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HISTORICAL INSTITUTIONAL ABUSE INQUIRY

being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at

Banbridge Court House

Banbridge

on Monday, 27th January 2014

commencing at 10.30 am

(Day 3)

24 MS CHRISTINE SMITH, QC and MR JOSEPH AIKEN appeared as

1 Monday, 27th January 2014
2 (10.30 am)
3 Opening Remarks re Nazareth House, Londonderry and
4 St.~Joseph's Home, Termonbacca by COUNSEL TO THE INQUIRY
5 CHAIRMAN: Good morning, ladies and gentlemen. I am sorry
6 we are slightly late, but we were grappling with
7 technology.
8 Yes, Ms Smith.
9 MS SMITH: Good morning, Chairman, Panel Members, ladies and
10 gentlemen. Today marks the beginning of our modules of
11 evidence and, as I have stated earlier, the first module
12 will investigate the two children's homes operated by
13 the Sisters of Nazareth in Derry, Nazareth House, Bishop
14 Street and St. Joseph's, Termonbacca. We will be
15 looking at what occurred at those homes between 1922 and
16 1995, the years covered by the Inquiry's terms of
17 reference.
18 This morning I will make some opening remarks about
19 the two Derry homes and the evidence that will be
20 presented. Later Mr Aiken will begin presenting some of
21 the documentary material relating to the two homes which
22 we have received or discovered.

23 Tomorrow morning we will start to call witnesses to
24 give evidence. Initially we will be calling those who
25 have spoken to the Inquiry and who allege that they were

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1 abused in one of the two homes under investigation.

2 Thereafter we will hear from some of those against whom
3 allegations have been made and from some of those who
4 had responsibilities for the homes, including witnesses
5 from Social Services.

6 The Inquiry team is aware that tomorrow will be
7 difficult for those people we call, as it will be for
8 all the other individuals who will give evidence. We
9 have devised a timetable and running order that will
10 hopefully allow sufficient time to enable them to give
11 their evidence without putting any undue time
12 constraints on them. As I indicated previously, we will
13 give at least a week's notice of who will be called to
14 the core participants so they can provide us with any
15 questions they may wish us to put to the witnesses.

16 At the outset, Chairman, I am sorry to have to draw
17 the Inquiry's attention to the fact that until recently
18 the cooperation from the congregation of the Sisters of
19 Nazareth and the provision of material has not been as
20 complete or as rapid as the Inquiry would have hoped.

21 This is despite the fact that the Order was asked to
22 cooperate voluntarily and produce documents as long ago
23 as 20th November 2012. A Section 9 notice requiring
24 information was served on 24th April 2013 and Rule 9
25 witness statement requests were subsequently sent.

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1 Thereafter the Inquiry engaged in copious
2 correspondence, meetings, both formal and informal, and
3 communications with the Order's solicitor, when it
4 always was stressed that the Order needed to cooperate.

5 In addition, information was provided to the Order's
6 solicitors months in advance of the public hearings so
7 that they would have the opportunity to take full
8 instructions from their client.

9 The Inquiry recognises that it asked for a volume
10 and type of material which presented the congregation
11 with a challenging task, particularly in light of the
12 fact that much of the material was of some vintage. We
13 also understand that the material sought was not stored
14 in a single, well-ordered archive.

15 A considerable amount of material was ultimately
16 provided to the Inquiry. However, the information which
17 the Inquiry received has been provided in a haphazard
18 and piecemeal fashion. Despite requests that it be

19 indexed properly, this was not done, and both the
20 Inquiry research team and legal team have had to spend
21 a considerable amount of time going through material to
22 try to put it into some coherent order. The Inquiry
23 requested that, where possible, material be sent to it
24 in electronic form. This request was not complied with,
25 resulting in greater work for the Inquiry team.

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1 Due to the incomplete way in which details about the
2 staffing of the homes was provided the Inquiry team
3 wasted a considerable amount of time trying to identify
4 which nuns were which -- as you know, many nuns had the
5 same religious name -- and to work out when they had
6 been in the Derry homes.

7 Even after the general public opening which
8 I delivered this month we were informed that there was
9 still a significant body of relevant material which had
10 not yet been provided. In fact, since then the Inquiry
11 has received voluminous documents described as
12 "foundation books" and "visitation books", which the
13 legal team has simply not had time to consider fully.
14 Again this is material which ought to have been and
15 could have been provided much earlier. As late as
16 Friday afternoon the Inquiry received two further

17 witness statements from the congregation and other
18 witness statements remain outstanding.

19 This less than whole-hearted and rapid response on
20 behalf the congregation has caused considerable
21 difficulty to the work of the Inquiry. We are still
22 ascertaining what documents remain outstanding and may
23 need to revise our analysis of any gaps in documentation
24 later.

25 I should also add that the congregation is not the

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1 only body whose approach has produced problems. The
2 Inquiry continues to receive other material from the
3 Department of Health and Social Services and Public
4 Services (sic) and others relevant to this module, and
5 we will look at that in due course.

6 We do appreciate that this is not always avoidable,
7 but had hoped that such late delivery could have been
8 avoided, given the difficulty it causes for the
9 Inquiry's work.

10 Having said that, Chairman and Panel Members,
11 I~would nevertheless wish to repeat that the Inquiry
12 welcomes the unreserved apology given by the
13 congregation through its counsel, Mr Montague, QC, for
14 any abuse suffered by children in their care. I have no

15 doubt that the public recognition that children were
16 abused in the care of the congregation will have brought
17 some comfort and relief to many of those who will give
18 evidence over the coming weeks.

19 I now wish to outline something of the history of
20 The Poor Sisters of Nazareth and their involvement in
21 the two Derry homes under investigation by the Inquiry.
22 The following is simply the broadest account of what it
23 has been possible to glean from a variety of sources,
24 including a pamphlet produced by the Order in 1977.

25 Could you please put up on screen pages SND-449 to

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1 459? Just look at 449. The purpose of this pamphlet
2 seems to be to encourage vocations. Information has
3 also been obtained from statements from the members of
4 the congregation, other material provided by it, from
5 texts written about the congregation and from
6 individuals who have spoken to the Inquiry.

7 The Sisters of Nazareth congregation began life in
8 Hammersmith, London, when a community of nuns led by
9 Sister St. Basil, formally Victoire Larmenier, a French
10 nun, split from Little Sisters of the Poor in 1861 and
11 founded the first Nazareth House. Part of the reason
12 for the split was the new Order was required by Cardinal

13 Wiseman, the then Cardinal Archbishop of Westminster, to
14 undertake work with children, work that the French
15 congregation had not been founded to do. This separate
16 congregation was recognised by Rome in 1864 under the
17 title Order of the Poor Sisters of Nazareth. It was not
18 until 1899, however, that final papal approbation was
19 granted.

20 The Order was to be ruled by one Superior General
21 and the mother house was to be in Hammersmith, London.
22 Each new house founded was to be called Nazareth House.
23 The Order had two objects: to care for children and also
24 to care for the elderly.

25 The congregation founded its first Nazareth House in

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1 Ireland in Belfast in May 1876, and I will give some
2 more detail about the Belfast homes when I come to the
3 module dealing with them.

4 The congregation now operates worldwide. It is
5 governed by the Superior General and her General
6 Council. The General Chapter of the Order sits in
7 session every six years and elects the Superior General
8 and the Council. According to the 1977 pamphlet which
9 is on the screens, the Sisters of Nazareth follow the
10 rules of Saint Augustine and their own constitutions,

11 which are based upon strict lines of self-denial,
12 poverty and obedience. The congregation combines the
13 active with the contemplative life, a life of work and
14 prayer in imitation of the Holy Family of Nazareth. It
15 goes on to state:

16 "At the beginning of her religious life each sister
17 is given a trial period at the different works of the
18 congregation. Gradually, as her character and abilities
19 develop, she is engaged in that branch of the apostolate
20 for which she is best suited, be it the nursery,
21 childcare, teaching, catering, collecting alms,
22 maternity or nursing the aged."

