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Chapter 5:

Module 1 – Sisters of Nazareth, Derry/Londonderry

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Introduction

- 1 The Inquiry devoted Module 1 to the examination of evidence relating to two homes run by the Congregation of the Poor Sisters of Nazareth in Londonderry, namely St. Joseph's Home, Termonbacca, and Nazareth House in Bishop Street. These institutions were dealt with in the same module because there are a number of overlapping features in the manner in which they were run and other links between them although, as will be apparent from the remainder of this chapter, we have examined them separately. The Inquiry devoted thirty-nine sitting days to this module commencing on 27 January 2014, spread over ten sitting weeks from 27 January to 29 May 2014. During the ten sitting weeks, one of which (week 6) was a closed session, the Inquiry received oral evidence from sixty-two witnesses and received written statements from a further ten witnesses. The evidence of one other witness was not admitted. In addition to the oral and written evidence we have taken into account the detailed written and oral closing submissions made on behalf of fourteen individuals against whom allegations of abuse were made, and we also received written and oral submissions on behalf of the Congregation of the Sisters of Nazareth, the Department of Health, Social Services and Public Safety, as the successor department to the Ministry of Home Affairs and the Department of Health and Social Services, each of which had statutory responsibility for these homes during the period with which we are concerned. We also received oral and written submissions on behalf of the Health & Social Care Board, as the successor to the various local or statutory authorities which had responsibilities for the care of children in this area. We have considered all of this evidence and paid careful attention to the various written and oral submissions which were made to us, however in accordance with our general approach and our Terms of Reference, we do not propose to refer to each and every detailed allegation that was made, whether against an individual or either institution, although we have taken all of the evidence and the submissions into account. For simplicity's sake we shall refer in this chapter to St. Joseph's Home, Termonbacca as "Termonbacca" as this was the name by which it was commonly referred to by witnesses and officials alike. At this point it is appropriate to say something about the background of each of these institutions and how they operated.

Background

- 2 Nazareth House was the first of these institutions to come into existence. Its origin can be traced to a legacy from a Mrs. Watters, a native of Derry, to the then Roman Catholic Bishop of the substantial sum of £7,000. In 1892 the Bishop bought a property in Bishop Street and eight smaller houses in the same street for £3,360. The home was expanded in 1889 when some adjoining properties were purchased. As a result of an invitation from the Bishop, the Congregation of the Poor Sisters of Nazareth came to Derry in February 1892, and Nazareth House formally opened as a home for elderly and young people on 2 March 1892. Throughout the period with which the Inquiry is concerned, Nazareth House made provision for the care of both old people and young children, and the Sisters of Nazareth also ran a school for young children as part of the same site. Nazareth House ceased to be a home for children in 1998, and the old people's home which continued on the same site closed in 2012. The site still contains a primary school.
- 3 The main building comprised four floors with classrooms, bathrooms and playrooms on the ground floor. A nursery was located on the first floor; whilst the second and third floors contained dormitories for older children. The dormitories were intended to sleep up to forty children, and the children, including siblings, were separated according to age. The Foundation Book says that in 1956 the largest dormitory was divided into three small rooms, and in 1958 two large dormitories were divided into four small rooms. The home remained in this form until it was extensively modified in the early 1970s when the building was adapted to provide accommodation for family groups. This was brought about by the creation of separate apartments, each comprising bedrooms, sitting rooms, toilet facilities and small kitchens created by the conversion of the large dormitories. At this time the children continued to take their meals together in the common dining room. However, in the last years of its existence as a childrens' home the family units were further modified and upgraded to provide separate bedrooms, each containing a wardrobe and sink, as well as the installation of central heating and separate unit dining rooms so that all of the children in the home no longer ate in one large group.
- 4 Though it appears that Nazareth House could accommodate as many as 180 children up to the age of fourteen, for the greater part of the time with which the Inquiry is concerned it contained between 60 and 100

girls. When Nazareth House was formally registered as a children's home in July 1950 the Sisters of Nazareth declared that it would be capable of accommodating 180 children up to the age of fourteen, although, as stated above, the normal number appears to have been between 60 and 100, usually at the upper end of this range, and the Sisters of Nazareth have informed the Inquiry that throughout its existence as a children's home a total of 2,347 children were received into their care at Nazareth House.

- 5 A particular feature of Nazareth House was that until the late 1970s the individual sisters who looked after the children also taught in the school on the same site. As a result they had not only to perform their regular teaching duties, but they were also individually responsible for the care of a very large number of children outside school hours. This meant that they had to get the children up in the morning, prepare them for, and supervise, their breakfasts then get them out to school and spend the rest of the school day performing their teaching duties. Then in the afternoon and early evening they had to resume their duties in charge of the children, supervising them after school, getting them ready for bed and so on, although they were assisted from time to time by other sisters who had time to spare from their respective duties, whether as collectors or looking after the old people on the same site. They also were helped by older girls who continued to live on the premises after they had left the home. These girls would volunteer to help out with the sisters in the evening and supervise the younger children when the sisters were at prayer or having their own recreation time.
- 6 St. Joseph's Home, Termonbacca was founded in November 1922 when the Sisters of Nazareth purchased a substantial house and one hundred and ninety five acres of land situated in the town land of Termonbacca. Termonbacca is Irish for "a sanctuary for lame, crippled or poor person". From its inception the home was supported by the proceeds and produce of the farm, which was actively farmed by the Sisters. The original building was not large enough to house the number of boys who eventually lived there and as a result a number of extensions were added over the years. In 1926 two substantial iron huts were donated to the Congregation and placed on land behind the main house. These comprised a dormitory, bathroom and toilets, together with a dining area for twelve senior boys who were also engaged in working on the farm. When Termonbacca came into existence, and for a considerable period

thereafter, it was in a completely rural area somewhat remote from, although relatively close to, the city, until the creation of new housing estates in the adjoining Creggan area meant that the urban sprawl of Londonderry expanded almost to the home.

- 7 By the 1950s it had expanded in size and its stated capacity as a voluntary home was 92 boys. It remained purely a home for boys until a major change of direction was undertaken in the late 1960s when girls were admitted as part of family groups to Termonbacca. The Congregation has informed the Inquiry that 1,834 children were received into Termonbacca in the sixty years of its existence. The actual number of boys accommodated at Termonbacca was close to the stated maximum capacity throughout the 1950s and early 1960s, for example in 1953 there were 86 children¹ and in 1957 there were 92 boys.² However, in the early 1960s the pattern of care changed. Children were no longer admitted for their whole childhood, but they typically stayed at Termonbacca for a period of a few years or less. By the late 1960s the numbers being received into Termonbacca had almost halved and a major rebuilding exercise was embarked upon. This resulted in the construction of completely new family units with the conversion of the children's wings into three such units, each with a capacity of fifteen children with one sister in charge of each unit. Each of these units consisted of two or three bedrooms and the three new units, with a maximum capacity of forty five children, replaced what had hitherto been two large units accommodated in dormitories, each the responsibility of one sister. The fall in the number of children being admitted to Termonbacca by the late 1960s reflected a general move away from large institutions to the increased use of foster care, as well as a reduction in the number of children being placed voluntarily in the home. The construction of the new family units took some years to achieve and involved a total cost of almost £100,000 of which the Sisters of Nazareth raised more than half, with the remainder being provided by a government grant. We shall refer to this again later in this Chapter.
- 8 In summary, the roles of the two homes run by the Sisters of Nazareth in the Londonderry area changed dramatically between 1950, when Section 92 (1) of the Children and Young Persons Act enabled the welfare authorities to develop residential childcare services, and 1998, when the Nazareth House in Derry closed. By 1950 Termonbacca and

1 SND 5798.

2 HIA 1780.

Bishop Street provided approximately 200 places between them, and there was no other residential childcare provision. Although most of the placements in these homes in the 1950s were voluntary and there was no involvement on the part of the welfare authorities, it is clear that the authorities were highly dependent on the services provided by the Sisters of Nazareth and they would have been in dire straits if the homes had been closed or seriously reduced in resident numbers.

- 9 Throughout the United Kingdom the homes run by the Sisters of Nazareth were among the largest institutions, at a time when local authorities were opening family group homes for eight or ten children, with a scattering of larger homes for 20 – 26 children. The welfare authorities opened Fort James children's home with fifteen beds, and Mourne Drive family group home with six beds. In 1980 Harberton House opened with 20 beds (rising later to 25) to undertake the reception, assessment and treatment of children. Also within the Western Board's area, Coleshill children's home in Enniskillen had 26 beds. Some children were placed elsewhere in training schools or in homes in Belfast, but these were relatively few, and the welfare authorities liked to look on the residential services in the area as being self-sufficient.
- 10 Meanwhile the numbers of children in Termonbacca and Nazareth House were being reduced, partly on a planned basis with the introduction of smaller internal 'family' units, and partly because of decreased demand. As benefits were improved and less social stigma was attached to single mothers, fewer babies and young children were being received into care. The children who were being received into care tended to be older, many had been deemed in need of care and control and some displayed very disturbed behaviour. It is clear that the WHSSB increasingly used its homes for the care of such children and we saw examples of children whose behaviour could not be contained in Termonbacca and Nazareth House being transferred to statutory homes. By the time Termonbacca closed in 1982 and Bishop Street in 1998 these homes were seen as dated.
- 11 Since Termonbacca closed it has been owned and run as a retreat centre by the Carmelite Order of Friars. This Order had no previous involvement with Termonbacca and had no connection with the running of the property as a children's home, and since 1982 the Sisters of Nazareth have had no involvement with Termonbacca.

- 12 Although Module 1 was concerned with the allegations relating to Nazareth House and Termonbacca, these homes have to be viewed in the context of a third home run by the Sisters of Nazareth at Fahan, Co. Donegal, which was closely connected with both Nazareth House and Termonbacca. The house at Fahan was purchased by the then Roman Catholic Bishop of Derry, Bishop Farren, and was initially used to house 40 babies evacuated from Nazareth House as a safety measure during the Second World War. Bishop Farren’s long-term aim was that it would be used as a mother and babies home: it was later used by the Sisters of Nazareth for that purpose for many years. Fahan received babies from mothers living in Northern Ireland, principally in the City and County of Londonderry, as well as children placed by families from Co. Donegal. In addition, another house in the grounds was acquired and was used as a holiday home for many years by the children of Nazareth House. For a significant period of time the house at Fahan kept babies until they were in or around two years old, many of whom were then transferred either to Termonbacca or to Nazareth House.
- 13 A significant number of the children admitted to both Nazareth House and Termonbacca over the years came from the Republic of Ireland, principally from Co. Donegal. Although many of those children were the children of mothers resident in Northern Ireland who chose to place the children in Fahan, the majority of the children in respect of whom information has been provided to the Inquiry by the Sisters of Nazareth appear to have been born in Co. Donegal. Figures relating to Nazareth House provided by the Congregation indicate that 88 children, all but three of whom were girls, came from Co. Donegal up to 31 December 1989.

| Number of children | Born |
|--------------------|---------------------------------|
| 45 | before 31/12/1949 |
| 24 | between 1/1/1950 and 31/12/1959 |
| 14 | between 1/1/1960 and 31/12/1969 |
| 2 | between 1/1/1970 and 31/12/1979 |
| 3 | between 1/1/1980 and 31/12/1989 |

- 14 A similar pattern is evident in relation to admissions to Termonbacca. Seventy-five children were admitted from Co. Donegal: seventy-one boys and four girls.

| Number of children | Born |
|--------------------|--|
| 37 | before 31/12/1949 |
| 14 | between 1/1/1950 and 31/12/1959 |
| 23 | between 1/1/1960 and 31/12/1969 (including 3 girls) |
| 1 | (girl) born in 1971 |

- 15 The Government and the relevant local authorities were well aware at the time that children were coming from Donegal. In January 1957 Eddie McAteer, a nationalist Member of Parliament at Stormont, wrote to the County Londonderry County Borough Welfare Committee in relation to both Termonbacca and Nazareth House. In these letters he pointed out that of 87 boys in Termonbacca, 21 (24%) had been born outside Northern Ireland, and of one hundred and fifty seven girls in Nazareth House, 35 (22%) had been born outside Northern Ireland. *The Report of the Northern Ireland Child Welfare Council for 1956 to 1959* also drew attention to this, saying that of the 84 children in voluntary homes born in the Republic of Ireland, 63 of them (75%) were concentrated in two Roman Catholic Homes in Londonderry (i.e. Nazareth House and Termonbacca). The report continued:

“This transfer to Northern Ireland at the age of 3 years of children born in Eire represents the continuation of the long-standing tradition of sending deprived children from the babies’ home in County Donegal to the children’s homes in Londonderry which are run by the same organisation.”³

- 16 Until the early 1970s both Nazareth House and Termonbacca received the great majority of their children as the result of parents or other relatives placing children with them voluntarily, and so the children in question were not officially in care so far as the relevant local authority county or county borough welfare committee was concerned, and so were not regarded by the welfare committees as their responsibility. In the 1950s the principal reason why children were placed in these homes, as in many other voluntary homes in Northern Ireland, was because they were illegitimate. For example, the Northern Ireland Child Welfare Council report already quoted observed that of the six largest

3 *Report of the Northern Ireland Child Welfare Council 1956-59*, page 21 paragraph 84.

voluntary homes in Northern Ireland, two out of every three children were illegitimate, and in Nazareth House 57.7% were illegitimate and in Termonbacca 60% were illegitimate (although these figures were considerably lower than several other houses in Northern Ireland).⁴ Other reasons why children were placed in homes were because they may have been the responsibility of a single parent, a widow or widower, who could not cope, or because the overall family circumstances were such that the family was unable to cope with their children, possibly for financial or health reasons. Such children were often from large families, and there were many examples of groups of siblings being admitted to residential care at the same time. However, older and younger siblings at times remained at home, and this made it difficult for the children admitted to care to understand the rationale for their placement.

- 17 In a great many cases the introductions of the children to the home in question were made by parish priests or other religious. The figures already referred to the Inquiry by the Sisters of Nazareth indicate that of the 67 children admitted to Termonbacca from Co. Donegal, all were admitted on the recommendation of Catholic clergy. Of the 88 children admitted to Nazareth House from Donegal, 25 were recommended by priests, and five by female religious such as the Sisters of Mercy at Stranolar, Co. Donegal. These figures are not surprising because it was extremely common in the Roman Catholic community of the time for the mother, father or other relatives of a child to seek the advice of their parish priest, as was pointed out by Bishop Daly in his evidence to the Inquiry. The Child Welfare Council in its 1956 to 1959 report touched on this when it said:

“The choice by clergymen of voluntary homes is explained partly by their concern that the child’s religious upbringing might not be so well secured in the care of a welfare authority as in a voluntary home which is run by a religious community or by an organisation with a religious connection, and partly by the determination of the parents and relatives, whom the clergymen are trying to help, to seek the privacy of a voluntary home for an illegitimate child.”⁵

- 18 Although until the late 1960s or early 1970s the great majority of children in Nazareth House and in Termonbacca were placed voluntarily, by the late 1950s there were a number of children placed in these

4 Page 5 paragraph 11.

5 Paragraph 79.

institutions by local county welfare committees. In September 1960 five girls had been placed in Nazareth House by County Londonderry Welfare Committee,⁶ and a small number of children had been placed in both homes by Co. Donegal County Council as the welfare authority there. The figures provided to the Inquiry by the Sisters of Nazareth indicate that six were placed in Nazareth House by the Co. Donegal welfare authorities. Although there are no overall figures for the position at Termonbacca, fragmentary pieces of documentary evidence support the oral evidence of some witnesses who say that they were placed there by the Co. Donegal welfare authorities. For example, there is a record that £1 per week was paid for HIA 46 upon his admission in 1955,⁷ and evidence given to the Inquiry in closed session stated that the Co. Donegal Welfare Committee contributed £24 per annum, and a clothing allowance, to the upkeep of HIA 68 who was placed in Termonbacca in November 1950.

- 19 It seems that it was not until the late 1950s that local welfare committees in Northern Ireland started to place children in Termonbacca⁸ on a regular or substantial basis. By the end of 1959 Londonderry County Borough Welfare Committee had placed two children in Termonbacca; this increased to three by the end of 1961.⁹ By 1963 there were four children, two from Londonderry County Borough, and two from County Tyrone, County Welfare Committees,¹⁰ and by the end of 1963 out of 87 children in Termonbacca, eight had been placed by welfare committees.¹¹
- 20 The placing of children in care in both institutions by local welfare committees and their successors increased in the 1970s until all the children in both had been placed in care by social services, but were being cared for by the Sisters of Nazareth. Throughout the period during which children were placed in care by local welfare authorities in this way, a charge was made by the Sisters to the authority concerned, and we will consider this later in this portion of the report when dealing with funding. For present purposes it is sufficient to state that the amounts charged for such children were always modest compared to the amounts charged by and allowed by local authorities, and by

6 SND 9211.

7 SND 1350.

8 HIA 1861.

9 HIA 1856.

10 HIA 2685.

11 SND 7804.

central government, to statutory homes in the public sector. This is a matter which we consider in greater detail later in this chapter, but in the early days the Sisters were solely dependent upon their own financial resources, and even when the local welfare authorities were placing children in either Nazareth House or Termonbacca, the amounts were not particularly substantial so far as the overall income of either institution was concerned.

- 21 At both Nazareth House and Termonbacca for the greater part of the period within the Inquiry's terms of reference the position was that the Sisters of Nazareth at both institutions were almost completely dependent upon the goodwill and extremely generous practical and financial support given to both homes by members of the Roman Catholic population in the City of Derry, in Co. Londonderry and in Co. Donegal. This support manifested itself in a number of ways. The Sisters at Nazareth House for many years carried out regular collections throughout the streets of Derry and in country districts. As the number of sisters available to carry out collecting diminished parish collections were instituted instead. Many of the witnesses who gave evidence to the Inquiry were fulsome in their praise of the generosity of the local population and of many local businessmen and business concerns. It is important that the allegations against the Sisters which we have to consider are viewed against the background of considerable poverty in the community from which they drew their financial and practical support. Nazareth House, in particular, was dependent to a very considerable degree on the proceeds of these collections, although it appears that at least by the late 1960s or early 1970s, if not before, it was the practice of Nazareth House to provide substantial proportions of the money it raised by collections to its sister houses at Termonbacca and Fahan. That at least was the evidence of SR 52 who served in Nazareth House from 1967 to 1975. She said¹² that the Saturday and Sunday collections always went to Termonbacca and Fahan, and that £1,000 per month went to each. As will become apparent when we examine the question of funding, both Nazareth House and Termonbacca received little financial support from either central or local government until some capital grants were provided in the late 1950s. A greater degree of capital grant funding was made available in the 1960s and 1970s, but almost to the end of the period covered by our terms of reference both

12 Day 29 pp. 91 and 92.

institutions had to grapple with constant problems in obtaining sufficient funds to meet their day to day running costs.

- 22 We refer to these matters at this stage to emphasise that whatever criticisms may or may not be legitimately leveled at the manner in which the Sisters of Nazareth discharged their obligations to the children in their care in both Nazareth House and Termonbacca, throughout this time the individual sisters, and the Congregation of the Sisters of Nazareth in general, had to struggle with very limited financial resources and had to do the best they could within those resources. The sisters who gave evidence before us repeatedly expressed their appreciation of the financial and material help provided to them by the people of Derry and County Londonderry, as did a number of those who were placed in both institutions. The practical and financial help given by members of the St. Vincent De Paul organisation together with generous donations from individual benefactors over the years, and frequent gifts of material and money by local businessmen and firms such as Desmonds, and the kindness extended to individual children by working people in businesses such as Woolworths, must be acknowledged. Without such generous help the Sisters of Nazareth could not have looked after these children at all. In the course of receiving evidence we came across many and varied examples of good practice, including holidays and day trips to the seaside, the arrangement of large numbers of summer placements, visits by St Vincent de Paul, choirs (including success in public competitions), the Termonbacca band, instances of educational encouragement for some children, finding jobs and accommodation on discharge for most witnesses, dealing with the IRA during the Troubles, the appointment of a social worker at Termonbacca to improve collaboration with the welfare authority social workers and attempts to improve aftercare.
- 23 It is also right that we acknowledge that many witnesses who spent their childhood in either institution and gave evidence to the Inquiry recognised that individual sisters devoted their lives to looking after children, and made many material sacrifices in order to follow their vocation (or apostolate as the Sisters refer to their calling) to serve others. Whilst many were bitter about the way they were treated, some accepted that even those who they say ill-treated them displayed kindness on occasions. Indeed, many who made allegations of various forms of ill-treatment by named or unnamed sisters acknowledged that other named sisters and unnamed sisters were kind and affectionate

towards the children in their care. Many of the witnesses who spent most of their childhood in either institution (12.9 years on average until 1963 when stays became shorter), regarded the sisters as their family, and kept in touch with individual sisters long after they left either Termonbacca or Nazareth House, including in some cases those sisters against whom they now make allegations of wrong-doing.

- 24 A number of witnesses came forward during the course of Module 1 to give evidence contradicting allegations made by other witnesses because they wished to publicly put on record that they regarded the evidence given by others as inaccurate and unjustified slurs on the Sisters of Nazareth as a whole and on individual sisters. One witness came from Australia at his own expense for that purpose, and one from England, to give evidence in relation to Termonbacca, and two came forward for the same purpose in respect of Nazareth House. We have taken their evidence into account when reaching our conclusions, although it has to be said that in a number of instances parts of the evidence of those witnesses corroborated some of the allegations made by others, as will appear in later parts of this chapter.
- 25 Although the individual houses were in what was described to the Inquiry by the Congregation as a “semi-autonomous” relationship with the mother house and the central administration of the Congregation, each home had some connections with, and attempted to help, the other. Termonbacca was supported by its substantial farm, although this does not always seem to have been profitable, and we accept that the Sisters at Termonbacca provided produce to the Sisters in Nazareth House in return for bread baked by the Sisters in Nazareth House. Mention has already been made of the share of the collections which was apparently passed to Termonbacca by Nazareth House. Nevertheless each institution operated as a separate organisation in financial terms, and we shall deal with the implications of this later in this chapter.
- 26 The day-to-day functioning of both Nazareth House and Termonbacca was of course marked by the Roman Catholic ethos which each sought to observe and promote. Each sister had taken vows of poverty, chastity and obedience, and obedience was therefore one of the central tenets of the Congregation. This naturally led individual sisters to show obedience to those placed in authority above them, and, we are satisfied, sisters expected it of the children towards them. Understandably, in accordance with the widespread attitudes of many in Northern Ireland

society at that time (whether Roman Catholic or Protestant), individual sisters and the Congregation as a whole held very strong views on the sinfulness of sexual activity outside marriage, as well as espousing virtues such as hard work and humility.

