

9. Pursuant to the matters aforesaid the Defendants devised and implemented the regime within their said Home and/or conferred upon the said employees the discretion to devise, implement and maintain a system of caring for the children within their said Home, including the Claimant. The regime at the Home, devised implemented and maintained by or on behalf of the Defendants, by the Defendants' servants or agents was generally inappropriate, damaging, harsh and uncaring in that:-

- (a) physical abuse, by way of excessive corporal punishment was generally and openly used in the Home;
- (b) physical abuse in the form of bullying by staff and residents upon other children would frequently occur, sometimes with encouragement of staff and without intervention from staff;
- (c) sexual abuse;
- (d) undeserved and/or inappropriate threats of violence and punishment were generally used by the staff.

Further particulars may be provided after Discovery.

10. Whilst the Claimant was resident at the Defendants' said Bryn Alyn Home and thereafter at the Bryn Tirion Home and was in their care, the Defendants by themselves, their servants or agents during and in the course of their said employment:-

- (a) Subjected the Claimant to sexual abuse, namely,
 - (i) By the said John Allen, after the Claimant moved to the

Bryn Alyn Home, the Claimant was also subjected to repeated sexual abuse in the form of fondling, and attempts at buggery.

- (ii) By John Allen subjected the Claimant to physical violence whenever he failed to co-operate with the sexual abuse and in particular struck the Claimant with a microphone causing the Claimant to suffer a black eye

(b) Subjected the Claimant to physical abuse, namely :-

- (i) by Name Redacted subjected the claimant to assaults and in particular struck the Claimant in the face when the Claimant refused to co-operate in scrubbing down another resident with a yard brush
- (ii) Subjected the Claimant to bullying by staff generally. The regime in operation was a violent one with frequent bullying and slapping by both staff and boys

(c) Subjected the Claimant to psychological abuse, namely :-

- (i) Causing the Claimant to witness the humiliating and denigrating treatment and requiring the Claimant to take an active role of another resident;
- (ii) causing him to witness on occasions to numerable to mention physical violence against other residents which caused the

9 It is admitted and averred that after it became the owner and operator of the said Homes the First Defendant at all material times entrusted the care of the Claimant to the staff that it employed at the said Home. Save as aforesaid, paragraph 8 of the Statement of Claim is denied.

10 The Second Defendant is unable to admit or deny and requires the Claimant to prove the facts and matters alleged in paragraphs 9 and 10 of the Statement of Claim.

11 For the avoidance of doubt, it is denied that the First Defendant is vicariously liable for any of the acts or omissions by its servants or agents of which complaint is made in the Statement of Claim (as to which no admissions are made) if and insofar as such acts or omissions were not committed by them in their capacity as the servants or agents of the First Defendant and/or were outside the scope of their employment by the First Defendant.

12 As to paragraph 11 of the Statement of Claim, the Second Defendant neither agrees nor disputes, but has no knowledge of the matters contained in the medical report or the loss and damage alleged to have been sustained by the Claimant.

13 It is denied that the First Defendant, its servants or agents were guilty of the alleged or any negligence as alleged or at all. The Second Defendant is unable to admit or deny and requires the Claimant to prove the facts and matters alleged in paragraph 12 of the Statement of Claim. Further or in the alternative, the Second Defendant denies the causative effect of any such alleged negligence.