23 The Inquiry will need to know whether this practice
24 also pertained and whether those nuns about whom it will
25 hear were best suited to childcare. I suggest the

1 questions which need to be addressed by the congregation
2 are: how was a nun's suitability assessed by the
3 congregation? Who determined what branch of the
4 apostolate was the correct one for a nun? Did she have
5 any right to express a preference or did her vow of
6 obedience simply mean she was assigned a role?

7 The pamphlet speaks about the apostolate to
8 children. It says:

9 "Nazareth House cares for children of all ages. The
10 Sisters aim at giving them a real home with all the name
11 implies ..."

12 I pause here to ask the question: what did the
13 sisters believe this implied?

14 "... until such time as they are ready for their
15 future careers in the world. Nazareth House is not
16 an institution but a home. The buildings are adapted to
17 present day needs, with every modern convenience and
18 comfort. There are well-equipped flats for the children
19 each accommodating 15 to 20 boys and girls. While
20 encouraging and helping them to make the best possible
21 use of their talents, the sisters strive to instill in
22 the children a love of God and respect for authority."

23 This describes homes in operation in 1977, when the
24 pamphlet was written. The Inquiry will want to look at
25 the evidence presented to determine whether this was

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1 an accurate description of the homes run by the
2 congregation both in Belfast and in Derry.

3 I want to say something about how the Order came to
4 Derry and a little of the history of its two homes
5 there. In due course Mr Aiken will present greater
6 details about the homes from the documents and what I am

7 about to say is simply a general account.

8 A Mrs Waters, who was a native of Derry, left £7,000
9 in her will to Bishop John Keys O'Doherty, then Bishop
10 of Derry, to found a home for the poor in the city. In
11 1891 the bishop bought a property known at Sunnyside,
12 which was a double house in Bishop Street, half of which
13 was occupied, as well as eight smaller houses in the
14 same street. He paid the sum of £3360. Management of
15 the home was entrusted to the Sisters of Nazareth, who
16 arrived in February 1892. The house was formally opened
17 on 2nd March 1892. The Derry Journal reported on 29th
18 January 1892 that as well as the aged and infirm,
19 destitute, poor, the home would care for orphan,
20 deserted or incurably infirm children. Boys could not
21 remain longer than age 7 or 8, although girls were
22 permitted to stay until the age of 14.

23 From the outset it was clear that the Sisters would
24 engage in all tasks necessary for the home without the
25 assistance of any outside help. We are not aware that

1 any Sisters had any formal qualifications, although
2 there is evidence to show that in later years some of
3 the nuns obtained qualifications, including social work
4 qualifications, as did some of the staff they came to

5 employ.

6 In 1898 the congregation bought an adjoining piece
7 of land from Sir William Miller and the home was
8 extended. The congregation looked after both children
9 and elderly people at Bishop Street and had a primary
10 school on site. Local children attended this school as
11 well as the children who were resident in both Nazareth
12 House and Termonbacca. The primary school is still in
13 existence and the old people's home closed just last
14 year. The children's home ceased operation in 1998.

15 The main building in Bishop Street comprised four
16 floors: classrooms, bathrooms and playrooms, which were
17 situated on the ground floor; the nursery was located on
18 the first floor; while the second and third floors were
19 dormitories for older children. It would appear these
20 dormitories were intended to sleep up to 40 children.
21 Children, including siblings, were separated according
22 to age.

23 We have been provided a plan of the layout at
24 SND-119. If that could be put up on the screen. As you
25 will see, it is simply a location map rather than any

1 detailed layout of the internal workings of the home.

2 Later in the early '70s, when children were housed

3 in family groups, the building was adopted to
4 accommodate this. Apartments were created comprising
5 bedrooms, sitting rooms, toilet facilities and small
6 kitchens. This was done by converting large
7 dormitories. Main meals continued to be taken by all
8 children together in the common dining room. In the
9 last years of its operation as a children's home further
10 upgrading of the units occurred to provide separate
11 bedrooms with wardrobes and sinks, the installation of
12 central heating and separate unit dining rooms so that
13 children no longer ate in one large group.

14 According to information provided by the
15 congregation in the presently unsigned witness statement
16 of Sister Cataldus, throughout its operation as
17 a children's home Nazareth House had a total of 2347
18 residents, with the numbers ranging from 60 to 100 at
19 any one time. We do not have any documentation that
20 would allow us to verify that figure, but we do have
21 some documentation that will allow the Inquiry to see
22 how many children were present at a given point in time.

23 At its registration, pursuant to the Children &
24 Young Persons Act (Northern Ireland) 1950, on 8th
25 July 1950 the home indicated that it would provide

1 accommodation for 180 boys and girls up to age 14.

2 If we could look, please, at SND-7478, this is
3 an extract from a Ministry document which shows the
4 accommodation available for voluntary homes in Northern
5 Ireland. It says that Nazareth House could accommodate
6 180 girls up to the age of 14 and Termonbacca could
7 accommodate 108 boys up to age 16. Later Mr Aiken will
8 give the Inquiry further information about the numbers
9 of children and some reasons why they were resident in
10 the two homes.

11 The other home operated by the congregation was
12 St.~Joseph's, Termonbacca. It was founded on
13 2nd November 1922. Termonbacca had been the home of
14 Sir~Henry Miller and comprised a house and 195 acres of
15 land. This land was worked as a farm and provided food
16 for both homes. Before it was occupied as a children's
17 home improvements were carried out and an additional
18 building was erected. The works cost £18,000.

19 Termonbacca was to be a home for boys while the girls
20 were to remain at Bishop Street. As we shall see from
21 the witnesses who give evidence, in later years each
22 home housed both boys and girls. Although officially
23 named St. Joseph's Home, the home was simply known as
24 "Termonbacca", which is the name of the townland in
25 which it is situated. The word itself is translated

1 from Irish as "a sanctuary for lame, crippled or poor
2 person".

3 The original building at Termonbacca was not big
4 enough to house the number of boys living there and
5 various extensions were added over the years. In 1926
6 two iron huts were donated to the congregation. These
7 were situated on land behind the main house and
8 comprised a dormitory, bathroom, toilets and a dining
9 area for 12 senior boys, who were also engaged in
10 working in the farm. The Inquiry will hear evidence
11 about what took place in those huts.

12 When the family groups commenced in the early 1970s,
13 a new building was completed, comprising two separate
14 units. The nursery was extensively renovated,
15 converting large dormitories into smaller bedrooms.

16 The home ceased operation in 1982 and since that
17 date the property at Termonbacca has been owned by and
18 run as a retreat centre by the Carmelite Order of
19 Friars. This Order was not involved with the running of
20 the property as a children's home and was unconnected to
21 the Sisters of Nazareth in that regard. The Sisters of
22 Nazareth have had no involvement whatever in the
23 operation of Termonbacca since 1982.

24 Additionally the Sisters of Nazareth operated a home
25 for babies at Fahan, which was situated in County

1 Donegal between Derry and Buncrana. This was a house to
2 which 40 babies had been evacuated from Nazareth House
3 during the Second World War. It was subsequently
4 acquired by Bishop Neil Farren, the then Bishop of
5 Derry, and handed to the sisters to run as an orphanage.
6 Another house in the grounds was subsequently acquired
7 and was used as a holiday home by the children at Bishop
8 Street for many years. The significance of the property
9 at Fahan to this Inquiry is that you will hear in
10 evidence that children were transferred from there to
11 either Termonbacca or Nazareth House. Currently Fahan
12 operates as an old people's home.