- 27 We have already referred to the burden placed upon individual sisters who were expected to look after the children in their care, as well as teach them in Nazareth House, and a similar burden was placed upon individual sisters in Termonbacca. It was not until the change that was made to bring in small family units in the late 1960s that appreciable numbers of sisters were assigned to look after the older children in Termonbacca. Figures supplied to the Inquiry by the Congregation indicate that in 1950 only one sister was in charge of nearly ninety children, and one sister was in charge of the babies. In 1951 there were two sisters in charge of the children and one in charge of the babies, but in 1952 and for each year thereafter, up to and including 1957, only one sister was apparently allocated to look after all of the children other than the babies in those years. In 1958 there were two, in 1959 there was one, and from 1960 onwards there were two sisters, each of whom took responsibility for up to forty children. One of the allegations made to us relates to the extent to which younger children at Termonbacca were left in the care of older children. Several sisters denied that this happened. We do not accept their evidence on this, and we are satisfied that there was considerable reliance by sisters on older children supervising younger children. This was inevitable. In the life of each house provision had to be made for the spiritual life of the Sisters, which involved time for prayer and attendance at Mass. Whilst this provided a degree of respite for the individual sisters, we have no doubt that this brought about a situation where younger children were left under the supervision of older boys, something which we later examine in detail and which we believe was a wholly unsatisfactory state of affairs.
- 28 Another effect of the low staff numbers in the 1950s and 1960s was that in order to cope, the Sisters needed children to conform and be biddable, even if that at times entailed repressing them. The Sisters appear to have had difficulty in dealing with certain behaviour such as running away or “escaping”, as it was termed (which does not appear to have been frequent), serious disobedience or aggressive behaviour towards sisters. At times this appears to have led to loss of temper, inappropriate control measures, or threats of transfer to another institution.

Part One:

Termonbacca

- 29 The number of complaints made to us, and the number of witnesses from whom we received evidence either in oral or written form relating to Termonbacca, was substantially greater than the number who made allegations in relation to Nazareth House, and we therefore propose to deal with Termonbacca first. We will consider the allegations made to us under the various headings which comprise our definition of abuse, but before doing so there are a number of general observations which it is appropriate to make at this point. The number of complaints which we received, and the individual allegations, are relatively consistent in terms of their distribution over the individual decades from the 1940s until the closure of Termonbacca in 1982. It is not possible to identify in every instance an allegation to a particular year, because a number of those who gave evidence to us were unable to be so precise, nor is it possible to divide the complaints by decades because individual witnesses may have spanned more than one decade. However, allegations were made by fourteen people who entered Termonbacca in the 1940s, or in one case from 1939; fourteen made complaints relating to the 1950s, and eighteen made complaints relating to the 1960s. The number reduced somewhat thereafter because thirteen made complaints relating to the 1970s; and seven who were still in Termonbacca when it closed in 1982 made complaints.
- 30 As these broad figures demonstrate, some of the allegations go back sixty years and more. Although there are some facts which can be established with some degree of accuracy as to when individual sisters were in Termonbacca, the records produced by the Sisters of Nazareth were not always reliable. Sometimes it is not apparent when a particular sister came or left during the year in question, and in some instances the recollections of individual sisters did not tally exactly with the rather elementary records which the Congregation appears to have kept as to the whereabouts of individual sisters at any given time. There are a number of instances where contemporary records may confirm or disprove the recollection of witnesses, but unfortunately these are relatively few and far between. Ultimately in a great many instances the Inquiry has had to make a decision as to whether individual allegations or categories of allegations have been established on the basis of our

own assessment of the reliability of individual witnesses, and in many instances it came down to whether we believed the evidence of one individual when compared to another.

- 31 In making these decisions we have of course been alert throughout to the risk that some witnesses may not be reliable in their recollections of what they say occurred. The most obvious factor in this context is the passage of time which has elapsed since so many of the witnesses were children. Another possible factor that has to be considered is that some witnesses may have been motivated by hope of financial gain. Another factor that has to be considered is whether some may have been influenced in their recollections by discussions which they have had with others over the years; or, as was suggested by the final submissions on behalf of the Congregation, by knowledge of findings of the Ryan Commission in relation to allegations that were made in relation to religious institutions in the Republic of Ireland. We have considered the detailed submissions that were made on behalf of the Congregation and on behalf of individual sisters. We have also considered the submissions made on behalf of those individuals who are themselves alleged to have been abusers. They were alleged to have committed abuse as older children, or as former residents, or as employees of the Congregation (and some fall into more than one of these categories). On their behalf, submissions were made that some allegations were at best mistaken or unreliable, or at worst were fabricated.
- 32 In this context there are a number of observations of a general nature which we wish to make in response to both general and specific submissions made to us in relation to the evidence of witnesses in this module. Some of those who are vocal in their condemnation of the behaviour of either individual sisters or the Congregation as a whole accepted that they kept in touch with individual sisters by letter or postcard, by making visits to Termonbacca from time to time, either on their own or with members of their families, or by attendance at functions connected with Termonbacca in some way, such as weddings of former residents, reunions with former residents and sisters, or funerals of individual sisters. A common response on behalf of those against whom allegations have been made is that such contact was inconsistent with abuse having been inflicted on the person remaining in contact, because if the individual concerned had been abused in the manner he or she alleges they surely would not have kept in contact

with the sister or sisters concerned; contact which was frequently on very friendly terms. We reject that as a general proposition. In the case of both Termonbacca and Nazareth House the home and those who lived and worked in it was the only family which many of the witnesses knew. In a great many instances they had effectively been abandoned by their families, or were unable to establish contact with their surviving parents or siblings in later years until they themselves were well on in years. We accept that many who suffered abuse do not find it easy to speak to anyone about such matters. Indeed, for a variety of reasons such individuals often continue to have what appear to be, or in some instances may in fact be, friendly relations with those whom they now say abused them. It has been accepted in countless criminal trials that such apparently friendly relationships are not inconsistent with an individual who now comes forward and complains of having been abused in some way as a child having actually experienced that abuse, because victims of abuse frequently have an emotional or psychological dependence upon their abuser, even if that person is a member of their family or someone else, such as a friend, with whom they come into contact on a frequent basis later in life.

- 33 When reaching our conclusions as to whether there were systemic failings, we have of course had to form our own conclusion as to the veracity and reliability of the evidence given by individual witnesses. However, in reaching our conclusions we have not been solely dependent on our own view as to whether we prefer one person's unsupported word against the denials of those who are alleged to have inflicted abuse. This is because a number of pieces of evidence emerged from the testimony of individuals who are not themselves applicants to the Inquiry, but who came to give evidence to the Inquiry. Sometimes they did so in response to allegations made against them to which the Inquiry considered they should have the opportunity to respond, or because in a small number of cases the individuals themselves came forward to offer their testimony to the Inquiry. In some instances, material emerged from the testimony of such individuals which supported the evidence of applicants.
- 34 Three examples in relation to Termonbacca will suffice to make this point. One of the most significant allegations concerns the way in which many sisters treated those who had the misfortune to be regular bed wetters in their childhood. Those sisters who gave evidence to us denied that the allegations which we shall consider in greater detail in due course

were well-founded. However, SND 76 was one of those who came to give evidence in support of the Sisters. He said that during his time in Termonbacca in the late 1960s a bucket was placed in the dormitories for the boys to urinate into at night, and this allegation had also been made by HIA 98, who did not give oral evidence but submitted a written statement which we received. The other example relates to the allegations of sexual abuse. SND 48 was one of those witnesses alleged to have committed abuse. His evidence was that during his time as a child in Termonbacca he was aware of boys doing sexual things to other boys, and he conceded that he may have done so himself. SND 23 not only admitted engaging in consensual sexual activity with other boys when he was twelve to sixteen, but accepted that he was aware that former residents and adults with access to Termonbacca had engaged in sexual activity with boys who were still resident there. Indeed he alleged that he himself had been abused by an adult who visited Termonbacca on a weekly basis.¹³ We consider that although there are only a small number of such instances, they are of considerable significance because they come from witnesses who were not applicants to the Inquiry. That they conceded that such events occurred provides significant support for the similar accounts of those who are alleged to be unreliable witnesses.

- 35 A great many of those witnesses who gave evidence to the Inquiry as applicants impressed us with their evident sincerity, even if they may have been mistaken in some details. We consider this to be understandable because of the passage of time, or their lack of appreciation of the significance of events at the time when they were children, or their failure to report the abuse to those in authority at the time. A common statement was that the individuals concerned were giving evidence not only so that their own experiences could be placed before the public, but so that the voices of those who had died, often tragically as young men, and who therefore did not have the same opportunity to describe their unhappy lives, would have said had they been able to give evidence. Many of the applicants plainly found the experience of having to recall the events they described deeply upsetting, and in a great many instances we are satisfied that the individuals concerned were doing all that they could to give an accurate account of their experiences. They may not always have been accurate, and that is only to be expected because of the passage of time, but they were sincere.

13 SND 15883-15890.

36 Finally, it is not just our own conclusion that many of the allegations made to us were well-founded. Although it was not conceded on behalf of the Congregation that every allegation was well-founded, nevertheless when Sister Brenda McCall gave her evidence on behalf of the Congregation she made it clear that the Congregation accepts that there were abuses, although she did not concede that every individual allegation was well-founded. On 20 May 2014 there was the following exchange between Counsel for the Inquiry and Sr Brenda:

Q. “[Counsel] if I might explore that somewhat with you, Sister, can I ask you how you accept that? Where do you say - where does the Congregation accept that the standard of care was not at the appropriate level?

A. Well, I think, having listened to evidence given here, which was very shocking and harrowing for us, we must accept at certain times by certain sisters things were just not right.”¹⁴

She was then asked:

“...in general terms does the Congregation accept that members of the Congregation did physically assault children in their care?

A. Unfortunately, yes, I would accept that.

Q. And equally older boys, as we have heard, and ex-residents, it is accepted by the Congregation there were physical assaults committed by those people?

A. Yes, yes.

Q. And indeed the lay staff who would have been employed by the Congregation, whether in terms of volunteers who were coming in or in terms of employees, is it accepted that there was also physical assaults committed by those people?

A. In some instances yes.”

Sexual abuse

37 There were a very large number of allegations that sexual abuse was perpetrated against young children. We are satisfied that repeated episodes of non-consensual sexual activity were perpetrated by older boys against younger boys. The older boys were often referred to by the witnesses as “seniors”. We have concluded that almost all the

14 Day 36, p. 30.

episodes which we believe did occur did so: at night when children were in the dormitories and were meant to be asleep; or when the sisters were at prayer; or in locations, whether on the farm or elsewhere within the buildings at Termonbacca, where the perpetrators believed that they would not be seen by others in authority. We accept that the offences which occurred ranged from masturbation to inflicting oral sex on younger children or requiring younger children to perform oral sex and included episodes of attempted buggery and actual buggery.

- 38 We also accept that in later years when girls were admitted to Termonbacca two girls were subjected to episodes of digital penetration by boys in the home.
- 39 There were many allegations where it is alleged that adult males repeatedly perpetrated non-consensual sexual behaviour on younger children. These males fell into one or both of two separate categories. The first was that there were a number of male employees who worked on the farm or around the buildings. Whilst a great many of the applicants spoke very highly of the late Robert Ennis, and referred to him as a very fair and supportive man, other employees were identified to us as alleged abusers. The other category of perpetrator consisted of those who had been children in Termonbacca themselves and who continued to return to the premises after they had left as adults. For convenience these are referred to as ex-residents. A number of sisters gave evidence denying that ex-residents were able to have access to the premises in a fashion that would have allowed them to commit offences of this sort. We reject their evidence, not least because a number of those who gave evidence to the Inquiry who were not applicants conceded that they themselves had been abused by older men who returned to the premises.
- 40 There were a number of instances where it was alleged that individual sisters came across unmistakable evidence of improper physical activity between older boys and younger children, and a number of the witnesses said that they reported episodes of sexual abuse to individual sisters. In almost every case where this was done, the evidence of the individual concerned was to the effect that no action appeared to have been taken against the perpetrator(s). Indeed on a number of instances the witnesses claimed that the response of the sister was to say that they did not believe the allegation, and the child was often physically or verbally chastised for making such an allegation.

- 41 We accept that there is credible evidence that these reports were made on many occasions, and have concluded that these reports should have alerted both the individual sisters and the Congregation as a whole to the substantial risk that existed in Termonbacca that boys would be subjected to sexual abuse by other boys. Effective precautions should have been, but were not, put in place to prevent the sexual abuse taking place. Not only are we satisfied that a number of allegations were made to the sisters which should have put them on notice of this danger, but the wide disparity in ages between many of the boys itself created an obvious risk of improper sexual advances and sexual exploitation of younger boys by older boys.
- 42 In reaching this conclusion we have had regard to the evidence of many of the social workers who gave evidence to the Inquiry that peer sexual abuse was not on the radar of those active in the social work field until very late in the period covered by the Inquiry's terms of reference. Nevertheless, for decades it has been a recognised problem in male communities involving children that various forms of sexual abuse can be inflicted by older boys on younger boys. It may not have been as widely recognised or publicly discussed at that time as it has become in recent times, but we are in no doubt that the collective experience of the senior members of the Congregation should have alerted them to this risk, just as they were alert to the risk of older boys bullying younger boys. As SR 2 put it:
- “[Bullying] was something you were always looking out for to protect the smaller children or even boys of the same age, because some were more powerful than the others. You had to watch out for the vulnerable ones.”
- She also conceded that the sisters were aware of the potential for the children getting into sexual exploration at that age.¹⁵ With that knowledge the Sisters should have taken steps to instruct sisters in the risks that could arise, and devised methods that would have at least reduced the likelihood of such abuse taking place.
- 43 In addition to allegations of sexual abuse by older boys, ex-residents and employees, sexual abuse by three named and two unnamed priests have been made. We have considered these carefully, and taken into account both the oral evidence from the witnesses concerned and the

15 Day 33, p. 103.

documentary material made available to us by the PSNI and the Roman Catholic Diocese of Derry. Whilst we are not persuaded that each of the priests identified to us did commit acts of sexual abuse in relation to children at Termonbacca, we do accept that at least three priests, one of whom is deceased and two of whom cannot be exactly identified, may well have committed serious sexual offences in relation to children whilst those priests took advantage of opportunities presented to them when they were in Termonbacca to hear confessions or celebrate Mass.

- 44 Although we accept that there were episodes of serious sexual abuse in the form of masturbation of the children or attempts at buggery, it does not automatically follow from this that there was a systemic failure on the part of the Congregation to prevent such sexual offences being committed against children in their care. We say this because in any form of religious or other institution of a similar type at that time a great many people regarded it as simply inconceivable that individual priests or clergy, of whatever denomination, could abuse what was regarded by their fellow communicants as the sacred trust which they held as ordained clergy, or as people who were to be ordained. Sadly it is now only too well known that many Roman Catholic priests have abused their position to inflict grave sexual crimes against children, as indeed have clergy from other Christian denominations. However, it is our view that unless the Congregation in these particular instances, or an individual sister, had reason at the time to suspect that the priests in question were capable of committing these offences it could not be said to amount to a systemic failure on the part of the Congregation to prevent such abuse, because at that time neither the Congregation, nor the vast majority of other people, could have conceived that a priest would behave in that way. Were we to conclude that precautions which would now be regarded as appropriate, or a failure to recognise danger signs which would now be realised to exist, should have been taken account of by the Sisters of Nazareth at the time that these matters occurred, that would be to require the application of present day standards in the light of present day knowledge to a different time when the requisite knowledge was not as widespread as it now is.
- 45 There were also two instances where sexual abuse of children is alleged to have been perpetrated by females in Termonbacca. One of these relates to allegations which were made by HIA 125 against a sister identified as SR 5. It is alleged that the sister in question bathed him

and two other boys when he was about fourteen over a period of some three weeks or so, during the course of which the sister is alleged to have touched the genitals of the boys. We accept that there may have been an incident when some teenage boys were supervised whilst they were being bathed, although we are not persuaded that any contact with the genital areas of the boys concerned has been shown to have been for a sexual motive. On balance we consider it more probable that such actions were properly carried out to ensure that the teenage boys were washing themselves thoroughly at the time. That is not to say that such action would have been wise, because plainly it would not have been.

46 The second episode related to events described by HIA 46. As he said that he was five or six at the time, if his recollection is accurate that would mean that the incident he described occurred around 1957 or 1958. He was unable to recall whether the female in question was a sister or a lay staff member, but as the Congregation has informed the Inquiry that from the best of their records there were no lay staff employed at Termonbacca before 1962, if this episode occurred as alleged by HIA 46, it must have involved a sister. Although the incident he described where the female attempted to achieve sexual gratification by placing the penis of such a small child against her vagina appears improbable, it was described in considerable detail by the witness, and on balance we accept the truthfulness of his account and that this episode occurred. As such it was plainly an episode of sexual abuse, however it was a one-off episode by an individual in a position of trust, and as such we consider that such an abuse of trust was almost impossible to prevent. For that reason we do not consider that this episode amounted to systemic abuse, although it was a form of sexual abuse.

47 A number of complaints were made that some sisters had a practice of publicly inspecting the underwear of the children, and it seems from the descriptions of the witnesses concerned that the sisters were seeking to identify signs of sexual activity by the boys concerned resulting in the emission of semen on the underwear. We accept that such inspections were carried out, and were carried out in an insensitive and public fashion. The manner in which the inspections were carried out amounted to a form of sexual and emotional abuse. In addition, verbal and physical abuse by sisters followed if staining was found. Other witnesses complained that pockets were sewn up to ensure that

boys did not fiddle with their genitals. We consider that actions such as these were a manifestation of the inability of the Sisters to cope with issues of sexuality with young people.

Physical abuse

- 48 In his evidence to the Inquiry HIA 69 alleged that SR 6 assaulted him on various occasions, including beating him with the flex of a kettle.¹⁶ The WHSSB records confirm that HIA 69 alleged to SND 484 who was his WHSSB social worker that SR 6 caught him by the throat on one occasion. She spoke to SR 6 who accepted that she had done so, saying that he had been quite insolent to her and that she had lost her temper with him.¹⁷ HIA 69 was moved to a different section in Termonbacca. In her evidence on Day 23 SND 484 explained that whilst such an incident would be dealt with differently today, at the time there may have been no further action because the matter had been brought out into the open and dealt with by HIA 69 being moved to a different section where he would be under the supervision of a different sister.
- 49 A significant feature of the allegations made to us in Module 1 concerned allegations that there were many instances where unidentified sisters, and a number of sisters who were identified, resorted to frequent, severe and wholly unjustified physical chastisement of children. The allegations ranged from beating with whatever implement in the form of a chair leg or an electric flex came to hand; the practice of “knuckling”, that is hitting a child on the head with the knuckles; or striking the child on the head with a bunch of keys, as well as other forms of blows with hands, or in some instances feet. Several sisters gave evidence to us including a number of those against whom such allegations were made. Although in almost every instance any form of physical chastisement or attack was denied by the surviving sisters who gave evidence, nevertheless we are satisfied that there was a large body of credible evidence provided by many of those who gave evidence of persistent and widespread resort by both named and unidentified sisters to a practice of severe, frequent and wholly unjustified physical chastisement of children which in some instances involved severe beatings. These practices may well have been unlawful in some instances as going beyond what was permitted by adults in loco parentis of children, and in any event was behaviour

16 Day 17, p.86.

17 SND 2231.

which was completely against the principles of the Congregation. As long ago as 1897 the General Chapter of the Congregation decided that children must not be severely punished,¹⁸ and Sister Brenda McCall accepted that it was part of the ethos of the Congregation, and that “..the Sisters themselves knew that the Congregation didn’t accept corporal punishment of any kind.”¹⁹

- 50 We accept that there were occasions when individual sisters lost control of themselves to such an extent that they used their limbs, and resorted to whatever object was to hand, as weapons against the children. We further accept that these assaults were random, frequent and created a pervasive atmosphere of fear on the part of many children, making them reluctant to complain to anyone in authority about sexual or physical ill treatment by anyone, whether other boys or lay or clerical staff, lest they themselves received a beating as a result of their complaint. Even leaving aside the more extreme forms of beatings, which we accept occurred on some occasions, we are satisfied that the use of excessive chastisement was not merely a reflection of the widespread resort to such behaviour that was common in some homes, schools and other sections of society in Northern Ireland at that time, but was part of a deliberate practice by many sisters to maintain strict discipline, often by a single sister who was responsible for up to forty boys at a time, and thereby keep control of a large number of boys, some of whom were approaching manhood and strong young men.
- 51 In addition to allegations of beatings administered by nuns, there were many complaints to us of beatings administered by “charge boys” or “seniors”, older boys who were acting as some form of informally appointed or recognised prefect. Such unusual terminology is itself an indication of such a practice. A common theme of such accounts is that beatings were administered for perceived offences such as not cleaning floors properly (a particular source of complaint), or to enforce discipline. In one instance it was asserted that a sister said “put some manners in him”, a remark which clearly implied that the use of force would meet with the approval of the nun concerned.²⁰ There was also a certain amount of straightforward bullying.

18 SND 094.

19 Day 36, p. 10.

20 HIA 351 in closed session on Day 1, 26 March 2014.

- 52 We consider it noteworthy that some ex-residents, who were not applicants to the Inquiry, in their evidence corroborated allegations of beating and bullying by older boys. We recognise that some of the allegations may be exaggerated, but we are satisfied that there remain many credible allegations which lead us to conclude that this occurred on a widespread scale. We further consider it likely that at least some of those sisters who themselves resorted to physical chastisement of a severe and persistent nature were aware that “seniors” were also engaging in such behaviour, or at least suspected that it was occurring and did nothing to prevent it, because they wished to encourage by turning a blind eye to such actions by older boys in order to maintain discipline over the large number of children who they had to supervise.

Emotional abuse

- 53 We have defined emotional abuse as improper behaviour which undermined a child’s self-esteem and emotional wellbeing. Four principal forms of emotional abuse emerged from the evidence placed before us. The most common complaint was of the way children of all ages, some of whom were very young, who wet their beds, or sometimes wet their clothes, were treated by sisters. It was alleged that sisters would beat the children concerned; that on occasions they were beaten on the soles of their feet, and that seniors also would beat children who had wet their beds. A particularly common and serious allegation was that bed wetters were made to stand with the wet sheets over their head, and then made to parade to the bathroom with these wet sheets over their head. A related allegation was that they were made to stand with the wet pants over their head if they had wet their clothes. It is alleged that bed wetters were often made to sit in the bath together, or were made to change straightaway into dry clothes without being washed and so smell of urine all day. One piece of evidence which we regarded as particularly striking in this context was the evidence to which we have already referred of one witness who gave oral evidence to the Inquiry, supported by one who did not, that in an attempt to resolve the problem of bed wetting in the 1960s a bucket was placed by the sisters in the middle of dormitories at night into which the boys were required to urinate to ensure they did not wet their beds. Given that there were bathrooms with toilets nearby we found this a revealing precaution, and a practice which was degrading and indefensible.

