí wanted conditions for

them to not live in the same county as their child if the court granted bail.

Defence solicitor Niall O'Connor said his clients were agreeable to residing at a homeless hostel in Dublin and not contacting the child.

However, Judge Kelly said she needed to know where they would be living day to day before she granted bail. That would not be the case if they were relying on hostel accommodation, she said.

She agreed to allow them to reside at their home address, but she warned they must obey several conditions. They have to sign on daily at their local Garda station, provide phone numbers and remain contactable, and have no contact directly or indirectly with the child or any witness.

The couple must not go near the child's home and were warned to remain drug and alcohol-free.

Judge Kelly ordered them to appear again in court on November 11th pending directions from the Director of Public Prosecutions. Mr O'Connor said they were unemployed and of limited means. Legal aid was granted.

Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council

Final Temporary Road Closure Notice

Dublin City Council intends to make an order authorising the temporary closure of the following road to facilitate carriageway resurfacing works on the dates and times listed below:

Willow Park Road (Glasnevin Avenue to Willow Park Crescent)
Dublin 11 from 08.00hrs to 23.00hrs daily between Monday 18th of October 2021 and Friday 29th October 2021.

Route diversion details are available on <http://bit.ly/TempRoadClosures>

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