13 It is clear from statements provided to the Inquiry
14 by Sister Brenda McCall, the current Regional Superior,
15 on behalf of the Sisters of Nazareth that each home
16 would have been operated on a semi-independent basis.
17 The Mother Superior in each home was responsible for
18 running it and the congregation had a role to play in
19 ensuring she ran it in accordance with the ethos of the
20 congregation. The Superior General or a senior member
21 of the congregation delegated by her to do so was to
22 visit each home regularly. The Mother Regional Superior
23 also visited those homes in her region. Details of

24 these visitations were recorded in the visitation books.

25 Foundation books appear to have recorded events seen

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1 as significant. They do record, for instance,
2 inspections by the State, and further information
3 relating to those matters will be presented to the
4 Inquiry in due course.

5 As I have stated, the General Chapter of the
6 congregation meets every six years and it is
7 representative of the entire congregation and has
8 supreme authority for it. The General Chapter elects
9 the Superior General for a term of six years, with
10 a possibility of one further six-year term. It examines
11 all the affairs of the congregation in session,
12 including all facets of life and works in each house and
13 region of the congregation.

14 Sister Cataldus Courtney in the unsigned statement
15 dated 17th May 2013 quotes some extracts from notes
16 taken on General and Intermediate Chapter meetings
17 between 1894 and 1913, years outside the Inquiry's terms
18 of reference. She states:

19 "It is clear in these meetings that the Sisters
20 discussed the welfare and care of children and had
21 strict rules, regulations and procedures regarding the

22 care of children. There are a number of clear areas
23 that are looked at in detail: the treatment and care of
24 children, punishment, health, education, food."
25 She goes on to set out quotations from these notes.

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1 The Inquiry has yet to see the material itself. We
2 would wish to see it, but would be particularly
3 interested to see those notes relating to meetings
4 during the years within the Inquiry's terms of
5 reference. It also wishes to see the actual rules or
6 constitutions of the congregation during the relevant
7 period.

8 In due course evidence will be presented about the
9 funding of the homes, but it would appear to be
10 generally the case that particularly in the early years
11 the congregation relied for the majority of its funding
12 on the generosity of the people of Derry. This was
13 shown through donations both of money and of goods and
14 services as well as from monies gathered on doorstep
15 collections by the Sisters themselves. Some parents
16 were able to contribute to their child's upkeep, but
17 this was far from the norm.

18 In addition, each home could apply to the mother
19 house at Hammersmith for what is described in the homes'

20 accounts as "loans for specific purposes". It is also
21 said that such loans would be expected to be repaid by
22 the homes whenever this was possible. For example, were
23 a home to receive a bequest in someone's will, a not
24 infrequent occurrence, as foundation books recently
25 provided by the congregation show, then the bequest

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1 would be used to repay the loan to the mother house.

2 Monies were also provided on occasions by the
3 Ministry of Home Affairs by way of capital grant. Such
4 grants were the subject of a great deal of controversy,
5 as the welfare authorities were essentially expected to
6 pay 50% of them and complained about having to do so
7 when they had no say in the operation of the voluntary
8 homes and may have had no children placed there.

9 The Ministry could also provide money for staff
10 training. The Inquiry will wish to consider how
11 frequently the congregation sought any capital grants or
12 financial assistance for training and, when they did so,
13 what was the government's response. According to Sister
14 Brenda McCall in an undated statement received on Friday
15 last, the changes necessary to adapt both homes to
16 family group homes were funded by way of such capital
17 grants.

18 We will look at the numbers resident in the homes
19 through the documents in due course, but by way of
20 example, according to the Child Welfare Council Report
21 in 1960, in 1957 there were 131 children in Nazareth
22 House, Bishop Street and 80 children in Termonbacca.
23 All were there on foot of private arrangements and
24 accordingly there were no monies for their upkeep
25 provided by the welfare authorities. That report

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1 recommended that one month after a child's admission the
2 voluntary home could ask the welfare authority to accept
3 financial responsibility for the child's upkeep. The
4 Inquiry will no doubt wish to know whether the Sisters
5 of Nazareth ever made such requests; if not, why not,
6 and if they did, what was the response?

7 In later years, as the State in the guise of welfare
8 authorities placed children in the homes, those
9 children's upkeep was provided for by the State by way
10 of maintenance payments. Ultimately from about 1973
11 weekly per capita amounts were paid for all children by
12 the State regardless of how the child came to be placed
13 in the home. More details about how the homes were
14 funded will be presented later in the course of this
15 module.

16 Could we please put up on the screen SND-5760 to
17 5792? The Inquiry had been asking the Sisters of
18 Nazareth for details about who was employed in the homes
19 and we eventually received material which is now on the
20 screen before you. These were described by the Sisters
21 of Nazareth archivist in Hammersmith as Sisters'
22 employment records for Derry, Nazareth House, but they
23 clearly, as you can see, also cover staff in
24 Termonbacca. There is a handwritten sheet for each year
25 giving the name of the Sister living in the home and her

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1 assigned duties. In the case of Termonbacca they end in
2 1982, the year Termonbacca ceased to be a children's
3 home.

4 What is clear from these sheets is that in some
5 years only one nun was assigned to look after boys or
6 children and that, excluding the nun assigned to nursery
7 duties, the maximum number of nuns who were designated
8 as having responsibility for the boys in any year was
9 three. If we could just scan through some of the pages,
10 please. (Pause.)

11 In addition, that nun may have had other tasks
12 assigned to her, such as responsibility for the laundry
13 or acting as a bursar. You will see that in some cases

14 when it comes to the Nazareth House documents -- if we
15 can maybe scroll very quickly through those until we get
16 to one showing Nazareth House. We are still looking at
17 Termonbacca. There should only be a couple of pages of
18 Termonbacca before we get to Nazareth House. That's
19 a different document. If we can leave that and come
20 back to it, please.

21 It is interesting to note, looking at that document,
22 that as the years progressed, girls were added to the
23 list of responsibilities, and then these became
24 responsibilities for a group of children in the mid to
25 late '70s, consistent with the development of the family

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1 group homes. At most times the maximum number of staff
2 was seven and on occasions a number of nuns described as
3 "invalid" were also resident in the homes.

4 Sister Cataldus Courtney in her unsigned statement
5 indicated that the maximum number of residents in
6 Termonbacca was between 50 and 60 and that in total 1834
7 children were cared for in its years of operation. As
8 I said, she stated that in the century of operation of
9 Bishop Street residents totalled 2347 and the maximum
10 number of children resident numbered between 60 and 100.

11 The accuracy of these figures is questionable,

12 however, as the numbers recorded in the 1960 Child
13 Welfare Council Report indicate that certainly in 1957
14 greater numbers of children were housed in the homes,
15 and I have already shown the Inquiry the document
16 showing that Termonbacca could accommodate 108 boys.
17 Mr Aiken will take you through some documents relating
18 to this issue later.

19 From the early 1960s onwards those nuns who taught
20 in the Bishop Street School also appear to have had
21 responsibility for the resident children. At any time
22 there would appear to have been a maximum of three nuns
23 with assigned responsibility for children. The members
24 of staff of Nazareth House were greater than at
25 Termonbacca, with numbers ranging from 13 to 17 over the

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1 years. Clearly the number of nuns assigned to look
2 after the children in both homes but particularly in
3 Termonbacca was few. It is, therefore, unsurprising the
4 Inquiry may feel that the congregation relied on older
5 children, volunteers and ex-residents to help out. The
6 consequences of this will become apparent as the
7 evidence unfolds.

8 As the years passed and in particular after 1950 the
9 nuns began to acquire qualifications in teaching,

10 nursing and childcare. Sister Cataldus Courtney recites
11 the following examples, which I assume relate to the
12 entire congregation rather than those who worked in
13 Northern Ireland, given the numbers mentioned.

14 From 1952 to 1958 17 Sisters trained as nursery
15 nurses; 4 Sisters trained as nurses; 10 Sisters obtained
16 teaching certificates; 10 Sisters were awarded
17 certificates following completion of Home Office course
18 in childcare.