- 54 Despite the denials by individual sisters that these practices occurred we consider that there is overwhelming and credible evidence that the attitude of many sisters towards bed wetting was backward, extremely unsympathetic, and harshly punitive throughout the 1940s, 1950s and 1960s, although the scale of the problem may have abated to some extent once the boys moved from the dormitories into the new build with the smaller units that were completed by the early 1970s.
- 55 Bed wetting can be a difficult problem for any institution with a large number of unhappy children to deal with. There was evidence that the sisters tried to deal with bed wetting in a number of ways, such as placing mackintosh or rubber sheeting under the sheets, or, as was said on one occasion, putting the end of the bed up, apparently in the belief that this would reduce the problem. There is no evidence to suggest that the sisters, whether individually or as a whole, at Termonbacca understood the problem of bed wetting or how to deal with it. This was despite the fact that in 1952 the Ministry of Home Affairs sent to every voluntary home in Northern Ireland²¹ a memorandum prepared by the Home Office in England on *Conduct of Children's Homes*.²² The 1952 memorandum contained much wise advice on how to deal with bed wetting at paragraphs 23 and 24 which, because of their importance, we set out in full below:

“Bed wetting cannot be attributed to any one cause; if effective help is to be given, the child must be studied as an individual. The trouble may be due to an organic cause, to delay in learning bladder control, or to emotional disturbance due to loneliness, a sense of being left in strange surroundings, or of not being wanted. A feeling of hopelessness about the habit may cause it to persist. A child who persistently wets the bed should be seen by the medical officer so that he can advise on treatment or, if necessary, refer the case to a hospital or child guidance clinic. Understanding and consideration on the part of the staff are of the first importance. Bed wetters should not be separated from other children, and members of the staff dealing with the child or with the wet bed should proceed in a matter of fact way, and should never exhibit impatience, disgust or anxiety. Mackintosh sheets should be used only when necessary, when they have to be used, a thin blanket should be placed between

21 SND 13482.

22 SND 13483.

the mackintosh and the bed sheet. Sheets should always be changed after being wet. Bed wetters should not be required to wash their sheets. There is nothing to be gained by restricting drinks unreasonably, but it is undesirable that any child should drink large quantities late in the evening. There should be easy and lighted access at night to a lavatory, and where necessary the children should have their own chamber pots.”²³

- 56 Only one of the sisters who gave evidence had any knowledge of this guidance, despite it being circulated to all voluntary homes with the request that everyone relevant should be made aware of it. Nor do the individual sisters, or the Sisters in general at Termonbacca, appear ever to have sought medical advice on the general problem or on individual cases.
- 57 Whilst one witness said that he was made to remain in clothes smelling of urine all day, the bulk of the evidence was that children who had wet the bed were sent to wash. Nevertheless, we accept that the other allegations which we have set out above have been established, and amount to a widespread and systematic behaviour by the Sisters. We consider that the way in which the sisters individually, and as a group, dealt with children who were bed wetters amounted to a serious form of emotional abuse.
- 58 Another form of emotional abuse alleged was that many sisters frequently made cruel and belittling comments about children in Termonbacca. Remarks such as the dependency of the children on the sisters because they had been placed in the home - “your mother and father don’t want you”; and “nobody paying for you to be here” appear to have been widespread. As already pointed out, many of the children placed in the home were illegitimate, and we accept that on one occasion a visiting priest characterised the child concerned “as product of an evil and satanic relationship.” Whilst this was made by a priest and not by a sister, we consider that the remark was indicative of a widespread view shared by many of the sisters, as indicated by HIA 157, who was illegitimate himself and said that he was brought up to believe that he was “a mortal sinner”.²⁴ Other derogatory remarks were common, such as “Jew”, “tinker”, “fishwife” and others. **We**

23 SND 13487
24 Day 20, p. 68 (25 March 2014, closed session).

accept the evidence of many witnesses who described such remarks as diminishing and demeaning them. These remarks have been denied by the individual sisters who gave evidence, but we are satisfied that this was a widespread practice resorted to by many sisters.

59 Another form of emotional abuse alleged was that it was common for sisters to use threats that children would be removed from the home if they did not behave, by being sent to Muckamore Abbey (a psychiatric hospital to which children with learning difficulties were admitted), or a particular social worker would be sent for, the implication being that they would be removed from Termonbacca and sent to another institution. **We are satisfied that such threats were routinely made, and were clearly designed to frighten the children into submission. We accept that this amounted to another form of emotional abuse.**

60 Finally, a pervasive complaint is that there was a lack of individual love and care and affection shown by individual sisters to many of the children in their care. It is true that some had a very close bond with individual sisters, although it is our view that many of these instances are because the sisters concerned showed favouritism towards some children which they denied to others. We have occasion elsewhere in this chapter to refer to Miss Kathleen Forrest's 1953 report, and a number of sisters, such as SR 3, did concede in their evidence that it was impossible to show as much love and affection towards each child as they would have liked because of the large number of children for whom each nun was responsible.²⁵

Neglect

61 There were a number of separate allegations that may constitute systemic neglect, and we will deal with these in turn. The first was that children at Termonbacca received inadequate medical attention, in some respects, in relation to specific injuries inflicted by other children or by sisters. In addition, there were more general allegations of poor or inadequate medical attention. A number of applicants alleged that they received no medical treatment in relation to specific injuries. For example, HIA 66 alleged that his nose was broken by another resident, and HIA 94 alleged that he was hit on the head a number of times by sisters, and despite bleeding was not provided with any medical

²⁵ Day 29, p. 22.

treatment. As against this, a significant number of other applicants said that they were provided with medical treatment which involved their being taken to hospital and being given appropriate treatment. One example was HIA 22: he said he was hit on the head with a brick thrown by another boy and taken to hospital where he received eleven stitches. HIA 102 said that a wire lodged in his leg as the result of a sister pulling at him as he was trying to get over a wire fence. He was taken to hospital to have this removed. HIA 125 said that he fell and broke his arm while doing circuits in the gym as a punishment and was then taken to hospital to have his arm set. HIA 151 alleged that he collapsed and had to be admitted to hospital for a week, and he links this collapse to a sister beating him on the head with a towel rail.

- 62 These are merely a selection of the allegations and evidence by twelve applicants, and we have concluded they indicate that the sisters were prepared to take children to either hospital or to a doctor to receive appropriate medical treatment. Whilst many applicants complained that they were taken to see dentists where they received what they regarded as rough or unsympathetic treatment, their evidence, and some contemporary documents, confirms that regular medical attention was provided. For example, SND 6214 shows that the sisters were sending children to a Dr Devlin, apparently a local general practitioner. A number of documents were produced to us that showed that children did receive medical examinations at the home. In addition, those documents relating to inspections to which we shall refer in greater detail in a later section in this chapter indicate that for a considerable number of years in the 1950s and 1960s inspectors from the Ministry of Home Affairs jointly inspected Termonbacca (and other homes) in the company of a doctor from the Ministry of Health. Whilst not many documents have survived showing what the doctor did, nevertheless there is no reason to assume that a medical inspection would have failed to reveal that the children were ill-fed or neglected in some other way.
- 63 We have come to the conclusion that it is unlikely that the children were denied necessary medical attention as a general practice. It is, however, possible that on a number of occasions individual sisters were reluctant to take children to hospitals or to general practitioners in relation to what may have been regarded by the sisters at the time as relatively minor injuries which they felt that they should deal with themselves. Therefore, looking at the evidence as a whole, we are not

satisfied that the evidence supports a finding of a systemic failure on the part of the sisters to provide adequate medical attention, either for specific injuries, or as part of the general duty to look after the health of the children in their care.

- 64 Poor and inadequate food was alleged to have been provided by many of the applicants. However, the evidence in this respect is contradictory. Some applicants said that the food was poor, others felt that it was good or adequate. Particularly in the years immediately following the end of the Second World War, and in the early 1950s, rationing was in force, and it may well have been the case that for many years the food was monotonous and of an institutional type, but that is not neglect. We have referred in the preceding paragraph to medical inspections, and if the children were malnourished we would have expected this to have been identified and remarked upon by medical inspectors and by other visitors to the home, and there is nothing to suggest that this was the case. We feel that there is insufficient evidence to justify a finding that children were neglected because they were inadequately fed.
- 65 A number of the applicants complained that from time to time they were clothed in hand-me-down clothes. However, whilst this no doubt embarrassed teenagers in particular, it has to be remembered that in the years after the Second World War rationing and poverty meant there was little scope for the Sisters to provide new clothes in the way that would be regarded by a present generation as almost a right. We had the benefit of a number of photographs, which were both obviously posed and unposed, in particular a cine film received from SND 14 of a trip by children to Donegal. All of the photographs show that the children were adequately clothed, and we conclude there is no evidence which would support a finding of a systemic failure on the part of the Sisters to provide adequate clothing for the children at Termonbacca. Some complained that because they were made to wear a Termonbacca uniform to school, or kept in short trousers for longer than other boys, they were singled out as “home boys” at school. Whilst they were embarrassed by this we do not consider that it was abusive to make them wear a uniform.
- 66 There were some complaints that the bedrooms were very cold, however we consider these were insufficient to be representative or indicative of systemic abuse in the form of failing to provide adequate heat.

- 67 There was a reference to there being rats in the walls of the temporary structures that were put up in the late 1960s to house the children whilst the new units were being constructed. Given that the home was situated on a farm this may well be correct, but it has to be viewed against the background of the Sisters being in the process of building new accommodation and we do not consider that this can be said to amount to a systemic failing.
- 68 A common complaint was that gifts of toys, clothes and money given to children were then taken from those children by the Sisters. A related complaint was that items of new clothing sometimes provided to children by their parents immediately before they were placed in the home, or by foster parents with whom they were placed over the summer, were also removed. **We accept that this occurred. Whatever may have been the motive for it, we do not consider that this was a justifiable practice, and we consider that it was a form of neglect.**

Unacceptable practices

- 69 A considerable number of allegations were made which we group together under the general heading of unacceptable practices. As will become apparent, some of these are capable of amounting to emotional or physical abuse, or other forms of systemic failing, and we propose to deal with these in turn.
- 70 Many applicants complained that excessive time and effort was spent on cleaning and polishing floors. This seems to be a characteristic of their experiences in the 1950s and 1960s, and many applicants referred to being made to polish the floors at weekends, a task which seems to have occupied them for many hours, and to have been chastised by seniors if they did not do so properly. Sisters who gave evidence denied that an excessive amount of time was spent on cleaning and polishing floors, or on other tidying duties around the home. However, given that many witnesses described the rhyme “River front, river back” we believe that the Sisters must have been aware of this, and that seniors would beat children on occasions if they did not do the work properly. The 1952 Home Office memorandum to which we have referred suggested that children “should be expected to take a moderate share in the daily running of the home, but not at the expense of sleep, meals, education

or reasonable recreation.”²⁶ We consider that it would have been a perfectly reasonable requirement to ask the children to do chores to keep the place clean and tidy, provided always that the requirements were within their physical capabilities and were not excessive in the amount of time or physical effort required of the children. **We accept that in the 1950s and 1960s children were expected to expend an excessive amount of time and energy cleaning and polishing floors. We consider that this went beyond what was acceptable at the time and was a form of abuse.** By the 1970s it appears to have been the case that chores were allocated to children on a rota basis, and were not as physically demanding, something that was much more satisfactory.

- 71 Several witnesses referred to children being required to help with the sowing and picking of potatoes at the appropriate seasons. Not all complained of this, and this practice has to be viewed against the widespread, if not universal, practice on farms at the time when children were expected to help with potato picking. Indeed so widespread was this practice in Scotland that the Scottish educational curriculum provided for a break in the school year for some two weeks or so in the autumn to allow children to help with potato picking. Therefore, unless the demands were either physically excessive, or involved an inappropriate amount of time, and/or interfered with the children’s schoolwork, the requirement to help with potato sowing and picking cannot be described as abusive. We are not persuaded that the demands made were either physically excessive or interfered with the children’s schoolwork, and so we do not consider that this amounted to a form of abuse.
- 72 Girls were admitted to Termonbacca in the late 1960s in an attempt to keep families together. Three female applicants who gave evidence referred to being asked as girls to look after young children in the nursery. Two of the three resented being asked, the third enjoyed doing so. Asking older girls to help with young children can hardly be regarded as abusive provided that it was not something which was demanded of them to an excessive degree; we are not satisfied that it was, and we do not consider that these allegations amount to a form of abuse.
- 73 Many of the applicants gave evidence that the Sisters took no steps to make them aware that they had siblings in either Termonbacca or in Nazareth House when children from Termonbacca went to primary

26 Paragraph 32.

school at Nazareth House. This is one of the allegations which clearly caused great and lasting distress to many of our witnesses. Sometimes children did learn that they had brothers or sisters in either Termonbacca or Nazareth House, but often acquired this knowledge purely by accident as a result of a casual comment or question by another child. Whilst some of the allegations in this regard were contradictory, as when different members of the same family said on the one hand that they did not know of the existence of siblings when others said that they did, nevertheless we accept the evidence in general of many applicants that they either did not know that they had siblings, or only learned that by accident. For example, HIA 151 described how he was separated from his brothers on arrival and it was some time before he learned that he in fact had two brothers. HIA 68 did not know for several years that he had two brothers in a different home, and HIA 157 only learned that he had a brother in the home when his uncle and aunt and another brother came to visit. HIA 351 described how he had no contact with his two older sisters who were in Nazareth House, nor with an elder brother, HIA 284, who was sent to Australia. SND 48 (who had not originally applied to the Inquiry) gave evidence that he had not been told that he had a sister or a brother.

- 74 Despite the 1952 Home Office memorandum saying that “The child’s link with his own family and relatives should be preserved wherever possible..”²⁷ **we accept that there was a widespread and pervasive practice of ignoring and concealing the existence of siblings, whether those siblings were in Termonbacca or Nazareth House. We regard this as a cruel and unjustified practice, and one which was a serious and systemic form of emotional abuse.**
- 75 Linked to this are the allegations that a great many children were prevented from receiving letters from, and having contact with, their parents. **There is ample evidence that in several instances letters were not passed on to the child concerned, and we regard this as wholly unjustified and consider that it also constituted a form of systemic emotional abuse.** That is not to say that in every case contact with their parents was denied to children who were in Termonbacca. A number of witnesses described how their parents came and spoke to them, but did so in the presence of one or more sisters who would remain in the room. We have no doubt that in many cases both parents and

27 Paragraph 33.

children found the presence of sisters and the overall atmosphere to be an intimidating one, and certainly not one that would have encouraged children to speak freely to their parents. There appears to have been a common practice of visiting falling off, and whilst this may well have been due to difficulties which some parents had in travelling to Derry from remote country areas, or perhaps moving away from the Derry area and losing touch with their children, we have little doubt that the reality was that the intimidating atmosphere was such that visitors were discouraged from coming, even if this was not a deliberate policy but merely a consequence of the atmosphere that pervaded Termonbacca over many decades.

- 76 Many witnesses referred to what they described as a widespread practice whereby sisters referred to individual children not by name, but by the number placed on their laundry. It is not disputed that the sisters allocated a number to each individual child, and that these numbers were placed on their clothing so that the item could be correctly reunited with the child in question after it had been laundered. This is a sensible approach, but the witnesses who complained of the practice say that the sisters were in the habit of simply referring to the individual child by their number and not by name, and that the witnesses found this a dehumanising experience. It is significant that many of those who gave evidence to us were able to remember their numbers many years later.
- 77 However, not all the witnesses agreed that they were always known by numbers, for example HIA 144 and HIA 150 both gave evidence to the effect that they were only called by numbers when clothing had to be identified. The sisters who gave evidence asserted that numbers were only used when it was necessary to identify individual items of laundry. HIA 11 asserted that the practice of referring to individuals by number lasted until as late as 1969 or 1970, and he said that it stopped because he told his foster parents about the practice, and they complained to the sisters.²⁸ The evidence on using numbers is contradictory, and whilst we accept that there may well have been occasions when some sisters referred to children by number, as in the situation described by an applicant, who said that children were called by name and number, because there were four “Johns” (of whom he was one), we are not persuaded that there was a widespread practice of referring to children only by number. We therefore conclude that this did not amount to systemic abuse.

28 Day 11 pp. 121-122.

- 78 Eight witnesses allege that in various ways they were forcibly made to eat unattractive or unwelcome food. Thus HIA 7 said that she was forced to eat lumpy porridge, and HIA 352 said that she was forced to eat carrots. Five of the seven witnesses who said that they were forced to eat food were female, suggesting that whatever may have occurred before girls were accepted into Termonbacca, this was something that occurred from the late 1960s onwards. Whilst we recognise that this may have happened in some individual instances, it is more likely that many of the children were compelled to eat but were not physically force fed. We feel that there are insufficient instances to justify a finding of systemic abuse in relation to this.
- 79 A significant complaint by a good many witnesses related to being forced to bath in bathwater which had had Jeyes Fluid added to it as a disinfectant. Information provided to the Inquiry by the makers of Jeyes Fluid indicates that at the beginning of the twentieth century adding Jeyes Fluid to bathwater as a disinfectant was a permitted use by the makers, although this was no longer a suggested use by the 1960s, suggesting that the practice may have changed at some point which cannot now be identified.²⁹ Nevertheless, the evidence of the majority of the witnesses who referred to the use of Jeyes Fluid was that excessive amounts were added to their bathwater, and as a result caused considerable physical discomfort to them. This practice appears to have been more prevalent in the 1950s. **We consider that Jeyes Fluid was frequently used in excessive quantities; this was unjustified, and was a practice which should have been more tightly supervised and controlled by the Sisters to ensure that the minimum amount necessary was added to the bathwater. We consider that this was a form of physical abuse.**
- 80 Another complaint relating to bath-time practices was that the bed wetters were made to have a cold bath with Jeyes Fluid in it, as was alleged by HIA 144 and HIA 130. A further complaint was that wooden scrubbing brushes were used with Fairy floor soap to scrub the children concerned. HIA 146, for example, alleged that a deck scrubber was used to wash children. Whilst we accept that there may have been isolated instances of conduct such as this, we do not consider that it was sufficiently widespread or frequent to amount to systemic abuse.

29 SND 16488.

- 81 A number of witnesses alleged that they were either prevented from, or discouraged from, seeking to make academic progress whilst at school, and they attribute their lack of success in later life to the absence of encouragement to do better whilst they were in Termonbacca. As against this, there is some evidence that a number of children were helped to prepare for the eleven-plus examination, as was the case for SND 76. However, this does not appear to have been a common practice, and we are of the view that where some children were coached or provided with additional support in the form of extra teaching, it may well have been limited to some individuals who were the favourites of the sisters concerned. However, we do not consider that the evidence in relation to this is sufficient to amount to a form of neglect that amounted to abuse.
- 82 A number of witnesses complained that in various ways they were deprived of toys, presents that took the form of gifts of money, or were not provided with birthday cards or any form of celebration of a birthday. It is convenient to deal with these together. HIA 67 complained that when he was given sixpence by priests for serving at Mass he was required to hand this over to the Sisters. This is an isolated case, but there is a considerable body of evidence that the Sisters provided boys with pocket money from the 1950s onwards, although understandably recollections differ as to the amounts involved. For example, HIA 130 recalled being given a gift of £20 at Christmas, which hardly seems likely in the straitened circumstances in which the Sisters had to exist. Others frequently mentioned receiving two shillings and sixpence, a substantial and reasonable amount of money in the 1950s and early 1960s. Others recall smaller amounts. One allegation that was made was that toys were gathered up and stored, and either not given to children, or only distributed on the basis that all children got something. There was considerable evidence to confirm that until the civil disturbances started in Derry in 1968 children were allowed to go unsupervised down into the city for some hours on Saturdays with their pocket money. This was a reasonable and sensible practice, and one which suggests that the Sisters did all that they could to ensure that children were provided with some form of pocket money and the opportunity to spend it as they wished. So far as the provision of pocket money is concerned, we are not persuaded that the children were neglected in any fashion in this respect.

- 83 There were complaints that birthdays were not marked in any way in earlier years, and in later years were only marked by the provision of a fried meal. Some witnesses said that their birthdays were marked by the provision of a fry and an angel cake as a special treat, others said that they did not celebrate their birthdays in any way, nor did they receive presents. On balance we are satisfied that the Sisters did make attempts to mark children's birthdays.
- 84 A matter to which a considerable amount of attention was directed during Module 1 related to the allegation that older boys were allowed to supervise younger boys, and as a result there was widespread bullying and sexual abuse of younger boys by older boys. A number of the sisters who gave evidence denied that older boys were allowed to supervise younger boys in this way, but we have no hesitation in rejecting their evidence in this respect. Many of the witnesses, including a number of those who otherwise gave favourable evidence as to the way they were treated by the Sisters, admitted that older boys did supervise younger boys. **We are satisfied that this was a widespread practice resorted to by the Sisters because their numbers were insufficient to enable them to supervise and control the number of children they had in their care. We are also satisfied that this was a highly undesirable practice and should have been recognised as such at the time by the Congregation,** although we would not go as far as Dr Hilary Harrison who opined that it was never appropriate in terms of good childcare for older boys to supervise younger boys and that such a practice would be a recipe for disaster.³⁰
- 85 **However, we are satisfied that there was a deliberate practice for many years on the part of the Sisters to rely upon the supervision by older boys of younger boys when the sisters were otherwise engaged, perhaps because they were at their personal devotions or because they simply had other duties to attend to and could not be everywhere at once. We repeat that this was a highly undesirable practice, and we are satisfied that it was a major contributory factor to the frequent and widespread bullying and sexual abuse that we are satisfied occurred and to which we have referred earlier.**
- 86 A significant number of allegations of sexual abuse were made against individuals who had been themselves resident in Termonbacca as

30 Day 38 p. 46.

children, and who returned as adults to visit individual sisters or their friends in Termonbacca. In a number of instances these ex-residents were individuals who were employed by the Sisters on the farm. Those who were employed on the farm, or around Termonbacca itself, clearly were entitled to be on the premises, but the allegation is that in many instances individuals who returned took advantage of their presence to sexually abuse younger children. It is clear there was a willingness on the part of individual sisters to allow ex-residents to return to Termonbacca, apart from a short time at the beginning of the 1970s when the then mother superior stopped ex-residents coming to the home because she felt that they should be made to stand on their own feet. That ex-residents returned was entirely understandable because it was the only home these individuals knew, and in many cases the ex-residents regarded individual sisters as their parents. **However, we are satisfied that a number of ex-residents took advantage of the freedom with which they were allowed to move around the building to sexually abuse younger children. At best there was a naivety on the part of the Sisters in allowing what we consider (despite denials to the contrary), to have been largely unrestricted and unsupervised access by adult males to younger children. This is so obviously an undesirable and dangerous practice that it should never have been permitted. We consider that in this respect there was a systemic failing on the part of the Sisters to prevent sexual abuse of the children in their care.**

- 87 One of the tragic consequences of the sexual and physical abuse suffered by some of the boys as young children was that when they achieved positions of responsibility as older boys, or returned to the home in whatever capacity in later years, they also engaged in sexual and physical abuse of younger boys, thereby illustrating that those who are abused may become abusers themselves. We believe that this pattern may well account for at least some of the sexual and physical abuse perpetrated by these individuals at Termonbacca.
- 88 This conveniently leads to consideration of what may be called the aftercare of ex-residents. Until SR 2 started to take an interest in the aftercare of ex-residents in the 1970s, there appears to have been a very maternalistic approach by the sisters to helping the boys in their care find employment when they left the home. A complaint made by several witnesses was that they did not know until the day that they left the home that they were leaving or where they were going, and

that all they were given was a suitcase of clothes and a ticket to their destination. There is a lot of evidence that suggests that the great majority of the boys at Termonbacca were found menial jobs, although for many the Irish Army seems to have been a favourite destination.