19 Between 1958 and 1964 16 Sisters qualified as
20 teachers; 12 completed their General Nurse training; 4
21 completed their midwifery training; 12 Sisters awarded
22 NNEBs, which is a nursery nursing qualification.

23 In the years 1964 to 1970 17 Sisters qualified as
24 teachers; 17 qualified as nurses; 11 took courses in
25 childcare; and 8 gained the nursery nurse qualification.

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1 From 1970 to 1976 1 Sister completed an advanced
2 childcare course; 33 Sisters qualified in childcare; 3
3 were awarded the nursery nurse qualification; 2
4 completed a course in residential social work; 4 Sisters
5 trained as teachers; 1 Sister as a nursery teacher.

6 In the years between 1976 and 1982 1 Sister
7 qualified in residential social work; 2 gained

8 certificates of qualification in social work; 2 gained
9 a Sister's; 1 gained a Diploma in Advanced Nursing; 2
10 undertook the advanced course in childcare; 1 Sister
11 completed a social welfare certificate.

12 The statement does not provide total Sisters in the
13 congregation at any given time or which of those said to
14 have qualifications actually worked in Northern Ireland
15 or in the two subject homes. Therefore, the present
16 usefulness of the list is limited.

17 In addition, it is clear that the nuns started to
18 employ lay staff members in later years, some of whom
19 did have qualifications.

20 In passing I should say that the first course in
21 residential childcare was introduced to Northern Ireland
22 in 1954 and was taught in Belfast at Rupert Stanley
23 College.

24 Responsibility for the day-to-day running of
25 voluntary homes lay with the administrating authority,

1 in this case the congregation. Each Mother Superior had
2 a relative degree of autonomy. As I stated previously,
3 certainly since regulation 4 of the 1952 Children and
4 Young Person (Voluntary Homes) (Northern Ireland)
5 Regulations there was a general duty on the

6 administrating authority to run homes in such a way as
7 to further the well-being of children in the home. The
8 Inquiry will want to examine many issues, such as the
9 recruitment and training of staff, about which there
10 will be evidence to consider whether this duty was met.

11 Chairman, Panel Members, I am about to go on to say
12 something about those who have come to speak to the
13 Inquiry, but I wonder if we might have a short break at
14 this time. There is a technical problem which we
15 require to sort out with the equipment.

16 CHAIRMAN: Very well. I should say, ladies and gentlemen,
17 in any event in the course of both the morning and
18 afternoon sessions we will be having short breaks if for
19 no other reason than to facilitate our excellent
20 stenographer keeping up with us. Perhaps you would let
21 us know when you are ready to start again, Ms Smith.

22 MS SMITH: I will.

23 (11.12 am)

24 (Short break)

25 (11.25 am)

24

1 MS SMITH: Mr Chairman, we have partially resolved the
2 technical difficulties. It is anticipated that if I do
3 call up a document on the screen in the forthcoming

4 section, it may take a little delay before it properly
5 appears. We hope to get it properly sorted out over
6 lunchtime.

7 CHAIRMAN: Thank you.

8 MS SMITH: Both the Acknowledgment Forum and the Statutory
9 Inquiry have received a number of complaints about the
10 two Derry homes. To date the legal team has interviewed
11 a total of 49 individuals. This does not include those
12 who were sent to Australia under the Child Migrant
13 Scheme. One person who applied just before the closing
14 date still has to be interviewed this week. All but two
15 of those individuals have expressed a wish to give
16 evidence at these public hearings and each will be
17 afforded the opportunity to do so.

18 In addition, we will be presented with evidence
19 about other complaints by people who have not come
20 forward to the Inquiry for whatever reason. Some relate
21 to civil claims brought against the Sisters of Nazareth;
22 some relate to complaints by people who have passed
23 away; and some arise from police material disclosed to
24 the Inquiry.

25 I do not intend to rehearse the allegations in any

1 great detail as from tomorrow individuals will be called

2 to give their accounts of what they say occurred.
3 Complaints vary according to when a person was resident
4 in the home and according to which of the two homes he
5 or she lived in.

6 I should add the first witnesses we will be calling
7 this week will be giving evidence about Termonbacca in
8 the 1940s, '50s and early '60s. In addition to what you
9 will hear from them, Mr Aiken will present some of the
10 documentary evidence that we hope will help the Inquiry
11 to understand factors pertinent to that time period.

12 The evidence which you will hear does disclose
13 a number of common complaints. I outlined most of these
14 when I opened this Inquiry, but as we have heard
15 complaints about these matters in relation to the two
16 Derry homes, it is appropriate to set them out again now
17 a little more specifically.

18 They are: sexual abuse by peers, older children,
19 ex-residents, visiting priests, or employees of the
20 congregation and in at least one instance by a nun;
21 physical assaults by Sisters and civilian workers,
22 including assaults with implements, such as straps,
23 sticks, a hairbrush or a kettle flex; bathing children
24 in Jeyes Fluid; bullying by older children; denigration
25 of a child's family; the separation of siblings and not

1 informing children that they had siblings often residing
2 with them in the home; placing children in fear, for
3 example, locking them in cupboards, or threatening them
4 with being sent to Muckamore Abbey, which is a hospital
5 for people with learning disabilities and psychiatric
6 problems; public humiliation of children who wet the bed
7 by, for example, calling them names and making them
8 stand with wet sheets over their heads and being beaten
9 for bed wetting; excessive and inappropriate physical
10 labour, such as farm labouring, polishing floors,
11 working in the laundry, all at the expense of recreation
12 or play activities; removal of personal belongings and
13 gifts, such as Christmas presents; denial of affection,
14 including calling children by numbers rather than names;
15 inadequate food -- children complain of being hungry --
16 and of poor quality food. There are complaints of force
17 feeding. Some claimed that when this was done, they
18 were ill and were made to eat their own vomit.

19 Inadequate education. Some complain of being kept from
20 school to help on the farm at Termonbacca and not being
21 encouraged to learn. Inadequate staffing and lack of
22 supervision. I have already referred to the numbers of
23 staff members and their responsibilities and you will
24 hear that the congregation accepts that the homes were
25 under-staffed. Lack of medical attention following

1 injuries; lack of contact with social workers or anyone
2 from the welfare, as it was put to us; absence of
3 preparation for leaving the institution; and no
4 follow-up care.

5 If we could please put up SND-408. In a statement
6 dated 31st October 2013 and provided on foot of
7 a request from the Inquiry Sister Brenda McCall sets out
8 in general terms the congregation's response to many of
9 the allegations of abuse. Some nuns who are still alive
10 and about whom specific allegations have been made have
11 also given statements responding to those allegations
12 and the Inquiry will hear from them later in this
13 module.

14 In a statement dealing with common themes raised by
15 the Inquiry arising from the evidence we will be hearing
16 dated 31st October 2013 Sister Brenda addresses a number
17 of matters, including the use of numbers rather than
18 names, bathing practices, the removal of toys, the
19 failure to disclose that a child had siblings and their
20 separation, bed wetting, food and clothing. I do not
21 intend to go through her response to each issue raised
22 in detail at this point, as she will be called to give
23 evidence at the end of this module, but I think it is
24 fair to say her comments are encapsulated in a statement

25 she delivered to the Inquiry last Friday. In that she

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1 said:

2 "The Sisters always tried to provide the best care
3 with the staff and resources available to them both in
4 Termonbacca and Bishop Street."

5 If we look at the document that is on the screen and
6 then if we can put up pages 409 and 410 side by side,
7 please, if we go to the bottom of page 409, we see that
8 in this statement Sister Brenda McCall accepts on behalf
9 of the congregation that on occasions the standard of
10 care provided to the children may not have reached
11 an acceptable level. She says at paragraph 15 of this
12 statement that:

13 "... the Sisters' general policy of no physical
14 punishment of children was not implemented."