- 89 In the 1970s SR 2 started to make considerable efforts to provide a form of aftercare for the children at Termonbacca. A social worker was employed by the Sisters and his evidence to the Inquiry was that he spent a considerable proportion of his time helping ex-residents. Whilst this was commendable, nevertheless we feel that other provision should have been made for ex-residents by the Sisters, and that the social worker in question should have been required to devote his entire time to looking after the children and improving childcare standards in the home, rather than being told to divert much of his time away from the children.
- 90 It is clear that the Sisters went to great lengths to arrange for summer placements of children with families. This was a praiseworthy practice in principle, and one that seems to have worked well for several witnesses who spoke in glowing terms of the kindness shown to them by the families to whom they went, sometimes for several years in succession. In many cases they have remained in close contact with members of those families in later life. Nevertheless, we accept the evidence that some were regrettably exposed to sexual and/or physical abuse by the families with whom they were placed. We are concerned that in a number of instances complaints were made by children about the way they had been treated, and their evidence suggests that the Sisters do not appear to have reacted well to any complaints made to them. **We are satisfied that there was a lack of willingness to investigate complaints, or at least there is a complete absence of any evidence that the Sisters to whom these complaints were made investigated any such complaints. We accept that a failure by the Sisters to investigate complaints of sexual or physical abuse made by children against foster parents when those children returned to the care of the Sisters was a form of neglect, and that there was a systemic failing on the part of the Sisters in this respect.**
- 91 The practice appears to have been that the children were placed with a local family who were recommended as suitable by the local priest to the Sisters, but that no other formal vetting took place. Given the number of children involved, vetting of the more elaborate type that was resorted

to by social services in later years may well have been impossible in the 1950s and 1960s. When the numbers in Termonbacca declined, as they did towards the end of the 1960s, there was less justification for this not being done, and **we consider that the failure by the Sisters to properly vet the families concerned in later years was a form of neglect that amounted to a systemic failing.**

- 92 At this point it is appropriate to refer to the statutory obligation upon the Sisters under Section 1 of the Children and Young Persons Act (Northern Ireland) 1968. Section 1 placed a statutory obligation upon the Sisters to notify the county welfare authorities of placements with others for periods exceeding one month. It is clear from the evidence that we have received that many of the summer placements were for periods in excess of one month, and therefore the Sisters were obliged to report this to the county welfare authorities. We are satisfied that there was an almost complete disregard by the Sisters of this requirement, and, as we shall explain later, a complete failure on the part of the Ministry inspectors to uncover that this was happening, save in one instance in 1958 where it was discovered by accident as the result of the police apprehending a detainee or internee at a farm in Co Londonderry where two boys from Termonbacca had been placed.³¹
- 93 A small number of witnesses complained that they were turned away on some occasions after they had left Derry, and when they returned sought admission to Termonbacca because they had nowhere to go. As the ex-residents in question may have been over eighteen when these events occurred they would fall outside our Terms of Reference; we simply record that these allegations were made and make no finding in respect of them.
- 94 Finally, a number of those who gave evidence complained of an excessive emphasis on religious observance throughout their lives in Termonbacca. Many say that their faith in the institutional church was irretrievably damaged or destroyed by their experiences as children in this home. To many at the present day it may seem neither attractive nor desirable to require young children to attend regular or frequent early morning services, but this was a widespread part of Roman Catholic practice at home and at school, and we do not consider that it can be said to amount to a form of abuse.

31 SND 11651, paragraph 48.

Staffing

- 95 We have already referred to the small number of sisters who were responsible for directly looking after the children in Termonbacca (as opposed to those working in the kitchen and the laundry). Many of the witnesses who had been children in the home referred to the pressures on individual sisters of having to look after so many children, with one sister being responsible for as many as 40 children or thereabouts at some times. HIA 22, who was in Termonbacca from 1960 until 1975, observed that he did not know how so few sisters could look after 60 boys, and in the 1950s and 1960s the number of children who were looked after by each sister was even greater. That the Sisters were understaffed was conceded by a number of the sisters themselves. In her witness statement SR 2 accepted that “we were under staffed and could not physically watch all of the boys twenty-four hours a day.”³² SR 3 also accepted that the sisters were understaffed when dealing with older boys during her first period in Termonbacca between 1958 and 1960 or 1961.³³
- 96 In order to identify the responsibility for this state of affairs, it is necessary to look first of all at the role of the Congregation in these matters. All sisters were allocated from the mother house at Hammersmith by the Mother General of the Order to a particular home. We accept that individual sisters were often asked what form of work they wished to do, but ultimately it appears to us that it was the responsibility of those governing the Congregation to ensure that there were sufficient sisters in Termonbacca who were able to properly look after children in their care, and if there were insufficient sisters available to the Congregation to perform this task, then steps could and should have been taken to try to obtain funding elsewhere in order to employ lay staff to perform tasks which the individual sisters could not perform. It is important to remember that one or two sisters had to look after the needs of a very large number of children, particularly in the 1950s, and that this involved looking after all of the requirements of the children when they were not at school, getting them up in the morning, seeing they were properly clothed and fed and ready for school, and then looking after them when they returned from school, and supervising them in the evenings and at weekends. It is hardly surprising in those circumstances that individual

32 SR 11651, paragraph 48.

33 See Day 29 pp. 9 and 22.

sisters could be overwhelmed by the amount of work which they had to do, and as a result were unable to look after the children without the assistance of older children. Most importantly of all, the **sisters were plainly unable to show adequate love and affection to the individual children in their care because of the number of children with whom they had to deal.**

97 The 1952 Home Office memorandum to which we referred dealt with the question of staffing at paragraph 7. Whilst it is hard to be precise, because of the difficulty in identifying the number of hours which individual sisters had to work, the complement of sisters available to look after all of the needs of the children was plainly inadequate for many years. If one assumes that Termonbacca had as many as 100 boys at its peak, applying the staff ratios suggested in the 1952 Home Office memorandum would have required in the region of three full-time staff for every twenty children, a total of fifteen childcare staff to look after the children, as well as ancillary staff to cover cooking and domestic work. Given that other sisters had other duties to perform, such as being bursar or being in charge of the laundry, there is no doubt that for decades the staffing establishment at Termonbacca was wholly inadequate. As a result, individual sisters had to work very long hours and resorted to assistance from older boys to supervise the young children. **Many of the deficiencies which we have identified can be directly traced to the inadequate number of staff, and the inadequate number of staff played a considerable part in bringing about and perpetuating deficiencies, notably the failure to show sufficient love and affection to individual children.**

98 A further relevant factor is that few, if any, of the sisters working directly with children in Termonbacca had any form of formal childcare training before they started to look after children. It was common for young and untrained women of nineteen or twenty who had come from a sheltered religious background to be given a great deal of work and responsibility because of the number of children they had to look after. Although there was some evidence to suggest that some sisters were sent on Home Office courses in England in the 1950s, and did so with financial assistance from the Ministry of Home Affairs, this fell short of providing adequate professional training. Whilst the Congregation realised that those sisters who had teaching responsibilities needed professional teacher training, substantial childcare training does not appear to have

been regarded as necessary until the 1970s, although it improved thereafter. By the time Termonbacca closed, the levels of qualification were comparable to those in other residential childcare services. An excessive reliance on learning on the job means that poor childcare practices may well be perpetuated. We do not regard this as a systemic failing as this approach was no different to that adopted generally to the training and achievement of residential childcare workers.

- 99 A further factor in the staffing of Termonbacca which we found to be unsatisfactory was that there was a very high turnover amongst many of the sisters, and it was very much the exception for a sister such as SR 2 to remain in the home for several years. An analysis of the information provided to the Inquiry by the Congregation of the number of sisters who were in Termonbacca reveals that during the 1950s four sisters who worked with boys only stayed for one year, whereas in later years they tended to stay for three-year periods. Only two of the sisters who worked with boys stayed for more than four years, and their average length of stay was 2.2 years. The significance of this is that staffing stability is extremely important to children in care, and so the policy (for so it appears to be) of the Congregation of moving individual sisters so frequently when those sisters were directly in contact with children was wrong. This is because such short periods of time meant that the children were exposed to frequent changes of “parents”, and this was poor childcare practice. The work of John Bowlby on bonding and attachment was well recognised from the early 1950s onwards, and the **policy of frequently moving staff amounted to a systemic failing because the Congregation had the ability to keep sisters in post for much longer periods. This practice materially contributed to the unsatisfactory form of childcare which many of the children in Termonbacca experienced because it resulted in the children, who commonly stayed for twelve to fifteen years, being exposed to a succession of carers.**
- 100 By the late 1960s, the Congregation appreciated the need for a radical change and improvement to the physical facilities at Termonbacca. This took the form of converting the children’s wing into three units, each of fifteen children with one sister in charge of each unit. Each unit contained a number of two or three bedded rooms. By then the numbers had fallen to 40 or thereabouts from an average of between 86 to 90 in 1953 to 1958. This reflected a general move away from large

institutions and the increased use of foster care, and as a result the reduced number of children coming into residential care were generally being accommodated in converted or purpose-built accommodation that was much more like a family home. To judge by the report of the Ministry of Home Affairs inspectors on their inspection of Nazareth House in 1960, the Congregation recognised the need to move in this direction by then, because the inspectors recorded that the previous year the mother general recommended dividing the older girls into three groups, and that some work to provide accommodation for this was under way.³⁴ However, this change in approach does not seem to have moved forward as rapidly as might have been hoped so far as both Termonbacca and Nazareth House were concerned, no doubt in part at least due to the cost involved in converting old buildings to provide the necessary accommodation for the smaller units. As we shall describe, funding such changes was a major problem for Termonbacca later in the decade.

- 101 There are a number of issues in relation to the funding of Termonbacca which are intimately intertwined with similar issues that arose in relation to Nazareth House and we consider it more convenient to deal with these together. We therefore propose to express our views in relation to the systemic failings which we find in relation to the conduct by the Sisters of Nazareth of Termonbacca before we deal with the equivalent allegations in relation to Nazareth House. We will then consider the question of funding both in the context of funding from other sources available to Termonbacca and to Nazareth House and funding from the relevant local or central government bodies together before expressing our views in relation to systemic failings on behalf of both central and local government authorities.

Findings as to systemic failings by the Sisters of Nazareth at St Joseph's Home, Termonbacca

- 102 At the conclusion of the public hearings in relation to Module 1, Senior Counsel to the Inquiry posed a number of questions which it was suggested the Inquiry might wish to make in relation to both Termonbacca and Nazareth House, and at this point we propose to answer ten of those questions in relation to Termonbacca only. The

34 SND 9211.

remaining questions are more appropriately dealt with in the context of the findings which we express later in this report in relation to funding.

103 In the light of the conclusions which we have expressed in the earlier part of this chapter the Inquiry makes the following findings in respect of the Sisters of Nazareth and the children in their care at Termonbacca.

- (1) We are satisfied that there was abuse in the form of improper sexual or physical behaviour by individual sisters towards children in their care.**
- (2) We are satisfied that there was abuse in the form of improper sexual or physical behaviour by other adults, employees, visitors and priests towards children in the care of the Sisters of Nazareth.**
- (3) We are satisfied that there was abuse in the form of improper sexual or physical behaviour by older children towards children in the care of the Sisters of Nazareth.**
- (4) We are satisfied that there was emotional abuse in the form of improper behaviour by individual sisters towards children in their care which undermined the self-esteem and emotional well-being of the children.**
- (5) We are satisfied that there was emotional abuse in the form of improper behaviour by other adults, namely employees, visitors and priests towards children in their care, behaviour which undermined the self-esteem and emotional well-being of the children.**
- (6) Although there is evidence of poor childcare in some respects, we consider this did not amount to systemic neglect.**
- (7) We are satisfied that individual sisters and those in positions of authority within the Congregation at Termonbacca were aware of the matters dealt with at 1,2,3,4, and 5 above.**
- (8) We are satisfied that no, or alternatively inadequate, steps were taken by the Sisters of Nazareth to prevent such abuse.**
- (9) We are satisfied that individual sisters, and those sisters in positions of authority within the Congregation, did not take proper steps to report such abuse to the relevant civil authorities, namely social services and the police.**

Part Two:

Nazareth House, Bishop Street

104 Although it seems that 2,347 children were accommodated in Bishop Street during its existence of approximately a century, only eleven witnesses came forward to the Inquiry to complain about the way they were treated. One of these did not give evidence in person due to her ill health in Australia, and another made a statement to the Inquiry but did not attend to give evidence when requested. As she did not provide a satisfactory explanation as to why she did not attend, the Inquiry decided to disregard her evidence. This leaves nine witnesses who came forward and gave critical evidence in person in relation to their time at Nazareth House. In addition we heard from two other ex-residents who gave evidence after being put forward as witnesses by the Sisters of Nazareth, and one of those criticized the pre-1950 period. We heard also from four sisters, three social workers and three others. The allegations made to us, and the conclusions which we have reached, have therefore to be viewed against a much lower number of allegations in relation to Nazareth House when compared to those in respect of Termonbacca.

Improper sexual behaviour by an adult or another child towards a child

105 We received a single allegation of sexual abuse committed by a sister in Nazareth House. HIA 105 alleged that when she was four to five years of age, and still in the nursery, a sister whose name she could not remember brought her into the sister's own room within the nursery, told her to lie on the floor, pulled up her habit, straddled her and made HIA 105 lick her vagina. Many years later she says that she contacted SR 18 and told her about this incident because she had remained in contact with SR 18 over the years and considered that she was on good terms with her. When SR 18 gave evidence to the Inquiry she accepted that HIA 105 had contacted her, and that the witness did tell her about sexual abuse to which she had been subjected by a sister. HIA 105 further alleged that SR 18 rang her back shortly after the initial telephone conversation and identified a particular sister as the possible perpetrator of the alleged offence. However SR 18 was subsequently interviewed by the police in January 2012 and made a statement to

them about a number of matters, including this conversation. In the account SR 18 gave to the police³⁵ it is clear that she is denying that there was such a conversation, and that account does not sit easily with her acceptance in her evidence to the Inquiry that there was such a conversation. SR 18 denied that she identified the possible perpetrator in the manner alleged by HIA 105. We found HIA 105 to be articulate and objective in her account of other matters, and we accept that she was generally an impressive witness.

- 106 Having considered all of the evidence by both witnesses in relation to this matter we prefer the evidence of HIA 105 on this allegation. Accordingly, we are satisfied that a sister who cannot be accurately identified did commit this isolated act of sexual abuse towards this witness. This leads us to consider whether or not this amounted to a systemic failing. We do not consider that it can be so regarded, because whilst it was a grave breach of trust on the part of the sister concerned to behave in this fashion, there is no evidence that would justify us in concluding that the Congregation could have prevented this. However, the fact remains that SR 18 accepts that such an allegation was made, the matter has been placed in the hands of the police and is a matter for them. So far as the Congregation is concerned, neither SR 18 nor the Congregation reported this to the police at the time it first came to their attention in and around 2003 or 2004 as HIA 105 alleges. **We regard this failure to report as a systemic failing.**

- 107 HIA 49 alleged that she was persistently abused by two separate priests. One has been given the designation SND 61. She alleges that on a constant basis between the ages of eight to twelve she was sexually abused in a number of different ways by this priest when she was taken to confession conducted by him. She says that he took her into the confession box and put his hand down the front of her pants when she was eight years old. On later occasions she alleges that he took her into the sacristy behind the altar, locked the door and then performed a number of sexual acts. She alleges that he masturbated in front of her, made her perform oral sex on him, frequently penetrated her vagina digitally and had anal sex with her. In addition she alleges that he was very rough with her and pulled her hair. When he had finished abusing her she says that she would return to her group and sometimes he gave her a mint. She alleges that one of the sisters must have known what

35 See SND 15154.

was going on, because she always placed the witness at the end of the queue and put her hand into the priest's hand. We accept that such events occurred.

- 108 HIA 49 makes a separate set of allegations against another priest whom she identified as SND 106. She alleges that this priest bounced her up and down on his lap in the playground of Nazareth House when he had an erection. We have carefully considered the nature of her identification of the priest in question, and have concluded that she was inaccurate in her identification of SND 106 as this priest. However, SND 407 (who is now deceased) was a priest with the same name as SND 106 and, unlike SND 106, did serve as a chaplain at Nazareth House for a number of years. In addition, the physical description of the priest in question as “short and stocky” is compatible with the appearance of SND 407. We have concluded that as the two priests had the same name, HIA 49 is mistaken in her belief that she was assaulted by SND 106, but we accept she was assaulted by SND 407.
- 109 In the light of the accounts given of the abuse to which she was subjected by these two priests, we accept that HIA 49 did suffer sexual abuse. So far as SND 407 is concerned, we consider that this did not amount to systemic abuse on the part of the Sisters, because if his behaviour had been observed it would have appeared to be innocuous behaviour that would not have raised concern, because at that time no one would have believed that a priest would have behaved in that fashion. However so far as SND 61 is concerned, that the priest had the child in question in the sacristy with the door locked for a significant period of time should not have gone unnoticed. **This, together with the fact that confessions would have been heard in the confessional and not in the sacristy, leads us to conclude that there was a systemic failing on the part of the Sisters to appreciate that some form of improper conduct may have been perpetrated when the priest was repeatedly spending a lengthy period of time locked in the sacristy with a young child when the child was supposed to be making a confession. Such a situation could not account for such a prolonged absence of the child from view.**
- 110 HIA 233 alleged that a priest in Nazareth House who came to say Mass at the chapel every Sunday, and who is now dead, put his hand on her leg and rubbed her thigh. This happened on more than one occasion. Whilst a less serious form of sexual abuse, if such conduct occurred it was plainly a form of abuse which was perpetrated in circumstances

where it could have been observed and should have been prevented. However, the amount of detail given by the witness does not enable us to conclude whether or not her account is reliable in this respect.

- 111 Two witnesses described how they were sexually interfered with during periods of time when they had been placed with families in the country during the summer months. HIA 367 said that this happened on two separate farms. On one occasion a workman on the first farm touched her private parts and was observed by the farmer. She alleges that on other occasions the farmer called her into a private part of the farm where they would not be seen and also touched her private parts. On one occasion when she was sharing a bed with another girl the farmer came into bed between them but his wife discovered him and told him to get out. The witness said that she was taken back to Nazareth House, where she tried to tell SR 9, who was the sister in charge of her group, what had happened. She alleges that SR 9 would not listen to her and said that she did not want to know.
- 112 The witness also alleged that on another occasion she was sent to a different family when she was aged about twelve and spent two months there over two summers. She alleges that the father of the house sexually propositioned her and offered her money, but he was disturbed when someone returned to the house. She said that in the early hours of the following morning she ran away and went to the farm of the first family to which reference has been made. She was picked up by the wife who asked her what she was doing and in due course HIA 367 wrote to SR 9 and asked her could she return to Nazareth House. She was put on the bus and returned. It does not appear that she disclosed this episode to SR 9.
- 113 Broadly similar allegations were made by HIA 169, who described how she was sent to different families on a number of occasions. She alleges that on two of these visits she was sexually interfered with. The first occasion was when she was either five or seven years old. She says that she was propositioned by the son of the family who offered her money and she remembers lying on the haystack on her back with him on top of her and experiencing a severe pain in her vagina with something inside her, which she assumed was his penis, and she believes that he raped her. She went out of the field and was found by the mother of the house and the next day she was sent back to Nazareth House. She did not disclose what had happened.

- 114 The other occasion that she describes occurred when she was eleven or twelve and she describes how the son of that family had intercourse with her, both vaginal and anal. A sister from Nazareth House came to collect her the next day, and on her return SR 9 beat her, calling her horrible, filthy names and telling her that what had happened was her fault.
- 115 We accept the accounts by HIA 367 and HIA 169. The Sisters may not have been able to properly vet the families concerned at the time, given the very large number of children involved, nevertheless the children were still in the care of the Sisters, despite being on a placement, and the Sisters should have realised that children in care were more liable to sexual exploitation, and taken the allegations more seriously. There was a clear failure to take proper action when the allegations were disclosed to the Sisters by these witnesses. There is nothing to suggest that these serious matters were reported by the Sisters to either social services or to the police, a course which should have been taken and which we are satisfied was not taken. We are satisfied that there was a failure on each occasion to pay proper attention to the children's complaints and then to pass them to the social services and/or police. **The failure of the Sisters to do that was a clear systemic failing in their duty to properly consider, and then report the allegations to the proper authorities.**
- 116 An isolated episode of sexual abuse alleged by HIA 233 was that when she was a child of seven in 1966 and in Nazareth House, she was sexually interfered with by her half brother, SND 283. She says that he digitally penetrated her every other night for weeks when he came to her room from a separate room where he lived. She alleged that this was observed on the first occasion by another girl with whom she shared the room. She also alleged that she later told her mother what SND 283 had been doing to her in front of one of the sisters whereupon her mother slapped her face. She also alleged that she had reported this to a social worker.
- 117 It is clear from the witness's evidence that if these matters were reported to her social worker as she says then the matter was placed in the hands of the proper authorities. However, there is no evidence to support her assertion that it was reported to her social worker,³⁶ and in

36 Day 16, p. 87.

these circumstances we do not reach any conclusion as to whether or not this episode occurred.