15 She states what is accepted is there were occasions
16 when a sister has let her frustrations overcome her
17 self-control and has acted in an inappropriate manner.
18 That is at paragraph 19.

19 Sister Brenda McCall goes on to say an explanation
20 for such unacceptable behaviour is that an individual
21 Sister or lay staff member, having worked long hours
22 dealing with a large number of children, many of whom

23 came from troubled backgrounds or had issues, may have
24 lost their temper.
25 She further accepts the Sisters could not keep

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1 an eye on the children all the time and therefore there
2 was scope for bullying to occur.

3 If we could move on to page 411, with regard to the
4 allegations of sexual abuse she states that very few
5 such allegations were made to the Sisters until this
6 Inquiry highlighted a number of complaints of this
7 nature. In paragraph 26 she states:

8 "These are matters about which the Sisters are
9 extremely upset but have little information to give or
10 assistance that they can provide to the Inquiry. These
11 are new allegations and they are only recently coming to
12 terms with them. None of the Sisters have any memory of
13 this type of abuse being discussed with them or of
14 receiving any training or warnings from any other agency
15 about this behaviour or how to monitor and watch for it.
16 They have no records of any advice on how they should
17 have handled this type of behaviour if it did come to
18 their attention."

19 In paragraph 27 she adds:

20 "If any child was subjected to any form of physical

21 or sexual abuse, the Sisters feel deeply sorry for this
22 and do feel that they should apologise to anyone who
23 feels that they have been let down by the congregation."

24 However, each nun against whom allegations have
25 specifically been made by witnesses denies that abuse.

30

1 How this can be reconciled with the general admission of
2 physical abuse will be a matter the Inquiry will have to
3 deal with.

4 In fairness to the congregation I believe it is
5 appropriate to state that the Sisters in Derry cared for
6 a great many more children than those who have come to
7 speak to the Inquiry and complain of abuse. Indeed,
8 even within those who have spoken to us their accounts
9 speak fondly of individual nuns and the treatment they
10 received from them. The issue for the Inquiry, however,
11 if it determines that abuse occurred, is whether the
12 systems operated by the congregation caused or
13 facilitated that abuse.

14 Having outlined the role of the Sisters of Nazareth
15 in the two Derry homes, I now turn to consider the role
16 played by the State in respect of them.

17 The Inquiry wrote to the Department of Health,
18 Social Services & Public Safety asking a series of nine

19 questions relating to the involvement of the Department
20 or its predecessors in relation to Termonbacca and
21 Nazareth House, Bishop Street during the period covered
22 by the Inquiry's terms of reference.

23 The Department provided a lengthy and helpful
24 witness statement from Dr Hilary Harrison dated 17th
25 January 2014. It was prepared with the assistance of

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1 an independent panel of experts appointed by the
2 Department.

3 I do not propose to go through the entire statement
4 word for word, but it does touch on a number of matters
5 which the Inquiry will want to consider generally as
6 well as the evidence for this module. It is, therefore,
7 an important piece of evidence and Dr Harrison will in
8 due course be called to speak to the matters it deals
9 with. I am indebted to that statement for much of the
10 following information.

11 In my general opening I had previously referred to
12 the fact that many children were placed in voluntary
13 homes not on foot of any court order but privately by
14 way of an arrangement with the child's family, or at the
15 request of members of the clergy or other members of the
16 community, such as doctors.

17 Dr Harrison confirms in her statement the children
18 placed in such circumstances did not have any contact
19 with the statutory authorities. When a child was
20 admitted to the home, responsibility for his or her care
21 and welfare was assumed by the voluntary agency. Few,
22 if any, of these children would have had a social
23 worker. Such placements continued until the late 1960s,
24 when they became fewer, so that by the early 1970s they
25 eventually ceased.

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1 I should point out that some of those who have
2 spoken to the Inquiry complain that their family home
3 was not in Northern Ireland but in the Republic and that
4 they ought not to have been placed in a home in this
5 jurisdiction.

6 Can we look at SND-5884, please? Can that possibly
7 be enlarged? This is a letter from Eddie McAteer, who
8 is a Member of Parliament and would have worked on
9 behalf of the congregation making grant applications to
10 the City Accountant in Derry. We see from this document
11 on 19th February 1958 18 of the 92 boys resident in
12 Termonbacca were born outside Northern Ireland.

13 I have already referred to the transfer of children
14 from Fahan, and there will be evidence of children being

15 transferred from Termonbacca to other homes in the
16 Republic of Ireland as late as 1960. This appears to
17 have been as a result of some arrangement the
18 congregation had with the Social Services in Donegal,
19 and no doubt the congregation will be able to explain
20 how this came about and on what basis of authority it
21 transferred children from one jurisdiction to another.

22 This will have added significance when we come to
23 look at the Child Migrant Scheme later this year. The
24 Inquiry will certainly hear from one person who
25 complains he ought not to have been sent to Australia

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1 under the UK government scheme, as he was born in the
2 Republic of Ireland.

3 Dr Harrison also confirms what I had previously
4 stated, that is, from 1950 welfare authorities became
5 responsible for the provision of statutory children's
6 services. However, even then children would not
7 normally have had regular social work visits.

8 Apparently it was not until 1968 that the Belfast
9 Welfare Authority became the first of the statutory
10 authorities to assign a social worker to each child in
11 care, including those whom the authority had placed in
12 voluntary homes.

13 By the early 1970s a number of voluntary
14 organisations, including the Sisters of Nazareth,
15 employed social workers. This may have been in response
16 to the 1966 Child Welfare Council's recommendation that
17 all voluntary homes should have at their disposal the
18 services of field work staff. In Termonbacca, for
19 example, as I have already stated, the congregation
20 employed a Mr Martin McCafferty as a residential social
21 worker from 1976 until 1980.

22 From the early 1970s the vast majority of children
23 admitted to residential care had an assigned social
24 worker. Sometimes the board may have asked a social
25 worker attached to a voluntary home to carry out field

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1 work social work functions in respect of a child and his
2 or her family.

3 The Inquiry asked the Department about inspection of
4 the two Derry homes. In her statement Dr Harrison
5 refers to the legislative provisions that governed the
6 role of the Department and its predecessors, to which
7 I referred in my general opening to the Inquiry. Prior
8 to 1950 you will recall the Ministry of Home Affairs had
9 a power but no duty to inspect children's homes by
10 virtue of section 25 of the 1908 Children's Act from

11 time to time. The Department, according to Dr Harrison,
12 is unaware to what extent this power was exercised, if
13 at all.

14 Section 102 of the 1950 Children and Young Persons
15 Act (Northern Ireland) and sections 130 and 168 of the
16 1968 Children and Young Persons Act (Northern Ireland)
17 reenacted the power of the Ministry to inspect voluntary
18 homes from time to time.

19 The powers of inspection appear to have been
20 discharged by suitably qualified persons called
21 Children's Inspectors. The Inquiry has seen
22 documentation from the Children's Inspectors and from
23 the Ministry, and Mr Aiken will be looking at those in
24 due course. Subsequently the inspection functions
25 passed to the Social Work Advisory Group in 1971.

1 In 1984 it was explained to the Hughes Inquiry that
2 not all files relating to visits carried out and
3 reported on by Children's Inspectors are still in
4 existence. This is due to the normal process of review
5 and destruction of old files. However, from the
6 information available the visits to the statutory homes
7 appear to have been less frequent than those to
8 voluntary homes. In its report Hughes said:

9 "It appears that there was no explicit policy in
10 relation to the frequency of inspections or on the scope
11 and contents of inspection reports during the period
12 until 1973."

13 The Department of Health and Social Services took
14 over responsibilities for inspection of homes in 1974.
15 In February 1976 the social work advisers were asked to
16 make a full report on each facility annually. These new
17 procedures were not fully implemented because of changes
18 in staff, being within the Social Work Advisory Group,
19 and subsequent changes in working arrangements.

20 In its statement to the Hughes Inquiry the
21 Department said:

22 "Following the discovery in 1980 of homosexual
23 malpractice at children's homes, a new system of
24 inspections was developed by the Department. Two social
25 work advisers now spend at least three days inspecting

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1 each home. Their scrutiny and observations take in the
2 following: fabric and physical characteristics of the
3 facility; aims and objectives; profile of the residents;
4 management arrangements; staffing; approach to the
5 residential task; records and review arrangements;
6 support services; contacts with the community. The

7 Inquiry will be shown the Social Work Advisory Group
8 reports in relation to some homes in due course.

9 In 1984 the Department of Health & Social Services'
10 statement to the Hughes Inquiry also noted that during
11 the period from about October 1980 to March 1984 all 21
12 voluntary and 38 statutory children's homes in Northern
13 Ireland had been inspected and recommendations for
14 improvements were made.

15 Follow-up visits were conducted in 1985 to check on
16 the implementation of recommendations. In June 1985 the
17 Department wrote to boards and voluntary organisations
18 indicating its intention of introducing annual
19 inspections of children's homes and hostels.

20 Dealing specifically with the inspection of the two
21 Derry homes over the period covered by the Inquiry's
22 terms of reference, Dr Harrison asserts that:

23 "Termonbacca Children's Home may have been inspected
24 from time to time between 1922 and 1980 by the Ministry
25 of Home Affairs and subsequently from 1974 by the

1 Department of Health and Social Services. The home did
2 not close until 1982 and it may, therefore, also have
3 been inspected during the early stages of the 1980 to
4 1984 DHSS round of inspections. However, the Department

5 does not currently hold any records relating to such
6 inspections of Termonbacca."

7 The Inquiry has been able to find evidence of
8 inspections and Mr Aiken will deal with these in due
9 course.

10 Nazareth House may also have been inspected from
11 time to time prior to 1980. It would have been included
12 in the '80 to '84 inspection programmes and would most
13 probably have been subject to annual inspections from
14 the late 1980s until it ceased operating in 1999.

15 It is important to note that the Hughes Inquiry
16 found that inspections undertaken by the Ministry of
17 Home Affairs and the DHSS during the 1960 to 1980 period
18 were deficient in frequency, nature and scope.

19 There is evidence that in 1994 an inspection of
20 Nazareth House was carried out and a number of
21 recommendations were made regarding its practice and
22 procedures. It was recommended that among other things
23 the staff of Nazareth House should ensure that in all
24 instances where there is the physical involvement of
25 staff with children use of holding or restraint are

1 recorded and subject to managerial oversight; ensure
2 that all complaints and their outcome are recorded;

3 ensure that feedback is provided to the Western Health &
4 Social Services Board where difficulties arise relating
5 to the frequency and/or adequacy of field social work
6 contact with children. This was apparently recommended
7 because a child stated to the Inspector that he had not
8 seen a social worker between 24th August 1993 and
9 7th December 1993.

10 Dr Harrison further indicates that the Department
11 also have other documentation relating to Nazareth
12 House, which includes annual monitoring statements and
13 voluntary visitor reports dating from 1991 to 1996.
14 Among other things these show that in 1991 only four out
15 of the 19 members of staff were professionally qualified
16 and that Nazareth House was still highly reliant on
17 temporary staff. They also show that in that period
18 there had been a number of untoward incidents, including
19 allegations of physical assault on staff, unnecessary
20 use of force by staff, abuse of alcohol, absconding,
21 inappropriate sexualised behaviour and damage to the
22 unit.

23 In 1993 there was correspondence between the Western
24 Board and a DHSS Social Services Inspector relating to
25 a series of untoward incidents in Nazareth House

1 involving possible sexual behaviour between residents.
2 The Inspector welcomed the introduction of waking night
3 cover, noted the need for vigilance on the part of staff
4 at other times, and raised concerns that the residential
5 staff had undertaken preliminary investigation on
6 a single-handed basis.

7 More information dated from August 1996 contained in
8 a departmental file indicated that the DHSS was advised
9 by the then officer in charge of Nazareth House of
10 sexual abuse allegations made by a former resident of
11 the home against a member of staff employed at that time
12 by the home. The allegations pre-dated their disclosure
13 by some years and were alleged to have occurred within
14 the period covered by the Inquiry's terms of reference.

15 In 1996 the matter was referred to the police and to the
16 Western Trust by the home. The member of staff was
17 suspended and a police investigation ensued, after which
18 the police advised the home in 1997 that a prosecution
19 would not be made.

20 The congregation carried out its own review of the
21 circumstances, and the Inquiry will see the internal
22 report that was provided to the review panel set up by
23 the home. This led to the reinstatement of the staff
24 member in July 1997.

25 In August 1997 the Mother Superior advised the DHSS

1 that the Western Trust had informed her that two further
2 allegations of a sexual abuse nature had been received
3 against the member of staff from a family member and a
4 child in the community. The member of staff was again
5 suspended and subsequently dismissed.

6 The individual who complained to the Mother Superior
7 in 1996 has come to the Inquiry and repeated that
8 complaint and will appear as a witness later in this
9 module. Although the matter was investigated after the
10 end date of the terms of reference, as I have said, the
11 abuse alleged was said to have occurred years
12 previously. Further, the manner in which the complaint
13 was dealt with is something I suggest the Inquiry will
14 wish to consider and compare with how matters were said
15 to have been dealt with previously.

16 According to Dr Harrison the departmental files do
17 not disclose any direct complaints to the Department
18 from residents or former residents of Termonbacca or
19 Nazareth House. This may not be surprising, given that
20 no formal complaint system actually existed until the
21 mid-1980s, following a recommendation contained in the
22 Sheridan Report. Complaints procedures adopted in 1985
23 stayed in place until 1996, when the Representations
24 Procedure (Children Regulations) (Northern Ireland) were
25 enacted, following coming into force of the Children

1 (Northern Ireland) Order 1995.

2 If I may now return to say something more about the
3 issue of recruitment and training of staff. The
4 Department makes it clear that it and its predecessors
5 had no involvement in the recruitment and training of
6 the staff employed by the voluntary homes, as this was
7 the responsibility of the congregation. It did,
8 however, in a statement provided to the Hughes Inquiry
9 indicate that in 1960 there were few and possibly no
10 professionally qualified social workers in either the
11 statutory or voluntary residential childcare sector.

12 According to Dr Harrison, it appears that a major
13 expansion in professional social work training for field
14 work staff took place in the early 1960s. Professional
15 courses at that time tended to be directed towards field
16 work rather than residential work. By 1983 more than
17 83% of field work staff were professionally qualified.
18 Before the 1980s advertisements for residential
19 childcare posts stated that no formal qualification was
20 required, although eventually higher salaries were on
21 offer for suitable people with relevant qualifications.
22 Most voluntary organisations followed a similar policy.

23 Recognising the problem in the early 1960s of the

24 shortage of suitably trained staff, the Ministry of Home
25 Affairs encouraged and provided financial support to

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1 enable both welfare authority and voluntary homes staff
2 to avail of the residential childcare training course
3 taught in Belfast.

4 The 1966 Fourth Child Care Council Report, however,
5 noted whilst between them voluntary homes had sent 64
6 members of staff for this training, only 22 were still
7 in employment by December 1963. The council commented
8 that the position was still far from satisfactory and
9 would seem to indicate that payment from public funds
10 under section 117 of the 1950 Act had not been
11 sufficient to encourage voluntary organisations to
12 release staff for lengthy periods of training. The
13 report also noted that voluntary homes had been notified
14 that where a member of staff has been seconded for
15 training on a full salary, the Ministry of Home Affairs
16 will be prepared to reimburse the reasonable salary of
17 any substitute required. The report concluded:

18 "This additional inducement will we hope result in
19 increasing numbers of trained staff being available in
20 voluntary homes."