- 118 HIA 242 (who was unable to give oral evidence due to ill health) made a statement in which she alleged that during her time at Nazareth House, when the children were playing in the playground at the back of the home, some of the elderly men who lived in the old people's section of the complex "would walk past us and expose themselves to us. We never reported this to the nuns." Whilst we accept that repeated acts of indecent exposure of the type alleged could amount to a form of sexual abuse, and could amount to a systemic failing on the part of the Sisters if they were aware of it and did not take steps to prevent it, the statement suggests that they may not have been aware of it because it was never reported. In any event, this is an isolated complaint, and even if these events occurred, in the absence of any report we are not satisfied that it could amount to a systemic failing on the part of the Sisters.
- 119 There was only one allegation of sexual abuse of an applicant, when HIA 49 alleged that on one occasion she was made to touch another girl's vagina. We do not have to determine whether some such incident occurred, because if it did it was plainly an isolated incident which could not have been prevented and therefore would not amount to a systemic failing on the part of the Sisters.

Physical violence

- 120 Seven witnesses altogether, six of whom applied to the Inquiry and one of whom (SND 463) came forward to give evidence in support of the Sisters, alleged that significant violence was inflicted by a number of named sisters on many occasions, although SND 463 alleged that this type of conduct was only prevalent until 1950 or thereabouts. We accept that, as in Termonbacca, a number of sisters repeatedly and frequently resorted to significant violence against a number of the children in their care. A number of these allegations were directed at SR 9. HIA 169 alleges that on two occasions SR 9 struck her with such severity as to break her nose. On another occasion it is alleged that SR 9 struck her a severe blow with a brick. A fourth allegation is that on a separate occasion SR 9 struck HIA 169 on the side of the head causing the child's head to bang against a protruding ledge on a wall. So far as the first three incidents are concerned, we have taken into account the evidence

of a number of witnesses such as SND 463 who spoke extremely highly of SR 9, and who believed that she would not have been capable of such behaviour. So far as the fourth occasion is concerned (the ledge incident) the account by HIA 169 was to a limited degree corroborated by the evidence of SR 18, another sister who was present at the time and who gave oral evidence to the Inquiry. In her witness statement SR 18 described how she had reason to be displeased with the behaviour of HIA 169 and so she took her to SR 9. She went on to describe how SR 9 “lifted her hand to give HIA 169 a clip on the ear but HIA 169 quickly moved her head to the side to avoid SR 9’s hand, but banged the side of her head against a cabinet nearby. I did not see what happened next, because SR 9 asked me to go upstairs. I believe HIA 169 has a scar on the side of her head as a result of this incident. I was shocked as I never previously witnessed anything like this incident.”³⁷

- 121 In her oral evidence SR 18 confirmed that she witnessed this incident,³⁸ and we regard the evidence of SR 18 as providing substantial corroboration of the allegation by HIA 169 against SR 9 in respect of these incidents, and we accept that she was struck a severe blow with a brick with such violence by SR 9 that she banged her head against the side of the wall. We regard this as unjustified and excessive physical chastisement.
- 122 Looking at all of the evidence of HIA 169 and of the remaining witnesses who have alleged that violence was inflicted upon them by individual named or unnamed sisters, we are satisfied that a number of sisters frequently resorted to severe chastisement of an excessive and wholly unjustified nature in relation to a significant number of girls.
- 123 Three witnesses, HIA 105, HIA 394 and HIA 49, allege that they were beaten by senior girls. For example, HIA 105 said that a particular girl who was the only one she could remember “was left do a lot of things on her own in her own way and was allowed to.”³⁹ HIA 394 made similar allegations, saying that the older girls were in charge and were quite brutal: “they seemed to be allowed to do anything, and I did once report their behaviour to a nun, because I was being so badly - I was being very badly beaten because I was trying to get up into the nursery and I was being beaten down.” She repeated that she did complain to a sister

37 SND 15834.

38 Day 29, p. 155.

39 Day 8 p. 14.

and “was told to go away and stop telling tales”.⁴⁰ HIA 49 alleged that when she was in the bath her back was scrubbed with a brush, which appears to have been a floor brush of some sort, by senior girls.

124 Although there are only a small number of such complaints, given that there were a small number of sisters available to look after a large number of children, a problem to which we have already referred and which was compounded by the teaching duties of the same sisters, we accept that at times and to a significant degree there was a practice of giving too much unbridled authority to some senior girls, who then abused the power that they were given and assaulted younger girls. **We consider that it was an unacceptable practice and one which allowed abuse to be perpetrated and constituted a systemic failing on the part of the Sisters for the reasons we have already set out in respect of the same practice at Termonbacca.**

125 One witness (HIA 127) alleged that on one occasion he became involved in an altercation with one of the houseparents in Nazareth House, SND 43. She was married and during the course of the altercation HIA 127 alleges that he struck SND 43, and he further alleges that SND 44, who was SND 43’s husband, later came in to the home and assaulted him because he, HIA 127, had assaulted SND 43. SND 43 gave evidence and denied that her husband had come in and acted in this way, but we did not find her evidence persuasive on this matter and we are satisfied that there was such an incident. In his response to the Inquiry Warning Letter SND 44 denied that such an incident took place. HIA 127 was not the only witness to allege that this individual had ready access to the home because similar evidence was given by HIA 233. We accept that he did have ready access to the home, and **we regard this as indicative of a systemic failing on the part of the Sisters to exercise proper control over who was allowed into Nazareth House, and where they were allowed go.** The fact that the individual concerned was the spouse of a staff member should not have permitted ready access by him to any part of the home.

Unacceptable practices

126 A number of witnesses described the manner in which children who wet their beds were treated. Although only four witnesses referred to

40 Day 8 p. 59.

this matter, the allegations cover several decades. The earliest in chronological terms was the account given by SND 463 in relation to the pre-1950 period. She described how bed wetters were woken and then made to have a cold bath. HIA 242 (who did not give oral evidence) described a similar practice during her time at Nazareth House between 1948 and 1964. She also described how bed wetters were woken, but went on to say that they were then made to put the wet sheets on their heads. The two remaining witnesses were HIA 105 and HIA 169, who were in Nazareth House between 1962 and 1975 and 1961 and 1976 respectively. HIA 105 described how she saw bed wetters being singled out by being made to stand for breakfast and only being given half a cup of tea at nighttime. Bed wetters were also made to wash their own sheets. HIA 169, who was herself someone who had a problem with bed wetting throughout her time in care, recalled how bed wetters were humiliated by being made to put their underwear on their heads and stand at the breakfast table so that everyone could see. HIA 105 also referred to girls who wet their pants having to wear their pants on their head and parade up and down the corridor where the dormitories were.

- 127 We accept that the attitude towards girls who wet their beds, or their underwear, in Nazareth House was evidence of a backward and unpleasant attitude towards them, just as there was at Termonbacca. We have already referred to the wise guidance given by the Home Office memorandum in relation to bed wetting at paragraph 54 above. We are satisfied that some sisters dealt with children who were bed wetters in a manner which amounted to a serious form of emotional abuse.
- 128 Several witnesses referred to several sisters making humiliating, cruel and disparaging remarks in a way which made the witnesses feel unwanted or worthless. HIA 113, who transferred to Nazareth House when Termonbacca closed (and who had no other complaints about her time at Nazareth House) recalled how she was about to go to a nearby shop with other children when a sister pinned her by the arms and said “Are you going whoring?”⁴¹ Some of these remarks were about their background, some about stains on their underclothing and others about the changes to their body with puberty. For example, HIA 105 was constantly told that she was lucky to be there and she said “they still made you feel very unwanted, worthless, no sense of belonging” and

41 Day 16 p. 31.

that they “made you feel very worthless”.⁴² HIA 233 alleged that one sister called her and her sisters, “bastards” whilst HIA 242 recalled how she was always being told that she was no good and how SR 9 constantly made fun of the changes in their bodies during puberty. HIA 179 asserted that the sisters used “humiliation, shame and guilt to keep us submissive”.⁴³ Although these complaints are few in number, they chime with similar evidence from Termonbacca; we regard them as credible and consider that they amounted to a form of emotional abuse.

- 129 A related complaint was that the sisters were markedly unsympathetic to girls facing the problem of the onset of menstruation. This allegation was made by HIA 242, and a number of other witnesses described how they received little if any instruction in the use of sanitary towels, and how sanitary towels were only provided on a limited basis. Although we do not consider that this was sufficiently widespread to justify a finding that there was a systemic failing on the part of the Sisters to treat children who were menstruating in an abusive fashion, nevertheless it shows a marked lack of appreciation of the emotional needs of girls entering into a stage in their development which can be upsetting and embarrassing for the girls concerned if not treated sympathetically.
- 130 Two witnesses, HIA 105 and HIA 179, alleged that when they gagged upon, and then regurgitated, food which they found inedible they were made to eat their own vomit. In the case of HIA 179 this occurred on one day and she said that the person who made her eat was a civilian worker. HIA 233 and HIA 394 said they were forcibly fed by several sisters and by a civilian worker. However, we are not persuaded that a general practice existed of force feeding children.
- 131 Only HIA 242 made specific allegations about the quality of the food, saying that she found it poor and inadequate. Given that only one of the small number of witnesses who came forward made such a complaint we accept that the food, whilst no doubt institutional, particularly in early years, was adequate and nutritious.
- 132 HIA 105 and HIA 367 said that birthdays were not celebrated. They also gave contradictory accounts about Christmas. HIA 105, who was in Nazareth House between 1962 and 1976, said that she did receive a single present at Christmas, such as a selection box and

42 Day 8 p. 39.

43 Day 8 p. 105.

nightgown, and that Christmas was lovely, whereas HIA 367, who was a contemporary in that she was there from 1958 to 1970, said that although they were given clothes and shoes at Christmas, they received no toys. We consider that there is insufficient evidence relating to the provision of toys, clothes and the marking of Christmas and birthdays to amount to evidence of a systemic failing on the part of the Sisters to provide for the children in these respects.

- 133 So far as pocket money is concerned, HIA 367 said that they only received pocket money when children were going on trips to somewhere like Butlins, and HIA 105 said they received a small amount “once in a blue moon then it stopped.” However HIA 169, who was a contemporary of both of these witnesses since she was at Nazareth House between 1960 and 1974, said that the girls did receive pocket money unless they were punished, in which case it was withheld. In relation to a matter such as this, the fact that one child says that they did receive pocket money is of greater significance than those who say they received it only on a limited basis, and we are therefore satisfied that pocket money was provided to the children and there was no failing on the part of the Sisters in this respect.
- 134 HIA 367, HIA 105 and HIA 169 all made complaints in relation to the provision of bathwater. For example, HIA 367 said that there were only two baths for over a hundred girls and that the water was never changed. The account given by HIA 105 was slightly different in that she said that ten to fifteen people had to use the same water, whereas HIA 169 said that all girls used the same bathwater. SND 463, to whom we have referred earlier as coming to give supportive evidence on behalf of the Sisters, accepted that the children were made to bath three at a time, but that there was plenty of hot water. She also referred to small amounts of Jeyes Fluid being added to the bathwater. The fact that more than one child used the bathwater is not surprising in a large institution, indeed many families would have adopted the same practice. Nonetheless the evidence suggests that the changes of bath water were not sufficiently frequent. While this did not represent abuse in the sense of neglect, it did represent poor childcare.
- 135 Several witnesses alleged that the children were made to perform heavy and repetitive household chores to an excessive extent, such as HIA 367 who referred to being made to spend a long time washing clothes on one occasion when the washing machine broke down. HIA 242 (who

did not give oral evidence), and who was in Nazareth House between 1948 and 1964, also alleged that a great deal of time was spent by the children cleaning and scrubbing and waxing floors. HIA 105 also referred to the amount of time spent helping others clean corridors and classrooms. However, SND 60 (who was in Nazareth House from 1962 to 1976), described how the children were made to wax and polish floors, saying that it was not a hard job, they always had a laugh and enjoyed doing it because three girls would stand together in a line and “we used to sing a song ‘0,1,2,3, Mary at the cottage door. 5,6,7,8, eating cherries off a plate’.” The evidence is therefore contradictory as to the practice of cleaning floors in the 1950s and 1960s. We are not persuaded that excessive or unreasonable demands were made of the children in that respect.

- 136 An additional allegation made by HIA 105 was that when she was five she was made to clean toilets every Saturday. **HIA 49 and HIA 179 also alleged that they had to clean the toilets. We accept that these episodes occurred, and in view of the ages of the children, and the nature of the tasks, we consider that this amounted to a form of abuse.**

Staffing

- 137 Whilst the questions of staffing and funding are closely intertwined, it is appropriate to look at the number of sisters who were available to look after the children in Nazareth House. It is clear that for many years the number of sisters was extremely limited. HIA 105 and HIA 394 were both in Nazareth House in the early 1960s: HIA 394 from 1961 to 1964; and HIA 105 from 1962 until 1976. HIA 394 commented “I wondered if it was just overwhelming for them. I just wondered if they knew how to cope themselves.” As already explained, the practice until well into the 1970s was that some sisters were allocated to spend the day collecting in the community, whilst others were trained as teachers and were expected to teach full-time in the primary school run by the Sisters on the same site, and, as we have heard, for many years the boys from Termonbacca attended this school with the girls from Nazareth House. The teaching sisters were also expected to look after the children in the morning and the evening before and after school. SR 52 who was in Nazareth House between 1967 and 1975 (apart from one year when she was in Belfast undergoing a course on

nursery education) described how one of the three teaching sisters would get the children up in the morning, see that they were dressed and made their beds. A second teaching sister then supervised and served breakfast, and after breakfast the third teaching nun prepared the children to leave for the various schools. After her day's work as a teacher, SR 2 returned to the home and it was her responsibility to take the boys from Termonbacca to the bus that they would get back to Termonbacca. She then went back to Nazareth House, and organised and supervised games and other activities until the children had their tea at five o'clock. Another sister then usually took over at teatime, followed by another sister who took over at about 6.30pm. After that the sisters went for prayer, and on their return put the children to bed.⁴⁴ Any other teaching sister who was free would help out, as would the collecting sisters. SR 147 was a collecting sister, and in a letter which she wrote on 23 July 2013⁴⁵ she described how when she arrived in Derry in 1968 or 1969 "I was expected to go and help make beds in the two dormitories, also to clean the bathrooms, and sweep and mop the dormitories before I went out."

- 138 This pattern continued for many years; SR 52 pointing out that between 1967 and 1975 when she was in Nazareth House there were no civilian staff employed to help.⁴⁶ The evidence from SR 18 was the same. She was in Nazareth House between 1972 and 1973 and returned to Derry from Belfast in 1977. When she returned in 1977 she found that there were still no civilian staff, and as a result she had to arrange for a lady to come in to help between 4pm and 9pm.⁴⁷ Overworked individuals may well have felt it necessary to resort to violence or abusive language in order to try and maintain discipline over a large number of children.
- 139 Quite apart from the pressures created by the inadequate numbers, the teaching sisters had no childcare training as such, although SR 18 claimed they did have a significant element of childcare development training as part of their teacher training course.⁴⁸ However, as SR 52 conceded, she was very ill-prepared for the dual role she was expected to undertake when she arrived in Nazareth House as a trained teacher in her early twenties. As we shall see when we consider the question of

44 Day 29 pp.75 to 77.

45 SND 17181.

46 Day 29 p. 77.

47 Day 29 p. 130.

48 Day 29 p. 131.

funding, it was not until the vigorous efforts of SR 2 in the late 1970s and early 1980s led to a substantial recruitment of lay staff, so that by the time Nazareth House closed it was fully staffed with trained staff. Given that in the earlier years few, and inadequately trained, sisters were responsible for looking after a large number of children, it is hardly surprising that the routine in the house was a regimented one, a state of affairs that remained until the smaller units were created in the mid-1970s. As we have already observed in connection with Termonbacca, it was the responsibility of the Congregation either to ensure that there were sufficient and adequately trained sisters available to properly look after the children, or to seek to obtain the necessary funding in order to recruit civilian employees to perform the tasks which the sisters could not cope with. Whatever may have been the responsibility of public authorities to provide funding, the Congregation itself must bear a substantial share of the responsibility for this state of affairs.

Findings as to systemic failings by the Sisters of Nazareth at Nazareth House, Bishop Street

140 At this point it is appropriate to consider a number of the questions that were posed to the Inquiry and which we have already answered in relation to Termonbacca. We propose to do so in relation to Nazareth House at this point before we turn to other matters, principally funding. In the light of our conclusions set out above we make the following findings in relation to the Sisters of Nazareth at Nazareth House.

- (1) We are satisfied that there was abuse in the form of improper physical behaviour by individual sisters towards children in their care.**
- (2) We are satisfied that there was abuse in the form of improper sexual behaviour by a visitor and by priests towards children in the care of the Sisters.**
- (3) We are satisfied that there was abuse in the form of improper physical behaviour by older children towards children in the care of the Sisters.**
- (4) We are satisfied that there was emotional abuse in the form of improper behaviour by individual sisters towards children which undermined the self-esteem and emotional well-being of the children.**

- (5) We are satisfied that the Sisters of Nazareth were aware of the matters alleged at 1, 2, 3 and 4 above, and took no steps to prevent such abuse.**
- (6) We are satisfied that the Sisters of Nazareth did not take proper steps to report such abuse to the relevant civil authorities, namely social services and the police.**

We will deal with the remaining questions relating to premises, staffing and funding after we have considered the evidence in relation to these matters.

Sexual abuse and the responsibility of the Western Health & Social Services Board

- 141 At this point we turn to consider a specific allegation made against a residential social worker employed by the Western Health & Social Services Board (WHSSB) in Nazareth House, and whether there were any failings on the part of the WHSSB in relation to these events. HIA 127 spent a number of short periods in Termonbacca as a very young child before being placed in foster care with his five siblings, three of whom were applicants to the Inquiry, and the fourth of whom gave evidence. All six siblings remained with their foster parents until allegations of sexual misconduct made against the foster parents led to four of the children being placed in Harberton House. HIA 127 remained there for some months until he was placed in Nazareth House with two of his siblings in April 1986. By then HIA 127 was aged ten, and he remained in Nazareth House for just over four years until he was discharged in 1990 aged fourteen. During the time he was in Nazareth House he was in the unit in the charge of SR 21.
- 142 The allegations made by HIA 127 fall into two distinct categories. He makes a number of allegations about the way he was treated by the staff, both lay and religious, during his time in Nazareth House. He says that he was shouted at and punished every day for various misdemeanours. He suffered from psoriasis, and the contemporary records show that he was prescribed Polytar to be applied to the skin to treat this condition. He alleges that despite instructions to the home by his doctor that it was inappropriate that he should be bathed every night because this would remove the positive effect of the natural oils from his body, he was either bathed or showered every day, sometimes being forced into the shower by the staff. Another allegation he makes is that when

he was aged about ten he had to undergo an operation on one of his testicles, and when a nurse came to the home to check the condition of the wound after the operation the nurse inspected him lying on a sofa in front of everyone, something which made him feel humiliated and degraded. It is appropriate to record at this point that, without going into unnecessary detail, HIA 127 has had an extremely disturbed and dysfunctional life, and it was said very strongly on behalf of SND 38 in the closing submissions, notably those set out at SND 18558, that this affects his reliability.

- 143 These allegations are made against SND 38, who was employed as a residential worker at Nazareth House and was appointed as the key worker for HIA 127. The allegations are that over a substantial period of time SND 38 groomed HIA 127 in various ways. HIA 127 acknowledges that SND 38 treated him kindly and sensitively at the beginning of their relationship, but also refers to him being given frequent treats by SND 38, such as being taken to ten pin bowling and being bought computer games. He goes on to allege that SND 38 subsequently subjected him to episodes of sexual abuse on a regular basis in a number of different locations. These episodes occurred in Nazareth House, both in HIA 127's bedroom and in a bathroom there; the home of SND 38's girlfriend; in a mobile home or caravan in Portstewart in the summer of 1990, and in SND 38's mother's home during a Christmas visit in 1990.
- 144 HIA 127 alleges that the sexual abuse took the form of SND 38 touching the penis of HIA 127, masturbating HIA 127 and himself, and subjecting HIA 127 to oral sex. After his period of time in Nazareth House HIA 127 was placed in foster care, and he alleges that during his period of foster care SND 38 regularly visited him at his foster parents' home where he took advantage of being allowed to be alone with HIA 127 to subject him to further episodes of masturbation and oral sex.
- 145 It is clear from both the evidence of HIA 127, and from the contemporary records kept by the WHSSB, that when HIA 127 left foster care he continued to have a very disturbed childhood, being eventually returned to Nazareth House for several months before he was placed in St. Patrick's Training School in Belfast. After he was discharged from St. Patrick's on attaining the age of sixteen he lived in a number of locations and in 1996 he made a complaint that he had been subjected to sexual abuse by SND 38. This resulted in a police investigation in 1996 during which he made a lengthy witness statement.

- 146 SND 38 also gave evidence to the Inquiry by way of a written statement and oral evidence. He denied all of the allegations, and pointed to a number of significant inconsistencies in the accounts which HIA 127 has given of these events. In particular, it was pointed out on his behalf that HIA 127 changed the date of the Portstewart episode from 1990 to 1989 as it had been pointed out that it could not have happened in 1990 as originally alleged, because by that time he had been placed with his foster parents. In his police statement made on 12 August 1996 HIA 127 alleged that SND 38 drove him around in a red Lada car, but SND 17174 shows that SND 38 did not obtain such a car until July 1990, which is asserted to be a further significant contradiction in the account given by HIA 127.
- 147 A significant aspect of the allegations, and the surrounding circumstances, relates to the circumstances in which SND 38 came to perform the role of both key worker and “befriender”. It is clear that the suggestion that HIA 127 could benefit from someone acting as a “befriender” came from SND 38 himself (although it was signed off by the sister in charge of the unit, SR 21). The reason recorded at the time for this was that HIA 127 “enjoys and thrives on the individual attention that is not always available in a residential setting.”⁴⁹
- 148 We accept that there are numerous contemporary references in the WHSSB records showing that the relationship between SND 38 and HIA 127 was seen as positive at the time. However, the appointment of a residential worker who was already the key worker of the child concerned in the additional capacity of a “befriender” was a highly unusual one. It certainly provided an enhanced opportunity for SND 38 to be alone with HIA 127 on many occasions, and to develop a very close relationship with him, something that would facilitate acts of sexual abuse of the type alleged by HIA 127 if such episodes occurred.
- 149 We have carefully considered the evidence in relation to the allegations, and there are a number of matters which appear to us to be of considerable importance when considering the clash between the evidence of HIA 127 and SND 38. We accept the evidence of SND 500 that, contrary to the suggestion made by SR 21 in a police statement, it was not the policy of the WHSSB at the time to try to have children visit the homes of key workers.⁵⁰ That SND 38 took HIA 127 to his then

49 SND 5228.

50 Day 28, pp. 68-69.

girlfriend's home on a number of occasions is a matter of considerable significance. In addition, when one considers that the suggestion that a "befriender" be appointed came from SND 38,⁵¹ that has added significance in the context of the setting in which it is alleged that these acts of sexual abuse occurred.