21 The Inquiry may wonder how effective this may have

22 been in the situation of homes run by the congregation
23 where the nuns received no salary and were working as
24 part of their vocation in the homes.

25 It is said by Dr Harrison that in 1974 the DHSS

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1 issued a circular making further provision for financial
2 assistance specifically for the training of staff in
3 voluntary organisations. Dr Harrison states that the
4 circular cannot be traced, but it would help if the
5 Department might indicate to the Inquiry the basis upon
6 which they say it was issued. Organisations were
7 supposed to release staff to attend social care in
8 service non-qualifying training courses run at various
9 institutions and other short training courses organised
10 by other bodies.

11 It would seem from the figures given by Sister
12 Cataldus Courtney, which I indicated earlier, that the
13 opportunity to be trained was taken up by the
14 congregation. The Inquiry will want to know exactly
15 what training courses the nuns and any lay staff went on
16 and what qualifications, if any, they received. In
17 addition, it needs to know how many of those trained
18 actually worked in the Derry homes and their names.

19 Professional social work training via

20 an employment-based route was also introduced in the
21 mid-1970s. An assessment by the Social Work Advisory
22 Group in 1983 indicated that about 20% of residential
23 childcare staff employed by voluntary agencies had
24 a relevant qualification. This is in stark contrast to
25 the 83% of field work staff.

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1 The Hughes Inquiry report published in 1986 contains
2 several recommendations relevant to the aim of seeking
3 to ensure high levels of qualified staff in residential
4 childcare. They included recommendation 6, that the
5 boards in consultation with the Department and staff
6 interests should introduce parity of pay between
7 residential childcare and field work staff linked to
8 professional qualifications and training; recommendation
9 8, that childcare organisations should give priority to
10 enabling existing residential staff to obtain
11 professional qualifications and to the appointment of
12 qualified staff to residential posts; and recommendation
13 9, that future appointments at officer in charge level
14 should be limited to qualified candidates and a specific
15 timetable established for progress in the
16 professionalisation of the residential childcare system.
17 The DHSS sought to implement these recommendations.

18 Following consultation with boards and voluntary
19 organisations, a letter dated July 1987 from the
20 Department reported on progress in implementing the
21 Hughes' recommendations and asked those bodies to note
22 the decisions of the DHSS regarding recommendations and
23 to take appropriate action to implement them. Further
24 work was carried out in the years subsequent to
25 implement the recommendations, and in 1991 the DHSS

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1 finally made available the resources to implement the
2 Hughes' 6 recommendation, with the aim of achieving
3 a fully qualified residential childcare work force
4 within a five-year period.

5 This DHSS policy of seeking to implement the Hughes'
6 recommendations resulted in Northern Ireland having the
7 highest level of training for residential workers across
8 the United Kingdom at that time. Despite these noble
9 intentions, however, a fully qualified residential work
10 force has never been achieved, but today Northern
11 Ireland continues to have the highest proportion of
12 residential childcare staff with a social work
13 qualification within the United Kingdom.

14 I now want to refer to some other matters that the
15 Inquiry will want to consider. I have already made

16 reference to the 1952 memorandum by the Home Office on
17 the conduct of children's homes in my general opening.
18 This is a document which I anticipate the Inquiry will
19 turn to many times in the course of its investigations.
20 I stated previously that the Inquiry would have to
21 consider what heed was paid to this document by the
22 homes under investigation. It is also necessary to ask
23 what, if any, steps the State took to see whether the
24 advice and guidance contained in the document was
25 followed. The importance of adequate and effective

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1 inspections cannot be over-stated.

2 Can we please put up page SND-13466? Apologies for
3 the delay, Chairman and Panel Members. Hopefully it
4 will be resolved over lunchtime. As Dr Harrison puts it
5 at paragraph 75 of her statement:

6 "Whilst effective inspection, monitoring and staff
7 training programmes do not of themselves prevent the ill
8 treatment or abuse of children, they nevertheless serve
9 to create a caring environment that minimises the
10 opportunities for abuse to occur."

11 I have already mentioned the Children's Inspectors.
12 One Inspector, Miss Kathleen Forrest, did carry out
13 inspections on behalf of the Ministry of Home Affairs.

14 If we can see pages HIA-1462 to 1464, please, in a memo
15 dated 28th April 1953 sent to someone in the Ministry of
16 Home Affairs with the initials ASC, which we can see in
17 these pages, Miss Forrest sets out some brief summary
18 impressions of the different voluntary children's homes.

19 If we look at page 1464, we see her impressions of
20 the two Derry homes. She describes Termonbacca as:

21 "Very institutional, but boys do get out to school,
22 younger ones to Nazareth House, older ones to Christian
23 Brothers. Short of staff; short of play equipment."

24 In respect of Nazareth House she says:

25 "Best play equipment of any of the 4 Nazareth homes,

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1 at any rate for toddlers. Still very institutional."

2 It is the following comments which are most
3 significant, however:

4 "The children in these 4 homes especially have
5 nothing like a normal up-bringing. They must feel
6 unloved as it is just not possible for the number of
7 staff to show affection to such large numbers of
8 children. They can know little or nothing of the world
9 outside (as with one exception school is on the
10 premises) and must be completely unprepared for it
11 either in character or knowledge. I find these homes

12 utterly depressing and it appalls me to think that these
13 hundreds of children are being reared in bleak
14 lovelessness. This is not meant entirely as criticism
15 of the staff, but their task is impossible. Some of
16 them have, however, little idea of what a child's life
17 should be. They have got used to their own
18 institutional set-up. For example, when asked about the
19 children going out, one replied, 'Oh, yes, they go to
20 the Circus at Christmas'. If this is their sole contact
21 with the world, they must have a distorted idea of it!
22 Even their 'god-parent' scheme is unreal, as instead of
23 getting ordinary folk somewhere near the children's own
24 level to be 'uncles and aunts' they have looked for
25 businessmen who will give the boys jobs on leaving --

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1 regardless of whether the business is likely to suit the
2 boy!

3 In short, I think we must press for complete
4 overhaul of the whole set-up of these homes, and assist
5 them in every way possible."

6 The Inquiry will wonder whether and to what extent
7 the State acted on this memo. From the statement
8 provided to the Inquiry by Sister Brenda McCall it would
9 appear that the Ministry did visit the two homes after

10 she wrote this and steps were taken to provide capital
11 grants for improvements to the homes. The Inquiry will
12 wish to consider as it hears the evidence whether
13 improvements to the fabric of the buildings actually
14 improved the lives of those children looked after by the
15 Sisters of Nazareth.

16 Having highlighted some aspects of the role of both
17 the congregation and the State in respect of the two
18 Derry homes, I would like to conclude this opening by
19 reminding you of the topics and themes which I suggest
20 that the Inquiry will wish to consider in assessing the
21 evidence with a view to fulfilling its terms of
22 reference.

23 Firstly, you must determine whether you are
24 satisfied that the facts as you find them to be support
25 a finding or findings of some systemic failing. In this

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1 module such a failing would be either on the part of the
2 congregation of the Sisters of Nazareth or of the State
3 or both.

4 At this point I pause to say that while the Sisters
5 through Mr Montague, QC have offered an unreserved
6 apology for any abuse suffered by the children in their
7 care, they have not admitted that the systems operated

8 by them either caused or facilitated that abuse.

9 Likewise on behalf of the State while an apology has
10 been forthcoming from Ms Smyth, counsel for the Health
11 and Social Care Board, saying that where it failed to
12 meet acceptable standards for the care and upbringing of
13 children in institutions and that that resulted in
14 wrongdoing the board is sorry and offers its apologies
15 to the individuals concerned, she did not indicate
16 specifically whether the board accepts that the State
17 did fail to meet acceptable standards and, if so, in
18 what respect. So those are matters that the Inquiry is
19 going to have to look at.