150 We also attach significance to the number and regularity of the visits which SND 38 paid to the home of the foster parents with whom HIA 127 was placed after he left Nazareth House. Whilst SND 500 referred to these as being not normal practice but something about which SND 38's superiors or other social workers would not have been unhappy if they did occur, the frequency of such visits provided a further opportunity for sexual abuse to occur if it did occur.

151 We regard as particularly significant that the foster parents themselves told the Board that they were concerned about the nature and frequency of the visits which SND 38 continued to pay to HIA 127. It was minuted on 19 October 1990⁵² that:

"...they feel that it is too intensive, that they were not fully consulted about setting it up, and that it represents something of an intrusion into the routines of their home. It was established in the course of the review that this form of support was not planned when HIA 127 was discharged from residential care;"

The minutes go on to record that a social worker was to discuss this with SND 38 with a view to "reducing the extent of his involvement". There is no reference in social work records to this discussion having taken place with SND 38, and in his evidence to the Inquiry SND 38 stated that he had no memory of having any such discussion with HIA 127's social worker.

152 On balance we have come to the conclusion that HIA 127 was sexually abused by SND 38 on a number of occasions whilst HIA 127 was in the care of SND 38. There were a number of significant opportunities which we consider were deliberately created by SND 38 in highly unusual and inappropriate situations which should not have been allowed to occur, and which gave SND 38 the opportunity to behave in the way we are satisfied that he did.

51 SND 5228, 5 May, 1989.

52 SND 5450.

153 This leads us to consider the responsibility if any, of the WHSSB for what occurred. We are satisfied that the situation in which SND 38 was able to put forward the suggestion, which was then adopted by the Board, of making SND 38 both the key worker and the “befriender” of HIA 127 should not have been permitted. While we recognise that the WHSSB only had two such situations in its time, one of which resulted in a very successful relationship which produced considerable benefits for the child and led to a relationship with the “befriender” which has lasted for many years, nevertheless such a highly unusual arrangement should have been very carefully and rigorously scrutinised and supervised. In its closing submissions the HSCB asked the Inquiry:

“To accept the evidence of TL 4 and SND 500 that befriending by a key worker was an exceptional circumstance and that the Western Board did not approve a policy of keyworkers in Nazareth House taking children in residential care home.”

154 This submission contradicts the contemporary material which shows that the WHSSB did approve SND 38 taking HIA 127 to his home. In those circumstances the Board has to accept responsibility for the consequences of such a practice being permitted. It is clear to us that SND 38 was allowed to have a very considerable amount of access to HIA 127 over a lengthy period of time, especially after HIA 127 was placed in foster care after he had been at Nazareth House. The Board was aware of this from the complaints of the foster parents at the time, as can be seen from the documents already referred to. We consider that SND 38 was at fault in creating and perpetuating an unprofessional relationship with HIA 127 by being both key worker and “befriender”. As his employer the Sisters of Nazareth were primarily responsible for overseeing and managing the work of SND 38 and should have been alert to and questioning of the level of contact he was having with HIA 127 outside the home and often in his own time. They should also have considered more carefully whether it was appropriate for SND 38 to act as key worker and “befriender” to HIA 127. However, the Board had ultimate responsibility for making decisions about and overseeing the care of HIA 127 including the decisions to place him in Nazareth House and in foster care. The Board failed to adequately inform itself about what SND 38 was doing, and appears to have been prepared to take on trust his account of the nature and extent of his contact with HIA 127, when it ought to have exercised very much closer and rigorous supervision over what was clearly a highly unusual relationship which it had approved. **In these**

circumstances we are satisfied that there was a systemic failing on the part of the Western Health & Social Services Board in approving, and then failing to properly monitor, the highly unusual relationship which SND 38 was permitted to have as both key worker and “befriender” of HIA 127, and in not intervening to manage his continued involvement with HIA 127 after his discharge from Nazareth House.

Part Three:

Inspections

- 155 The Inquiry had difficulty in obtaining as much detail as we would have wished in relation to both Termonbacca and Nazareth House because of deficiencies in the records relating to both homes held by the Congregation of the Sisters of Nazareth, and by various government departments. Most of the records relating to Termonbacca were burnt by the Sisters when Termonbacca closed because they did not have sufficient space in which to store their records. Although some individual records relating to particular children did survive, this was largely a matter of chance. Similarly the files on both Termonbacca and Nazareth House compiled by the Ministry of Home Affairs cannot be found, and it is probable that they were destroyed as part of a routine destruction policy some years ago. When children came into the care of the WHSSB some records for each child were handed over to the Board by the Sisters, but, despite exhaustive searches, some of these files cannot be found.
- 156 The result of this scarcity of records is that the Inquiry has had to rely on a number of isolated documents which have survived, supplemented by references to Termonbacca and Nazareth House in Northern Ireland Cabinet papers obtained from PRONI. Some Ministry of Home Affairs inspector's reports have survived for other institutions, and these provide some assistance by indicating the type of material which the inspectors looked for. Although the inspection reports themselves have not survived, the records of the Sisters refer to a considerable number of occasions on which Ministry inspections were carried out. By drawing all of these various fragments together it has been possible to recreate a reasonably complete picture of the various forms of inspection process to which both houses were subjected, although it has to be accepted that this is a relatively broad-brush picture as much essential detail does not appear to have survived. Nevertheless, the material which we have been able to obtain has enabled us to draw a number of broad conclusions in relation to the period before the mid-1980s when reports of more detailed inspections instituted by the Social Welfare Advisory Group (SWAG) of the DHSS have survived.
- 157 The initial level of inspection or supervision of each home was performed by the mother superior. In her evidence Sister Brenda McCall suggested

that each mother superior would carry out a daily visit to all areas within her home, in the course of which she would speak to the children.⁵³ Very few of the applicants who gave evidence to us had any recollection of such visits, though that would not have been surprising as we would not expect children to remember detail such as that to any significant degree. In any event, we believe that many mothers superior would be seen as remote and authoritarian figures, particularly in the early years, although of course much would depend upon the personality of the individual mother superior. That would appear to be the position to judge by the recollections of SR 147, who described her experiences in early years in a letter written in July 2013.⁵⁴ In the letter she said in relation to when she went to Nazareth House between 1968 or 1969 and 1971 “I lived in fear of the Superior who was quite hard, never bid us the time of day or ask us if we had a good day at the collecting when we came in.” In 1974 she was sent to Portadown where she referred to the Superior as “quite strict”. She went on to say that in 1977 she was changed back to Derry to do the city collecting. Her memories of the mother superior in Nazareth House at that time are revealing.

“We had another hard Superior! We came home one evening to be told that the Superior had been changed; there were no tears shed! We got a lovely Superior full of compassion, with time to talk to us.”

- 158 Given that a sister formed these views of different mothers superior, it is unlikely that those mothers superior would be able to establish a close rapport with children, or persuade the children to take them into their confidence. Such daily tours of each home provided an opportunity for a mother superior to come across any form of ill-treatment that might be occurring when she entered a room, and we believe that at least some mothers superior must have been aware that some of their sisters did resort to severe physical chastisement on occasion. Although it is an isolated incident, HIA 367 described one evening when the girls were all gathered in the church at Nazareth House for Benediction when they heard screaming coming from outside because one of the sisters was hitting a girl, and “the screaming was unbearable”. She described how the reverend mother went out and asked what was going on, and was told that the girl was answering the sister back, whereupon the reverend mother said “not outside the church”. HIA 367 was unable to

53 SND 15845.

54 SND 17181.

remember the name of the reverend mother concerned,⁵⁵ but episodes such as this must have caused individual reverend mothers to have concerns about the way in which some of their sisters were maintaining discipline. We believe that the need to maintain discipline by a small number of sisters over a large number of children, whether boys or girls, was likely to have led at least some of the mother superiors in both homes to turn a blind eye to what they considered to be the less severe forms of chastisement and punishment which we have found to be administered in both homes.

- 159 The next level up of internal inspection by the Congregation consisted of periodic visitations of each home by the Superior General of the Congregation (also referred to as the Mother General), or one of her senior assistants. The “visitor” (as the individual was known) was obliged to visit each home every three years or so, and we accept that such visitations were carried out every three years or so from 1928 onwards.⁵⁶ In the 1960s a new level of inspection and administration was created with the appointment of regional superiors, each of whom was responsible for the homes in a particular region. The regional superior was obliged to visit each home in her region every three years.⁵⁷ The inspections by the superior general or the regional superior alternated, thereby ensuring that every three years or so an external inspection was carried out by a high ranking member of the Congregation. These appear to have been carried out on a regular basis.
- 160 In her written statement Sister Brenda McCall described the duties prescribed for the visitor.⁵⁸ These included moving around all areas of the house concerned, speaking with the residents (including the elderly where appropriate), the children, staff and any visitors whom they meet. The visitor was also required to check the documentation including registers, inspection reports by the relevant statutory authorities and other documentation considered to be relevant. The visitor was obliged to check whether any recommendations or requirements that had been made at any inspection have been followed up, and whether they are being, or have been, implemented. If there were any areas of concern the visitor would give directions that further steps be taken.

55 Day 7 p. 28.

56 These are listed year by year in SND 13948.

57 SND 15849.

58 SND 15849.

In addition, each sister would be interviewed by the visitor and “is encouraged to speak openly and honestly to the visitor about any matter of concern to her in regard to her own position, development or in regard to the running of a house.”⁵⁹ In her evidence Sister Brenda McCall accepted that the requirement that the visitor speak to the children was one of the requirements that applied throughout the period within the Inquiry’s Terms of Reference.⁶⁰ The reports follow a standard format, with brief paragraphs under each heading, and the format meant that there was more content about the maintenance of the physical facilities of the house, such as the kitchen, laundry and chapel, and that records were kept up to date, than about the children. Where remarks are recorded about the children they are mainly limited to their appearance and behaviour, and are positive in tone.

- 161 There are few references to the challenges the Sisters faced in caring for the children although the report of the visitation to Termonbacca on 26 March 1973 records:

“For many years past, the Sisters had to work under very trying conditions and it was difficult to make a success of their work with the children. It is a credit of all that this project was undertaken at this time and that the new building incorporates the most modern facilities conducive to good childcare.”⁶¹

- 162 A report has survived for the visitation of Termonbacca held between 26 April and 3 May 1966.⁶² This describes how attention was paid to the observance of the Rule and Religious spirit, but also describes in some detail checks that were made on the administration of the home, the kitchens and the laundry, and that the records had been kept up to date. It referred to the farm and to the boys themselves. It recorded that there were 65 boys aged between five and fifteen, and:

“all are healthy looking, well fed, well dressed and shod and have the voluntary service of many barbers.”

The report also refers to attendance at school and recreational activities such as football matches.

59 SND 15850.

60 Day 35, p. 153.

61 SND 14283-14284.

62 SND 14259.

- 163 In November 1971 advice was provided in the visitation to Nazareth House about the design of the accommodation for the children, saying that “It was suggested that the children should be divided into two groups and that two self-contained flats be provided for them on the top floor.”⁶³ Comments such as these, and the visitation reports themselves, show that close scrutiny of individual houses was exercised at the highest levels of the Congregation, and that the mother general, or a high-ranking member of the Congregation, would suggest the direction in which the particular home should move.
- 164 Whilst the system of internal inspection was carried out regularly, it did not address every aspect of the management and running of each home in the way that it should have done. These internal investigations by the visitor failed to identify, or ignored, non-compliance with a significant statutory requirement under the provisions of the Voluntary Homes Regulations. The Voluntary Homes Regulations (NI) 1975 replaced the original 1952 regulations, but Regulation 4 (2) of both required two forms of regular monthly inspections to be carried out. The “Administering Authority” (in this case the Congregation) was required “to make arrangements for the home to be visited at least once in every month.” This was usually done by the appointment of voluntary visitors who were required to visit once a month. This requirement was ignored by both homes for many years, and even after it was accepted in the 1980s that these steps should be taken, their implementation was not as regular as required by the Regulations. Reports by the SWAG in 1987,⁶⁴ 1988⁶⁵ and 1990⁶⁶ drew attention to the fact that these monthly meetings were not being regularly carried out. For example, it appears that notwithstanding attention being drawn to this in previous years, monthly inspections were not performed in August or September 1989.
- 165 Had these inspections been carried out by visiting individuals appointed for that purpose as required, then there would have been an additional means for children who had complaints or concerns about the way they were being ill-treated to disclose them in confidence. **The failure of the Congregation to ensure that the statutory requirement was met for so many years is something which we consider constitutes a systemic failing on the part of the Congregation.**

63 SND 14407.

64 SND 9596.

65 SND 9619.

66 SND 9636.

- 166 As already indicated, a number of children were placed in both Termonbacca and Nazareth House by the welfare authorities of Donegal County Council. See paragraphs 13 to 15 above. Virtually no information has been uncovered which throws any light upon the detailed arrangements made between the Sisters of Nazareth and Donegal County Council in relation to placing children in either home, although HIA 144, who was placed in Termonbacca by Donegal County Council, recalled that a social worker from Donegal County Council came to speak to him, but he was unable to remember exactly when that was.⁶⁷ HIA 46 and his brother HIA 121 told the Inquiry that they recall being taken from Termonbacca to Salthill in Co. Galway by an official of Donegal County Council in or around 1960 or 1961. They were placed in an industrial school at Salthill, where they remained until they were discharged some years later. It seems extremely surprising that an official of a local authority from outside the jurisdiction was able to remove children in this fashion from a home in Northern Ireland, even though HIA 46 and HIA 121 were not the statutory responsibility of either local or central government authorities in Northern Ireland. However, given the paucity of evidence in relation to this which we have been able to obtain we merely draw attention to this. For the same reason we are unable to comment as to whether, and if so to what extent, Donegal County Council social services made a regular practice of coming to see children which they had placed in the home in the way described by HIA 144. In its response to the Inquiry's Warning Letter the DoH pointed out that even today, children from the Republic of Ireland may be placed in a children's home in Northern Ireland with the consent of the Republic of Ireland care authority, and where relevant, parents and/or a court. Children from Northern Ireland may also, for example, be placed outside the jurisdiction in special placements in England or elsewhere. In such cases, the placing authority retains responsibility for the child and has the authority to determine the length of the placement and, if necessary, remove the child from the placement. However, our concern was that the removal in this case appears to have been carried on an informal basis without any notice to the relevant authority in Northern Ireland.
- 167 The other form of local authority informal oversight that we have considered relates to the practice of the appropriate local authorities in Northern Ireland. Prior to the reorganisation of local government in

67 Day 26, pp.59 to 60.

1973, the responsibility for children who were taken into statutory care, as opposed to being placed privately in voluntary homes, remained with the county or county borough welfare committees. As has been pointed out earlier, from the late 1950s onward a small but increasing number of children in statutory care were placed by welfare committees in both Termonbacca and Nazareth House, predominantly by the Londonderry County Borough Welfare Committee (i.e. the committee for the City of Londonderry). The Inquiry has not been able to obtain any records in relation to any form of systematic visit by representatives of any of the county welfare committees before 1969. The only references we have been able to obtain come from the records of the Sisters, which record that in December 1969 the Children's Officer for Tyrone "called to the children in her care".⁶⁸

- 168 Such contact as there was between any county welfare committee and Termonbacca or Nazareth House relating to the children (as opposed to funding, a separate issue to which we refer later) appears to have been very limited. In September 1966 the secretary of Londonderry Welfare Committee wrote to the Mother Superior of Nazareth House stating that at its meeting on 5 May 1966 the Committee approved a recommendation from the Children's Officer that Nazareth House should be asked to give prior notice of holiday arrangements made for any children accommodated in Nazareth House who were the responsibility of the Committee in order that applications could be investigated. It appears from the minutes of the meeting of 5 May 1966 that the purpose of the investigation would be to see whether the families offering summer placements would be suitable for longer term fostering. There is no record of any response from the Mother Superior, and there is no indication in the minutes of subsequent meetings of the Committee that they received the information they requested.⁶⁹ Another reference in the same records kept by the Sisters records that, apparently in December of 1972, there were visits by the Children's Officers from Counties Derry, Tyrone and Fermanagh as well as members of the Derry Development Commission (which had assumed the responsibilities of Londonderry Corporation at the time).⁷⁰

68 SND 13846.

69 SND 13849.

70 SND 13947.

169 Whatever may have been the position by the late 1960s, the absence of any welfare authority records to show that any form of oversight was carried out by local authorities in Northern Ireland of the facilities at either Termonbacca or Nazareth House, and the standard of care given to the children, is striking. We did hear evidence from SND 502 who was employed as a social worker by County Tyrone Welfare Committee, and who visited Termonbacca in that capacity in order to see one of the children placed there by that committee in 1964 and 1965.⁷¹ Although the absence of evidence makes it more difficult to draw any conclusions as to the nature of any interest shown by county welfare committees in children they placed in either Nazareth House or Termonbacca prior to the reorganisation of local government, the fact that only references to visits by County Tyrone Welfare Committee employees have survived is significant. The lack of any reports in the documents relating to the Londonderry Welfare Committee records in PRONI suggests that the City and County Welfare Committees may well have taken little if any interest in the children whom they placed in Termonbacca and Nazareth House from the late 1950s onwards. Had there been proper interest in at least the conditions in which the children whom they were placing were being brought up we would have expected references to these to have survived, and to be incorporated in the records from the county welfare committees which are held in PRONI. The absence of any such references confirms our view that there was little, if any, effort by the relevant county welfare committees to inform themselves of the conditions in which the children in their care were being looked after prior to the late 1960s. **We consider that the apparent failure of the relevant county welfare committees to regularly visit the children in their care whom they had placed in Termonbacca and Nazareth House represented a significant failing in their obligation to inform themselves of the progress of, and the conditions in which, their children were living in these homes. We regard this as a serious institutional failing on their part.**

170 The situation so far as Londonderry County Borough Welfare Committee was concerned appears to have changed somewhat with the appointment of SND 483 as a children's officer in 1969. That SND 483 chose not to come and give oral evidence to the Inquiry, is something which we regret. As she resides outside the jurisdiction we had no power to compel

71 Day 31 pp.36 and 37.

her to attend, nevertheless we have no reason not to accept much of the account which she gave in her witness statement.⁷² She described the department which she joined as having a system which appeared to be completely unregulated, indeed she was the first person to work in that department who had any social work qualifications. She appears to have interested herself in the situation regarding the placement of children in Termonbacca because she was approached by families who sought approval from “the welfare” so that they could adopt boys in Termonbacca. On looking into the situation she found that none of the boys in Termonbacca had any involvement with the welfare system, nor did they have an assigned social worker. She states that she put in place an arrangement whereby if a family arrived at Termonbacca and sought to place a child there, the sisters would contact her and she would then carry out an assessment to see whether or not the child should be taken into care. She states that if she decided that they should be, she put the matter before the City Council, and if the child was taken into care a weekly payment of £2 10s was made to the home by the Council for the maintenance of each child. She described how she then visited Termonbacca when she could, and as the children were normally at school she would speak to the sisters. These were normally unannounced visits, and she did see the younger children who were underage on her visits. However, her interest in Termonbacca only related to those boys whose placement she had sanctioned. She remained in a similar role, but responsible for a different geographical area, until she left the WHSSB to take up a position with the Roman Catholic Diocese of Derry. This evidence confirms the finding which we have just expressed, and indicates that from 1969 onwards the Londonderry County Borough County Welfare Committee, and its successor the Derry Development Commission, did take a greater interest in the children it had put in care. It may not be coincidental that the references to visits by the County Tyrone Welfare Committee Children’s Officer in 1969 are also recorded.

- 171 By 1970 or 1971 there was an increasing practice to place children in Termonbacca on the part of the Londonderry County Welfare Committee, because the evidence of SND 484 was that she placed one of the applicants in Termonbacca in 1971 when she was a social worker with the County Londonderry Welfare Committee. It is striking that her conclusion about the children was that whilst they appeared safe and

72 SND 15901 and following.

well-cared-for, they were probably very institutionalised, and this was going to be difficult for them in later life.⁷³ She found at that time that social workers could come and go to Termonbacca as they wished, and whilst her view of the children during her earlier visits to Termonbacca was that they seemed quite subdued, at the time of her visit to Nazareth House in the 1980s the children seemed to be more spontaneous and to be enjoying themselves more, and the atmosphere was better.⁷⁴

- 172 By the mid-1970s there was a much greater degree of contact by what was now the WHSSB with Termonbacca. TL 19, who started visiting Termonbacca in 1975, felt that the environment was a warm and caring one, and that although it was a very large establishment, and one which might well have been intimidating for children, the caring and the atmosphere were welcoming, although he did recognise children could become institutionalised in that setting.⁷⁵ Nevertheless, the practical value of such visits was reduced because meetings between social workers and children took place in either the parlour or in a corner of the recreation room, neither of which provided a suitable environment to have a confidential talk with the children.
- 173 We consider that the evidence of TL 19 revealed two significant failings on the part of the Board in so far as Termonbacca was concerned. His evidence was that he did not remember the WHSSB ever considering taking children into care by virtue of the provisions of Section 103 of the Children and Young Persons Act (Northern Ireland) 1968 where the children had been placed privately in Termonbacca.⁷⁶ Nor were there any arrangements in place throughout the 1970s and 1980s whereby the Board would make arrangements to befriend children who had been discharged from voluntary care on reaching the age of sixteen, despite there being a clear duty upon the Board to do so under Section 131 of the 1968 Act.⁷⁷
- 174 Although the evidence of SND 502 was that when the WHSSB was formed in 1973 it was short of staff,⁷⁸ her evidence was that the WHSSB worked on the principle that it considered children for admission into statutory care who had been placed in Termonbacca voluntarily only

73 Day 23, p. 36.

74 Day 23, p. 78.

75 Day 24, pp. 14 and 15.

76 Day 24, pp. 22, 23 and 30.

77 Day 24, pp. 32-34.

78 Day 31, p. 27.

when their existence was brought to their attention,⁷⁹ in other words the Board had a reactive and not a proactive approach in this context. However SND 502 said that she “would have been shocked if there were children going in and out of care (i.e. in Termonbacca) that we didn’t know about, because we had an overall responsibility.”⁸⁰ The voluntary sector in general, and therefore Termonbacca and Nazareth House in particular, valued their independence, and that independence meant that their ability to function effectively and independently was accepted by both central and local government for reasons that we should consider shortly. Nevertheless, even allowing for administrative difficulties and the internal pressures created by the need to create a new service, we consider that the Board could and should have done more to inform itself about the arrangements that were being made for the reception into voluntary care of children in a geographical area for which it was responsible, so that the Board could consider whether any of these children should be accepted into statutory care.

- 175 Nor does the Board ever appear to have concerned itself with whether or not the Sisters in either home were complying with their statutory obligations to put in place their own monitoring and inspection procedures,⁸¹ although monitoring and inspection were a function of the relevant central government department, initially the Ministry of Home Affairs, and later the Department of Health & Social Services (the DHSS).
- 176 We now turn to inspections carried out by the Ministry of Home Affairs, and later by the DHSS. So far as the Ministry of Home Affairs is concerned, the absence of files means that that the Inquiry has been dependent upon the evidence of inspections contained in the records of the Sisters and fragmentary reports and references that have survived elsewhere. We are satisfied that there were frequent and regular, apparently annual, inspections of both Nazareth House and Termonbacca by inspectors of the Ministry of Home Affairs throughout the 1950s and 1960s, and these continued in a different form when those responsibilities were transferred to the DHSS after the imposition of direct rule and the reorganisation of governmental and local authority responsibilities in the early 1970s. There are numerous references

79 Day 31, p. 51.

80 Day 31, p. 59.

81 Day 31, pp. 63 and 64.

in the Sisters' own records to such visits, all of which indicate they received positive feedback about the care they were providing, and a small number of inspection reports have survived. Therefore, we conclude there were ample opportunities for the state to assure itself of the quality of care being provided in both these homes.

- 177 At an early date it was decided that these inspections would be carried out by an inspector employed for that purpose by the Ministry, and by the early 1960s the inspections were carried out jointly by an inspector from the Ministry of Home Affairs and a doctor from the Ministry of Health and Local Government. This was a sensible and progressive arrangement, but the question arises as to the quality of the inspections. In this context a seminal document is a three-page, typed, report prepared by Miss Kathleen Forrest, one of the Ministry of Home Affairs inspectors, on 28 April 1953. She carried out many such inspections in the ensuing decades. Her April 1953 report⁸² gave what she described as “some brief summary impressions of the different Voluntary Children’s Homes.” As can be seen from the entirety of this document she focused on not merely the physical facilities provided at various homes but on the size and quality of the staffing and on the general atmosphere. She identified Termonbacca as “very institutional” and “short of staff”, and she described Nazareth House as having the “best play equipment of any of the four Nazareth Homes, at any rate for toddlers. Still very institutional.” She then proceeded to comment on the four Nazareth House homes, i.e. Nazareth Lodge, Belfast, Nazareth House, Belfast, Termonbacca and Nazareth House, Derry in the following terms:

“The children in these 4 Homes especially have nothing like a normal upbringing. They must feel unloved as it is just not possible for the number of staff to show affection to such large numbers of children. They can know little or nothing of the world outside, (as with one exception school is on the premises), and must be unprepared for it, either in character or knowledge. I find these Homes utterly depressing and it appalls me to think that these hundreds of children are being reared in bleak lovelessness. This is not meant entirely as criticism of the staff, but their task is impossible.”

She concluded the report with the following words:

“In short, I think we must press for complete overhaul of the whole set-up of these Homes, and assist them in every way possible.”

82 HIA 1462 to HIA 1464.

178 The comments by Miss Forrest just quoted are of the utmost importance as they are central to a consideration of the way in which inspectors from the Ministry of Home Affairs subsequently carried out their inspections, and how the Ministry and the Government of Northern Ireland at the highest level approached the question of funding of these two homes in succeeding decades. Miss Forrest was not alone in her assessment in 1953 that the standards of accommodation and care in Roman Catholic voluntary homes left a lot to be desired, because a year later we find the following comments written on a paper showing, inter alia, that of 787 children in voluntary homes, excluding children placed there by welfare authorities (in other words voluntary placements) 688 were Roman Catholic. The writer commented:

“It could be argued from these figures that the RC community have such a keen appreciation of what is due to deprived RC children that they prefer to bear a greater share of responsibility for their maintenance than Protestants are prepared to do for deprived Protestant children. But it would not be a very strong argument, I’m afraid, *unless the all-important questions of standards of accommodation, etc. are ignored.*”⁸³ (Emphasis added)

179 As we have already stated, the Termonbacca files no longer seem to exist, but a crucial document has survived in the form of a letter from an as yet unidentified senior civil servant to his counterpart, L.G.P. Freer in the Ministry of Home Affairs.⁸⁴ This letter deserves to be considered in its entirety. It refers to a file and to a minute which Freer appears to have sent to his staff (neither of which have been found). The writer of this letter makes reference to his experience in the equivalent department of the pre-1922 Local Government Board, and says that he is returning the file “about the inspection of the voluntary organisations.” He says:

“I would say that I wholeheartedly agree with your minute to your staff on the subject, and I disagree equally wholeheartedly with the action that they took on your minute. I think they took you up completely wrongly, and that they have gone much too far, and made much heavy weather out of the whole business.”

180 When one reads the extended account he gives of the manner in which staff of the Local Government Board carried out inspections it is clear that he is suggesting that the inspectors should not concern themselves

83 SND 7467.

84 HIA 1586 and HIA 1587.

unduly with the manner in which an institution was run by the responsible organisation. Towards the end of the letter he says:

“In other words, I think if a Government Department has had any hand in paying grant it ought to display a reasonable interest in how the place was run, but unless there is a definite responsibility on them for ensuring that it is managed in the best and most economical way possible I don’t think they ought to undertake this responsibility.

I imagine these are exactly your views on the subject.

However, in the present case, what has been done has been done, and so if I were the responsible person (which thank God I am not) I think my inclination would be just to see that we did not get more deeply involved than we are at the moment.”

- 181 We consider that the tenor of this letter, and in particular those parts quoted above, indicates that an influential civil servant was drawing on his own pre-1922 experience to disagree with the view of their responsibilities that appears to have been adopted by the inspectors, and to agree with the observations of his colleague. We consider the appropriate inference to draw is that he was recommending to his colleague that inspectors should not become “more deeply involved” in the manner in which the institution was run; in other words, he was advocating a stance that would concern itself merely with seeing that minimum standards were observed, and not become involved in trying to persuade the institutions concerned to improve the way in which they looked after the children in their care. In view of some striking omissions from subsequent reports which have survived we consider that this appears to have been the stance which the Ministry thereafter adopted, and that they did not follow the recommendation by Miss Forrest that the Ministry should “press for complete overhaul of the whole set-up of these Homes, and assist them in every way possible.”
- 182 That a less interventionist approach appears to have been adopted by the Ministry, at least so far as the inspectors’ reports are concerned, may be seen from the terms of two relatively brief but informative reports which have survived. Miss Wright (a colleague of Kathleen Forrest) reported on her inspections of Termonbacca in July 1960⁸⁵ and Nazareth House in September 1960. Neither of these otherwise detailed reports make any reference to the question of staffing and the

85 SND 6174.

problems related to it that Miss Forrest had identified. This suggests that a deliberate policy of not concerning themselves with staffing had been adopted by the inspectors. Dr Harrison accepted that the question of staffing in the home was a fundamental issue which should have been addressed.⁸⁶ As she pointed out in her answer in relation to a question from Inquiry counsel in relation to the report of the 1961 inspection of Nazareth House, “There certainly is an emphasis on material standards and physical well-being as opposed to emotional or development needs.”⁸⁷ She accepted that what was missing was any consideration of the consequences to the emotional needs of the child if the staffing of the institution concerned was inadequate.⁸⁸

183 Whilst the absence of references to staffing in later reports suggest that what was being done in practice was to adopt what Dr Harrison categorised as “a hands-off approach”,⁸⁹ there was another deficiency in the reports. Not only did they fail to look in a comprehensive way at the needs of the children, but they did not detect that there was a failure to deal with the statutory requirements under Section 103 of the 1950 Act. As Dr Harrison conceded, and we accept, there is no evidence that significant changes were made in the attitude taken by the Ministry of Home Affairs despite the comments made by Kathleen Forrest in 1953,⁹⁰ nor is there any evidence of the Ministry adopting a proactive approach.⁹¹ This was a very disturbing situation because, as Dr Harrison accepted when Inquiry Counsel put it to her, Miss Forrest’s report “should have set off major alarm bells in the Ministry of Home Affairs.”⁹² As Dr Harrison agreed, there is nothing to show that in later years the staffing issue in either home was addressed by the Ministry of Home Affairs.⁹³

184 Not only was the failure to deal with staffing issues an indication of an unwillingness by the Ministry of Home Affairs to take a proactive approach on this subject, but the failure to check whether basic statutory requirements such as those relating to Section 103 of the 1950 Act were being met was a clear defect in the manner in which the inspection

86 Day 38, p. 22.
87 Day 38, p.25.
88 Day 38, p. 25.
89 Day 38, p. 23.
90 Day 38, p. 41.
91 Day 38, p. 42.
92 Day 38, p. 45.
93 Day 38, p. 53.

was carried out. We consider that this should have been a question that was raised in the 1960 reports of Miss Wright because of an episode the year before when it emerged that two children were working on a farm in the country and the home had not notified the Ministry as it was required to do under Section 103. This is a further illustration of the justification for the point which Dr Harrison made to the Inquiry that the then Department of Health & Social Services accepted in the light of the report by the Hughes Inquiry in 1986 that “the frequency and rigour of its inspection programme left a lot to be desired” between 1960 and 1980, and, she commented, “one can assume then that there was certainly no difference in the 1950s, that, in fact, those deficiencies were prevalent during the 1950s.”

- 185 Although the inspection regime responsibility was placed with the SWAG of the DHSS in the early 1970s, and whilst the reports which were prepared thereafter were very much more extensive and informative than the shorter earlier reports prepared by the inspectors from the Ministry of Home Affairs, nevertheless not all of these reports reached a satisfactory standard. In the 1983 report, which commences at SND 9976, there was no reference to the fact that the Congregation as the “administering authority” was not complying with the requirements of the Voluntary Homes Regulations that required monthly visits from voluntary visitors. Dr Harrison found that to be a very surprising oversight in the 1983 inspection,⁹⁴ and we agree. By this time Termonbacca had closed and this report was of an examination of Nazareth House by SWAG, nevertheless it demonstrates that as late as 1983 central government inspections of Nazareth House, and the earlier inspections of Termonbacca, failed to identify that these important requirements were not being met. Not until new guidance was issued by the Department in 1985 did subsequent SWAG reports on Nazareth House refer to this requirement. Even when it was mentioned, a relaxed attitude appears to have been adopted by the inspectors because they merely made anodyne recommendations that compliance with the regulations should be improved. It is obvious, since these recommendations were made in several successive reports, that the Sisters were not complying with the recommendations.

94 Day 38, p. 29.

186 Although in other respects the later inspections by the DHSS were, as we have just said, comprehensive in most respects so far as we can judge from the limited examples that have survived in relation to Termonbacca and Nazareth House, and the early reports in the 1960s were quite detailed, we are of the opinion that the inspection regime that operated from 1950 until the mid-1980s was deficient in a number of respects. First of all, despite the clarion call of Miss Forrest's 1953 report, we can only conclude from the absence of references in the reports to staffing in the decades thereafter that the Ministry of Home Affairs decided not to concern itself with this, vital indeed, fundamental aspect of the management of the homes in question. **This failure was a significant systemic failing on the part of that department.** In addition, the inspections which were carried out for many years failed to pick up that the monthly voluntary visiting requirements of the Voluntary Homes Regulations were not being complied with in either home. Nor was attention paid with sufficient determination to whether or not the notification requirements of Part 1 of the 1950 Act were being complied with by the Sisters of Nazareth. **Although we acknowledge that the inspection regime developed in the 1980s was a much more satisfactory regime than had been in place before that, we consider that all of these amount to a significant systemic failing on the part of the relevant government departments until the mid-1980s.**

Funding

187 The arrangements for the funding of Nazareth House were different from those relating to Termonbacca. Accounts that have been provided for Nazareth House for 1954⁹⁵ and 1955⁹⁶, confirm the dependence on alms and legacies as the home was dependent upon the proceeds of the daily collections carried out by sisters specifically allocated to collecting money door to door in both the city and country areas. In addition to legacies there were presumably large donations of money or gifts in kind of the type referred to earlier. When a child was placed in the home by a parent it was expected that a weekly or other payment would be made by the parent, but the reality appears to have been that in many such instances payments were not made at all, or were discontinued after a period of time. We accept that the main burden of providing for the

95 SND 7443.

96 SND 7442.

children rested on the Sisters' own resources. Accordingly, it became clear in the 1950s in circumstances which we will describe later, that Nazareth House would have to look either to the mother house in Hammersmith for financial support, or to the local authorities in the form of county welfare authorities, or to central government for financial aid for both capital and revenue expenditure. As there were few children placed by local authorities in Northern Ireland in Nazareth House at this time it is likely that the amount received under this heading for each such child was modest. We have already referred to the number of children placed in the home by the County Donegal County Council, but there is little evidence as to how much was paid for each child, although there are fragmentary records which suggested that some form of weekly or annual payment was made by Donegal County Council for such children.

- 188 The position at Termonbacca was somewhat different. The sisters at Termonbacca did not take part in collecting themselves but, as we have already recorded, by the 1970s they were receiving £1,000 a month from the proceeds of the collections carried out by the sisters from Nazareth House. It seems that this was a long-standing practice. Accounts for Termonbacca for the years 1954, 1955, 1956 and 1957 show that in each of these years £3,200 is shown as income from "Alms". Given that the same amount is shown each year and described as "Alms" we infer that this may well have been money provided on a regular basis to Termonbacca by Nazareth House. In addition there were various payments made by parents when children were placed in the home and as children began to be placed by the county welfare committees regular maintenance payments were made in respect of those children also. It is unclear the extent to which Termonbacca benefitted from individual cash donations as the figures vary in each of the four years, from £1,313 in 1954 to £6,377 in 1956.⁹⁷ These figures would suggest that regular and substantial monetary support was given to Nazareth House by the Roman Catholic community. However, the principal difference between the funding arrangements for Termonbacca and Nazareth House related to the farm run by the Sisters at Termonbacca. The farming enterprise appears not to have been successful in the early to mid-1950s to judge by the entries in the accounts for 1954, when £2,347 is shown as the proceeds of "auction of cattle and implements", and in 1955 £223 is shown as the proceeds from the "sale of milking machine". In the years

97 SND 5838.

1954, 1955 and 1956 no income is shown as coming from the farm, but in 1957 the income is shown as £700, which suggests that farming had been resumed at Termonbacca, albeit perhaps on a more modest scale than before. Certainly by the early 1960s there are references in the Termonbacca records produced in relation to the farm which would suggest that it was on a sounder financial footing. The Visitation Report of 1962 commented that “The farm which had hitherto been a great liability is now well organised, and there are evident prospects that it is going to be adequately productive.”⁹⁸ In February 1964 permission was given by the mother general to erect a building for the boys at the cost of £25,000, and she granted permission to transfer £3,000 on deposit, and £1,000 from the farm account, to help towards the proposed building. The same entry relates to receiving a cow subsidy of £240 for the first time, and it is recorded that “the subsidies are a big help to the farm”.⁹⁹

- 189 Both Nazareth House and Termonbacca were regarded as being in a semi-autonomous relationship with the mother house. Essentially this meant that each had to stand on its own feet financially, although a close rein was kept on the local finances by the mother house, with even relatively modest items of expenditure requiring the approval of the mother general, as in 1967 when she gave permission for the purchase of a new car. Loans were made from time to time from the mother house, which it was expected would be repaid when the house in question was in a position to do so. For example, in November 1969 it was agreed to pay off “£1,000 off our debt to the Mother House”.¹⁰⁰ In the Termonbacca accounts already referred to it appears that £10,300 was transferred in the form of loans from Hammersmith to Termonbacca in the years 1953 to 1957: £5,000 was sent in 1953, although there are no accounts available for that year; in 1954 a loan of £2000 was made by the mother house; in 1955, £200 was received in this way; and in 1956 £3,000 was received by way of loan from the mother house.¹⁰¹ Therefore in the years 1954 to 1956, of a total income of £39,078, £5,500 came from the mother house, or 14.08% of the total income of Termonbacca.

98 SND 14250.

99 SND 14254.

100 SND 14272.

101 SND 5838.

- 190 It is clear that both Termonbacca and Nazareth House were heavily dependent upon the generosity of individuals, businesses and other donors in Londonderry and the surrounding area, and in the 1950s at least it appears that Nazareth House subsidised Termonbacca to some extent as well. Whilst Termonbacca was able to rely in part upon its farming activities these do not appear to have been successful in the early 1950s. Both homes were therefore in a parlous financial position, and if their own resources were inadequate to fund either substantial capital expenditure to replace or repair buildings, or to engage more staff, and the mother house could not provide extra money, their only option was to seek financial support from central government or the county welfare committees. Both homes did so in a number of instances, which we now consider.
- 191 Applications were made by Nazareth House and Termonbacca in the 1950s and 1960s for capital grants from the Ministry of Home Affairs. A number of such grants were made, and where a grant was made to a voluntary home for such capital work under Section 118 (1) of the Children and Young Persons Act (Northern Ireland) 1950 local authorities were then required to contribute 50% of the grant by the Ministry. This took the form of a levy by the Ministry on each welfare authority, the exact contribution being proportionate to the population in the county or county borough concerned. Thus when a grant of £800 was made towards the cost of improving the kitchens at Termonbacca, this, together with 50% of a grant of £100 during the same period to Glendhu Childrens Hostel, Holywood Road, Belfast, was then recouped from each authority. Londonderry County Borough was required to repay £16 8s 10d, and Londonderry County £34 12s 3d. Other welfare authorities across Northern Ireland were also required to contribute, and this requirement was one which gave rise to considerable opposition on the part of the welfare committees. Their opposition was described in a Ministry of Home Affairs memorandum in April 1953¹⁰² as “no taxation without representation” because these amounts had to be found by county welfare committees from local taxation in the form of the rates raised by their parent county councils. The welfare committees objected to this because they said that some committees had to contribute towards services which were not being provided in their area, and therefore from which they received no benefit. In addition they felt that

102 SND 7484.

they were paying for services being provided by other bodies for the care of children who may not have passed the care threshold imposed by the welfare committees in relation to children taken into care in their own homes. Finally, they had no say in how the money was spent. However, although the Ministry decided not to give in to this argument, it did set up the Childrens Home and Training School Committee, commonly known as the Maconachie committee after its Chairman, Miss Bessie Maconachie MP. The committee was set up in May 1956 “to advise the Minister whether or not the circumstances appear to be such as to call for special financial assistance from public funds under the Act”. The committee contained representatives of the churches, the Child Welfare Council and local authorities.¹⁰³

- 192 So far as capital funding is concerned, an application was made by Nazareth House for a grant towards the provision of a new play hall, and the cost of upgrading the fire precautions. The application for the play hall appears to have caused the Ministry considerable political difficulty to judge from letters written by the Unionist MP for the City of Derry, E.W. Jones QC MP, to the Minister of Home Affairs, G.B. Hanna QC MP.¹⁰⁴ Jones was strongly opposed to what he refers to as the “proposed grant to the Nazareth Home in Londonderry”, saying:

“On further reflection about this matter I am even more strongly convinced that this Grant should not be made at any time but particularly at the present time when public monies should be so carefully guarded.”

He went onto say that he felt so strongly about the matter that he felt it should be put to the Prime Minister and before the party.

- 193 In a memorandum by the Minister of 1 February 1956¹⁰⁵ he reviewed the practice to date in making grants under Section 118 of the 1950 Act and observed:

“In the circumstances prevailing in Northern Ireland, grants to voluntary homes must necessarily be a source of great political danger. In my opinion it is unwise to increase the difficulties for this Department in the political field. The whole matter will have to be reviewed and I would like to have suggestions as to possible courses which we could adopt.”

103 SND 6019 and 6020.

104 SND 7504 and SND 7503.

105 SND 7415.

Whilst the nature of the “great political danger” is not specified, it has to be remembered that the political atmosphere in Northern Ireland was particularly tense at the time; there had been attacks by republican terrorists on Gough Army Barracks, Armagh in June 1954, and on Rosslea RUC Barracks in Co. Fermanagh in November 1955. In December 1956 the IRA launched a terrorist campaign in Northern Ireland which continued for some years. Nevertheless, notwithstanding the clear political nervousness demonstrated by these documents, a substantial grant was made for the play hall and towards the cost of the fire precautions, amounting to £5,000 for the play hall alone.

- 194 This grant was made under Section 118 (1) of the 1950 Act, and in 1957 an application was made by Termonbacca to Londonderry County Borough Welfare Committee for a grant and a grant was made of £250. No doubt emboldened by this, in 1958 E. McAteer, a nationalist MP, applied to the Londonderry County Borough Welfare Committee for grants for both Nazareth House and Termonbacca. The Welfare Committee agreed to make a payment of £1,000 to Termonbacca,¹⁰⁶ but this required approval by the Ministry of Home Affairs and the matter was referred to it. This caused the Ministry to look into the whole position of grant aiding voluntary homes under the provisions of Section 118 (2) of the 1950 Act. It consulted the Home Office, and was advised that it took the same view as the Ministry proposed to take, namely that it did not regard Section 118 (2) as being a proper method for grants to be made for what were effectively revenue purposes. The reasoning behind this was set out at length in a letter to Mr. McAteer dated 3 October 1958,¹⁰⁷ in response to a letter from Mr. McAteer at an earlier stage of the correspondence dated 30 September 1958.¹⁰⁸ In that letter he took issue with the Ministry’s interpretation of the extent of its powers under Section 118 (2) and concluded by saying:

“All that is needed here is a right act of will. Be assured that the public purse is on a very good bargain in getting £12,000 of first class Welfare work for a mere £1,000.”

- 195 So far as contributing towards the cost of staffing and other costs, which would now be regarded as revenue expenditure, this remained the government’s position for many years. This was despite a

106 SND 12978.

107 SND 6001 and 6002.

108 SND 6003.

recognition within the Ministry, earlier referred to, that the standard of accommodation left a lot to be desired, and Kathleen Forrest's warning about the inadequate staffing. The Ministry accepted that there was by no means a clear intention to limit the provision of assistance under Section 118 (2) in a way that would prevent financial aid being given to voluntary homes for staffing costs, just as it recognised that it would relieve the cost which would ultimately fall on the public purse if voluntary homes were assisted in this way. As early as 1954 the Ministry recognised that:

“Giving such grants was more economical than direct provision of new Homes by Welfare Authorities, as the Voluntary Homes do not charge full rate, as they have their own voluntary fund and labour. In fact there was the question as to whether there should not be a halt to the provision of Statutory Homes and the using of more Voluntary Homes.”¹⁰⁹

Not only that, but at the same meeting it was suggested that:

“Not all Voluntary Homes were up to the standard of Statutory Homes and it was difficult in some cases to obtain progressive reports as to the children accommodated in some of them.”

196 In July 1958 the matter had been put to the minister in the following way:

“Myself, I have always thought that the sub-section is intended to go rather further, and that if the welfare authority feels that the managers of a children's home in their area are, in fact, helping and relieving them indirectly of looking after children, some of whom would otherwise fall to be taken into care and perhaps housed by the welfare authority, and if that Home is finding it impossible to make ends meet it is a legitimate and proper thing, and incidentally good business, to make some contribution to the Homes' general funds by grant under Sub-section (2).”

197 It is apparent that the Ministry chose to adopt a narrow interpretation of its powers to make grants to support the general funds of voluntary homes such as Nazareth House and Termonbacca, when it could, by “a right act of will” as urged upon it by Mr. McAteer, have justifiably taken a more generous view of the construction of the Act. Such a

109 SND 7475.

view would have enabled it to make payments which would have had the benefit of providing money for Nazareth House and Termonbacca to employ lay staff to improve their staffing ratios, whilst ensuring that the public purse did not have to pay as much to support children who would otherwise have to be supported by it if the children were not being taken into Termonbacca or Nazareth House because the Sisters were unpaid and worked long hours.

- 198 The result of the narrow view taken by the Ministry, whilst it was in accordance with Home Office practice in England at the time, was that the Sisters of Nazareth were unable to find the money which was required to improve their staffing ratios. If such financial support had been forthcoming, it is our view that many of the abuses due to, or substantially contributed to, by the absence of sufficient qualified staff could have been avoided.
- 199 In reaching this conclusion we have not ignored the problem created for itself by the Congregation through its practice at that time of not disclosing its overall financial position. As several of these memoranda observed, when applications were made for both capital and revenue grants both the Home Office and the Ministry of Home Affairs asked to see the accounts of the parent organisation in order to ascertain whether or not the organisation as a whole, and not merely the local institution by whom the application for grant aid was made, could meet the cost of running the local home.¹¹⁰ The difficulty which the Congregation created for itself was that it was not willing to reveal its overall resources, and therefore the Ministry of Home Affairs adopted the same view as the Home Office in London when such applications were made: they asked to see the accounts of the Congregation as a whole, and the applications were then withdrawn. Sister Brenda McCall conceded that at that time the Congregation's policy was to maintain complete secrecy in relation to its financial affairs, and by failing to provide the information which the Ministry of Home Affairs sought the Congregation made it difficult for itself to obtain the support it was seeking.

110 SND 6007-6008.

200 The consequence of this was that the Ministry refused to approve the grant of £1,000 which the Londonderry County Borough Welfare Committee had proposed to make to Termonbacca in September 1958.¹¹¹ This impasse between the Sisters and the Ministry of Home Affairs over the question of accounts continued for some years. In February 1964 plans for a drastic change in the nature of the accommodation provided at Termonbacca so that small units could replace the existing dormitories were approved by the mother general.¹¹² An application for grant-aid for this large project was duly made to the Ministry of Home Affairs with the support of the Ministry inspectors. The Sisters noted in their records that:

“Doctor Simpson and Miss Hill paid us a visit, February 4. Both were very pleased with the boys and most anxious that we would build dormitories as more sleeping accommodation was needed, said they would say so at Stormont and hoped we would get a Grant.”¹¹³

201 The application came before the Northern Ireland cabinet in July 1964 and there were again discussions about the policy of asking the Congregation for details of its accounts and the refusal of the Congregation to provide this information. It was decided to seek further information because substantial sums were involved.¹¹⁴ However, it is noteworthy that the Minister noted in his memorandum to the cabinet that this information was not sought in Scotland “on the assurance that the houses were required to be self supporting.”¹¹⁵ In the supporting memorandum the Minister drew attention to a number of relevant factors, two being of particular relevance:

“that in a special Northern Ireland circumstance it could safely be assumed that quite a large number of the children voluntarily accommodated in homes like Termonbacca would, if these homes were not available, have to be accommodated at much greater expense by the welfare authority; that there is no doubt that the children in this home have at present an undesirably low standard of accommodation and there is at the very least no guarantee that the right sort of improvements, or indeed any improvements, will be made if there is no possibility of grant aid.”

111 SND 6004 and SND 12978.

112 SND 14254.

113 SND 13946.

114 SND 6017.

115 SND 6013.

- 202 The matter was referred for further investigation and came back before the Cabinet in January 1965. The Cabinet was told that the Sisters of Nazareth “again firmly refused to supply such details”.¹¹⁶ The Cabinet decided to offer 25%, and it appears that this offer was communicated to the Sisters,¹¹⁷ but it must have been declined by them because it was less than would enable them to complete the building with their own resources. It was not until October 1966 that the matter came back before the Cabinet, when it was pointed out that while the Minister “was not particularly happy about extending the principle of State grants to voluntary homes, the present proposal would undoubtedly result in considerable economies to the public purse”.¹¹⁸
- 203 However, the Government did not change its position, and it was not until February 1970 that the matter came before the Cabinet again. The then Minister of Home Affairs, R.W. Porter QC MP, noted in his memorandum that:
- “In March 1966 my Department asked St. Joseph’s to consider the matter further and in particular to consider the possibility of introducing more enlightened methods of care. The proposals so far put forward have been limited because of cost and my Department was concerned lest these would perpetuate the existing system of segregation of sexes in dormitory sleeping.
- After discussion with my Department St. Joseph’s has produced acceptable plans on modern lines for new house units where children will live with staff. The cost is estimated to be £93,500 and a formal application for a grant of 50% of the cost has been made.”¹¹⁹
- 204 There was a lengthy discussion of the relevant matters in the memorandum, and it was pointed out that:
- “...it is difficult to argue that the accounts of an organisation covering some sixty or seventy foundations scattered throughout the entire world and covering a wide range of social need have any significant bearing on a children’s home in Londonderry.”¹²⁰

116 SND 6025.

117 SND 14258.

118 SND 6030.

119 SND 6035.

120 SND 6036.

- 205 The Minister recommended a grant of 50% and this was approved. The offer was subsequently made,¹²¹ and the work put in hand. Over the next two years the work continued with stage payments being made by the Ministry as the work progressed, and the building was formally opened on 21 November 1972.¹²² Shortly afterwards a further grant of £12,500 was made by the Ministry of Home Affairs to Termonbacca to help with the running costs.¹²³
- 206 The change of approach by the Ministry was a welcome, but extremely belated, recognition of the need for substantial contributions from public funds to the capital costs of making changes at Termonbacca. Whilst the attitude of the Congregation in not producing its central accounts created a significant obstacle to the Government making the necessary contribution towards the building, had a more enlightened and realistic attitude been adopted much earlier by the Northern Ireland Government, a position it knew had been adopted in Scotland, then this building could have been available for children six years earlier than it was. That would have enabled essential improvements to be made to the physical facilities at Termonbacca, improvements which the Government knew for many years were needed, and which would have significantly improved the care of the children in Termonbacca.
- 207 We consider that the Ministry failed to do enough to pro-actively encourage the Sisters to convert Termonbacca into smaller units of the type recommended by the 1952 Home Office memorandum, despite being aware from the reports of its inspectors, and from other information made available to it, that the children in Termonbacca were existing in outdated accommodation with inadequate numbers of staff to look after them, conditions significantly inferior to those enjoyed by children in the statutory sector. Had it done so, that would have gone a long way towards reducing the opportunities for abuse which were a feature of the earlier structure. **The length of time that it took the Government to bring itself to make the only sensible decision open to it was such as to amount to a systemic failing on its part, even though some of the responsibility for that state of affairs must still be borne by the Congregation because of its unwillingness to produce its accounts when an application was being made by it for a grant of a very substantial sum of public money.**

121 SND 6131.

122 SND 18046.

123 SND 18046.

Post 1972 funding for Termonbacca and Nazareth House

- 208 Capital funding for Termonbacca does not appear to have been a problem after the completion of the new build in 1972. Nazareth House then embarked on a similar programme in order to transform the existing dormitories into smaller family units by converting the second floor of Nazareth House into two flats in 1972,¹²⁴ and similar work to create a third flat was completed by May 1974.¹²⁵ No suggestion was made that this work at Nazareth House required any government help, and we therefore infer that the Sisters were able to fund this work themselves. Similarly there appears to have been no call upon government funding for any other work carried out at Termonbacca before it closed in 1982.
- 209 However, lack of funding for extra staff continued to be a significant problem for Termonbacca until it closed in 1982 and for Nazareth House for sometime thereafter. Funding for extra staff came under the heading of revenue funding, i.e. for day-to-day expenditure, and after the reorganisation of local government in 1973, which resulted in the creation of the WHSSB, any additional public funding for extra staff for either Termonbacca or Nazareth House had to go through the WHSSB. The WHSSB then had to obtain that funding from the DHSS and, as we shall see, Nazareth House continued to experience significant problems in obtaining extra funding until shortly before it closed.
- 210 A complicating factor was that from the early 1970s fewer children were privately placed in either Termonbacca or Nazareth House. As a result the number of children in statutory care increased in numerical terms, and as a proportion of the overall number of children in each house, because the overall number of children being admitted to care was declining at the same time. The combined effect of these factors was that both houses eventually became completely dependent upon the WHSSB. Eventually all of the children in both were in statutory care and had been placed there by the Board. As was the practice by voluntary homes throughout Northern Ireland, each house then charged the Board a set amount for the care of each child. The Board therefore paid Termonbacca and Nazareth House to look after some of the Roman Catholic children taken into statutory care by the Board, although the Board also ran its own homes, such as Fort James in Londonderry, Coneywarren in Co. Tyrone, and Coleshill in Co. Fermanagh.

124 SND 14408.

125 SND 14409.

- 211 The Board was therefore both purchasing services from Termonbacca and Nazareth House, and in a sense competing with them because it ran its own homes as well. This dual function of the Board generated a perception on the part of the Sisters that the Board would, or might, favour its own homes over the voluntary homes such as Termonbacca and Nazareth House in the allocation of financial resources. This perception, and the financial problems of Termonbacca and Nazareth House, were significant concerns, particularly by the mid-1980s when Termonbacca had closed, Nazareth House was the only voluntary home within the WHSSB area.
- 212 We accept that the Sisters took significant steps throughout the 1970s to improve the standard of childcare provided at Termonbacca. SND 484 described her first acquaintance with Termonbacca in 1971 when, as a young social worker, she came to place a child in Termonbacca. She felt that it could be a very intimidating environment for a young child, and she considered that it would not be the ideal place to bring a child.¹²⁶ Although the children appeared safe and well cared for, she thought that they were probably very institutionalised and would find it difficult to cope in later life.¹²⁷ It was apparent to her that there were not that many staff, and that a lot of responsibility rested on one nun who was “like the parent substitute for the whole group.”¹²⁸ However, by 1978 she considered that the atmosphere was more benevolent than that described by Miss Forrest 25 years before.¹²⁹
- 213 Whilst she recalled no complaints from individual sisters, or Termonbacca itself, about funding, there were requests from time to time for extra money, for example to fund school trips, no representations were made about staffing. She was unaware that ex-residents were supervising children instead of staff, and that is a further example of how the lack of adequate funding had adverse consequences for the children in Termonbacca.
- 214 So far as Nazareth House was concerned, when she was in contact with it in the 1980s she considered that the children seemed to be more spontaneous and enjoying themselves more in a better atmosphere, in contrast to her experience at Termonbacca where the children seemed quite subdued.

126 Day 23, p. 13.

127 Day 23, pp. 35 and 36.

128 Day 23, p. 37.

129 Day 23, p. 41.

- 215 She was impressed by the employment of a residential social worker in 1978, something she regarded as quite enlightened. The employment of SND 332 was as the result of an initiative by SR 2. SND 332 described how SR 2 was very concerned about the need to provide aftercare support for former residents of Termonbacca, and encouraged him to devote a considerable proportion of his working time to ex-residents. Notwithstanding that, we are critical of the amount of time SND 332 did spend with the ex-residents, because that reduced the time he had available to spend with the children, something which we believe should have been regarded as a greater priority. However, the decision to employ a residential social worker was a progressive step, and we mention it at this stage because that appears to have been entirely funded by the Sisters themselves.
- 216 Another example of the anxiety of the Sisters to provide as high a standard of childcare as they could come in Nazareth House in the 1980s. By this time SR 2 had moved from Termonbacca to take charge of the children in Nazareth House. It was decided that it was necessary to employ waking night staff in all children's homes. Despite the Sisters having no funding to employ such staff, rather than wait until the funding became available SR 2 went ahead and engaged such staff at the expense of the Sisters, although eventually funding was provided by the Board. This is an illustration of the determination of the Sisters at Nazareth House, and SR 2 in particular during her time there, to do as much as they possibly could to obtain adequate financial resources to enable them to provide the highest standard of childcare for their children. HH 5, who was a senior official with the WHSSB said of SR 2 that "she was extremely professional in that she was trying really hard to bring up the standard",¹³⁰ and "she was very keen to actually implement any suggestions or any support she was offered and she took advantage of that", and "... [SR 2] [was] making real efforts to try to create a much more family environment for the children."¹³¹ The tenor of the evidence was that she was determined to do the best she could for the children in her care and made many determined efforts to obtain funding for various purposes so that the children placed in care at Nazareth House by the Board would have the same material opportunities as other children looked after by the Board in their own homes.

130 Day 24, p. 111.

131 Day 24, pp. 112 and 113.

- 217 Although the Board and the DHSS were prepared to provide small amounts of funding from time to time for staff related costs, such as covering staff absences when staff were released for training, the long-term difficulty of insufficient staff remained at Nazareth House until almost the end of the period of our Terms of Reference. A particular problem was that the Sisters were not calculating the charge which they made to the Board for the children in their care on a realistic basis because they were not including in their costings an allowance for the monetary value of the unpaid work they did, nor for the long hours they worked. In order to achieve a realistic figure for the per capita cost of the care of a child it was necessary to allow for the cost of replacing the sisters with paid staff, and because more staff would be required to cover the longer hours which the sisters worked this meant that more staff would be required. Allowance also had to be made for the salary costs of the extra lay workers who might be required to replace the sisters, or whose work the sisters performed. We accept that individual officers of the Board encouraged the Sisters to be realistic in calculating the amount they charged. However, the amount allowed for Nazareth House by the Board on a per capita basis remained a significant problem for a considerable period because it was less than was needed.
- 218 This became increasingly apparent when Nazareth House applied for capital grants. In May 1983 an application was made for assistance for the cost of replacing windows, and the Board identified that there were 22 children in the home and agreed to contribute 75% of the cost of the work.¹³² In 1984, £2,199.38 was paid for this.¹³³ In 1987 Nazareth House made a further request for financial assistance to help meet the cost of necessary work for fire precautions. The DHSS requested sight of the Nazareth House accounts and a careful assessment of the financial viability of Nazareth House was carried out by the DHSS. The matter was complicated by virtue of the costs of running the old people's home, which were separate from costs relating to the children's home. The DHSS identified that of a total deficit in relation to both homes of £172,075, no less than £114,870 was attributable to deficits in the two preceding financial years on the running of the children's home. The DHSS officer commented:

132 SND 13422.

133 SND 13409.

“This is a large deficit and could not be sustained by a central body over a long period. It can be seen that the Old People’s Home reached a surplus situation in 1985-1986 and Mr. McAteer tells me that this surplus situation is likely to continue. I also understand that an attempt has been made to back-date an increase in the per capita rate for children and this is one of the items being dealt with in a letter dated 22 December 1986 from Mr. Carroll (WHSSB) to our Mr. PJ Armstrong. I have not seen this letter.

In conclusion, the only doubt I have is whether the losses being incurred on the children’s home can be sustained over a long period by the sponsoring body in London, thus bringing the viability of the home into question. Provided you are satisfied that the continuation of the children’s home is assured, I would agree that Nazareth House is worthy of support on financial grounds at the maximum grant which can be given.”¹³⁴

- 219 The DHSS made a number of payments to pay off the accumulated deficits generated by Nazareth House. In 1987 the Board was allocated £65,000 by the DHSS “to provide additional assistance for voluntary Children’s Homes”. As Nazareth House was the only voluntary home in the Western Board area, that should all have gone to it, but the Board paid £47,642 to Nazareth House, thereby paying off the 1985-86 deficit only, and paid £8,000 to Rubane in respect of an outstanding bill. The Board was unable to say how the balance was used, although all of the allocation should have gone to Nazareth House.¹³⁵ Although substantial deficits were paid off on a number of occasions in succeeding years, by 1995, the end of the period covered by our Terms of Reference, there was still a significant disparity between the cost of running Nazareth House by the Sisters, and the income they were receiving from the State, in the form of payments by the Board made available by the DHSS.
- 220 In September 1993, £15,230 was sent to Nazareth House,¹³⁶ and in December 1993 a further £51,670 was sent. In both instances the money was sent by the Foyle Unit of Management of the WHSSB.¹³⁷ It is significant that as late as November 1992 a report from the Social Services Inspectorate¹³⁸ commented:

134 SND 13307.
135 SND 13180.
136 SND 8140.
137 SND 8143.
138 SND 9775.

“Current staffing levels are unacceptably low, particularly when one considers the low level of training within the staff group. As the main purchaser of services the WHSSB, as the corporate parent, is responsible for the standard of care and equity of provision experienced by children in residential care within the voluntary and statutory sectors. There should be comparability of provision across sectors. The current capitation funding for each child prohibits the employment of additional staff and is much below the average costs both within the statutory and voluntary childcare sectors.”

- 221 As TL 19 accepted in his evidence, as early as 1983 funding had been flagged up by inspectors from the SWAG, and yet nine years later the same concerns were being highlighted within the Board.¹³⁹ The calculation of per-capita funding is an arcane and complex subject, influenced by the individual services being provided by separate institutions, services which may result in markedly different capitation fees being appropriate. Nevertheless the reality is that throughout the 1970s and 1980s the Western Board was getting services on the cheap from the Sisters of Nazareth, as TL 19 was driven to accept.¹⁴⁰ It is clear that resulted in a “pass the parcel” approach between the Board and the DHSS about how this should be resolved. As TL 19 put it:

“...the Department were writing to us telling us we needed to look at the level of money being paid to the Sisters of Nazareth, we were writing to them asking them for support to enable us to provide care in some of our facilities to meet the needs of the children.”¹⁴¹

However, although the DHSS as the ultimate paymaster was well aware of the problem, we consider that it took a remarkably long time for this matter to be addressed. It appears from TL 19’s evidence that in 1984 all four health and social services boards began to look at the question of what the capitation fee should be for voluntary residential care in an attempt to reach a level playing field right across Northern Ireland.¹⁴² However, we understand this was not resolved by the end of our period of Terms of Reference, and as late as 1993 when SR 2 was seeking funding to employ three or four extra staff. In June 1993 it was acknowledged in a memorandum from Mr. T. Haverty to TL 19 that

139 Day 24, p. 59.

140 Day 24, p. 63.

141 Day 24, p. 64.

142 Day 24, p. 65.

“As you know I’ve always been concerned about the staffing levels in Nazareth House.”

- 222 We are satisfied that this concern was not promptly addressed by the Department. Had it done so in a timely and determined fashion it would have resolved the long-running difficulties in a way that would have ensured that Nazareth House was provided with the same level of facilities and staffing that statutory homes received, thereby ensuring that all children in all institutions, whether voluntary or statutory, who were in care across the Province received the same level of childcare. This was not achieved due to the dilatory and indefensible manner in which all those responsible for analysing and dealing with financial help for Nazareth House failed to successfully grapple with the problem. **We regard this as a serious systemic failing on the part of the DHSS whose ultimate responsibility as the provider of funding this was, because when the problem was drawn to their attention they failed to act appropriately and expeditiously to resolve the problem in an appropriate way.**

Further findings of systemic failings by the Sisters of Nazareth; the county and county borough welfare committees, and their statutory successor the Western Health and Social Services Board; the Ministry of Home Affairs; and its successor the Department of Health and Social Services

- 223 We now set out our findings in relation to a number of systemic failings which we have concluded were made by: the Sisters of Nazareth in respect of both Termonbacca and Nazareth House; by the county and county borough welfare committees; and by the Western Health & Social Services Board, their statutory successor. We also deal with systemic failings by the Ministry of Home Affairs and the Department of Health & Social Services, who were in turn both the ultimate funder and the government department responsible for the statutory inspection and overall oversight of the voluntary homes sector.
- 224 **For the reasons that we have set out above, we conclude that in addition to those systemic failings we have already identified there were further systemic failings in the following respects.**

- (1) The Congregation of the Sisters of Nazareth did not take adequate steps to ensure that they had:**
 - (a) suitable premises, and**
 - (b) sufficient, and**
 - (c) suitably selected and trained sisters and lay staff to prevent abuse of the children in their care, and**
 - (d) an adequate system of internal inspection, and**
 - (e) an effective system of managerial support and supervision.**
- (2) The Congregation of the Sisters of Nazareth did not take sufficient steps to try to obtain adequate funding for either Termonbacca or Nazareth House.**
- (3) The Ministry of Home Affairs and the Department of Health & Social Services failed to:**
 - (a) construct, and**
 - (b) implement an appropriately rigorous inspection regime to ensure that the opportunity for abuse of children in St. Joseph's Home, Termonbacca and Nazareth House was minimised.**
- (4) The Ministry of Home Affairs and the Department of Health & Social Services did not take sufficient steps to ensure that St. Joseph's Home, Termonbacca and Nazareth House were required and/or helped to provide:**
 - (a) suitable premises, and**
 - (b) sufficient, and**
 - (c) suitably selected and properly-trained sisters and lay staff to ensure that the children in these homes would be provided with childcare that was:**
 - (i) in accordance with the standards of the time, and**
 - (ii) of the same standard as that received by children in homes in the statutory sector.**
- (5) Neither the county and county borough welfare committees (or the Western Health & Social Services Board as their statutory successor) as the statutory bodies which placed, or assumed responsibility for, children in care in St. Joseph's Home, Termonbacca or Nazareth House, took adequate steps to monitor the care given to individual children in either home.**

- (6) None of the welfare authorities which placed, or assumed responsibility for, children in either home took adequate steps to monitor the facilities for, and standards of care provided to, children in either home.**
- (7) None of these statutory bodies took adequate steps to inform themselves of the provision made by the Sisters of Nazareth for the care of other children in either home whose circumstances might have brought those children within the responsibility of the statutory bodies concerned.**
- (8) None of those statutory bodies provided adequate financial or administrative support for the children they placed in the care of the Sisters of Nazareth in either home.**
- (9) We are satisfied that there was a systemic failing on the part of the Western Health & Social Services Board in approving, and then failing to properly monitor, the highly unusual relationship which SND 38 was permitted to have as both key worker and “befriender” of HIA 127, and in not intervening to manage his continued involvement with HIA 127 after his discharge from Nazareth House.**