20 In broad terms I suggest that the Inquiry will wish
21 to look at matters including accommodation, funding,
22 staffing, how injuries and illnesses were treated,
23 record-keeping, the religious ethos of a home,
24 inspection systems and the community divisions within
25 Northern Ireland and any impact they had on these homes.

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1 In this module the issue of the religious ethos of
2 those operating the homes will I suggest be relevant.
3 The congregation is governed by the teachings of Saint
4 Augustine and its own constitutions. We are told it was
5 the policy of the congregation not to permit the

6 physical punishment of people. The Inquiry will hear
7 many accounts that children were physically assaulted by
8 those charged with their care.

9 If these complaints are accepted in whole or in part
10 by the Inquiry, it will need to consider how this could
11 be possible if the Sisters were fulfilling their vow of
12 obedience. Was it simply, as Sister Brenda McCall
13 suggests, that an individual nun may have lost her
14 temper and in frustration physically chastised a child
15 or is there an attitude within these homes that such
16 chastisement was acceptable?

17 A further question the Inquiry will wish answered is
18 what role the Diocese of Derry had in respect of these
19 two homes. These were Catholic-run children's homes
20 that appear to have had close ties with the Catholic
21 community in the city. It is apparent that many
22 children were placed in the homes at the requests of
23 local priests. Why was this? How did a priest decide
24 this was in the child's best interests? What was the
25 relationship between the congregation and the diocese?

1 Was a chaplain assigned to the homes? What exactly was
2 his role, particularly with regard to the children?
3 What contact did priests have with the children? How

4 often did priests visit? For what reason? Did priests
5 speak to individual children alone? Did the nuns ever
6 seek help from the clergy with regard to the children?

7 These questions are I suggest particularly relevant
8 in light of allegations by children that they were
9 abused by priests while resident in the two homes.

10 I have briefly referred to the inspection regimes
11 that were supposed to take place. Mr Aiken will outline
12 these in greater detail at a later date. How effective
13 were any inspections that did occur? Were any
14 recommendations made, and is there any evidence of such
15 inspections actually improving conditions for the
16 children in the two homes?

17 The nature of the buildings themselves will have
18 some relevance to the evidence. For example, there are
19 allegations which suggest the layout and size of
20 Termonbacca and its location outside of the city
21 afforded opportunities for abuse to occur.

22 Clearly throughout the lives of these two homes
23 there was a heavy reliance on charitable donations. The
24 Inquiry will wish to ask what bearing, if any, this had
25 on how the children were fed, clothed and treated.

1 The issues which I raised in my general opening with

2 regard to staffing will, I suggest, be of particular
3 relevance. On hearing the evidence the Inquiry may form
4 the view that had there been appropriate numbers of
5 staff with the correct temperament and training able to
6 meet the developmental needs of the children in their
7 care in these homes, then complaints of abuse would
8 undoubtedly have been less.

9 The reliance placed by the congregation on older
10 children and ex-residents to supervise younger children
11 will I suggest require to be examined in some detail.
12 Who was chosen for this task and why? What steps were
13 taken to assess the suitability of these individuals to
14 perform such duties? What supervision was exercised
15 over them?

16 As the evidence is given over the coming weeks
17 I~have no doubt that many more matters will require
18 investigation.

19 Chairman and Panel Members, ladies and gentlemen,
20 that concludes what I wish to say about the module 1
21 evidence. What I have said has simply been an attempt
22 to set some context for the evidence which you will hear
23 and see and highlight some of the issues that will need
24 to be looked at.

25 Unless my colleagues wish to make any remarks at

1 this time, Chairman, Mr Aiken will shortly begin to take
2 you through some of the documentary material we would
3 wish you to consider. It may be appropriate to take
4 a short break to ascertain whether any ...

5 CHAIRMAN: Yes. We will see whether or not we are in
6 a position to deal with those matters before lunch.

7 MS SMITH: It may be preferable, given the technical
8 difficulties we are experiencing, to actually rise for
9 lunch now, Chairman, and then perhaps resume at ...

10 CHAIRMAN: 1.30, something like that.

11 MS SMITH: ... 1.30.

12 CHAIRMAN: We will try to start again at 1.30, ladies and
13 gentlemen. Inevitably with the type of equipment we
14 have there are some teething problems, and if we are not
15 ready to start at 1.30, we will start as soon as we
16 technically can after that. Very well. Thank you.

17 (12.15 pm)

18 (Lunch break)

19 (1.30 pm)

20 CHAIRMAN: Mr McKenna?

21 MR McKENNA: Mr Chairman, Members of the Panel, may
22 I announce my appearance on behalf of the Diocese of
23 Derry, instructed by Jones & Co?

24 CHAIRMAN: Yes. Very well.

25 MR McKENNA: It is the first time I have been here. Thank

1 you, Mr Chairman.

2 CHAIRMAN: Mr Aiken.

3 MR AIKEN: Chairman, Members of the Panel, ladies and

4 gentlemen, as certainly the Panel will know, my name is

5 Joseph Aiken. I am the Junior Counsel to the Inquiry.

6 What I am going to do, amongst other things, during this

7 first module is to take the Inquiry through some of the

8 documentation that the Inquiry has received or obtained

9 since the Inquiry's work began.

10 As Ms Smith, QC has already said, the material that

11 the Inquiry has obtained is voluminous. To date it is

12 approximately 100,000 pages, and that brings with it

13 many challenges, in particular for the legal and

14 research teams.

15 The reason for going through the documents in the

16 way that I intend to progress is so that you can -- when

17 you hear evidence from witnesses, it will be heard in

18 context, so that the Inquiry can try to assess the

19 complaints against what the documents show may have been

20 expected from those who were running children's homes at

21 the material time.

22 The Inquiry is obviously hearing witnesses in 2014,

23 but the events being described, for instance, in the

24 coming week relate to the period 1940 to 1965, so almost

25 over fifty years ago. It is therefore important that

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1 some context is given to that evidence, but I am going
2 to say today comes, first of all, with a health warning,
3 and that is that, given the volume of documentation that
4 we have been dealing with and the fact that the legal
5 team is dealing with it on a rolling basis, therefore,
6 there may be something that I draw out to you now from
7 the documents which needs correction in due course, and
8 if that is the case, then we will bring it to the
9 Panel's attention.

10 Equally, as we have been going through the
11 documentation to prepare for these hearings, there are
12 more matters that have arisen that we simply have not
13 yet had time to write to any of the core participants
14 about. So what I intend to do as we go through the
15 documents is to flag up a request that we wish to make
16 and trust that the core participants will assist in the
17 spirit of collaboration that the Inquiry has sought by
18 them taking that query on and coming back to the Inquiry
19 legal team when they have found the document or are in
20 a position to address the issue.

21 We intend to try to deal with the documentation in
22 broad themes so that a narrative can be created as far

23 as possible around the evidence that you are going to
24 hear. This week the concentration will be on
25 Termonbacca between 1940 and 1965, as that's the time

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1 period the evidence will cover.

2 In addition to the thematic approach that we are
3 going to take we also will show you documents that the
4 Inquiry has obtained concerning individuals who for
5 whatever reason have not come forward to the Inquiry.
6 Those documents will allow the Inquiry to recognise that
7 the issues that are described in the oral evidence are
8 not necessarily limited to those to have come forward.

9 Before I move on to the first theme that I am going
10 to tackle today, which is the issue of numbers, I want
11 to deal with one housekeeping matter, if I may. That
12 relates to how Inquiry documents will appear on the
13 screen. As the panel is aware, Mr Chairman, the Inquiry
14 legal team has applied an anonymity and redaction
15 protocol to the documents and, therefore, names of those
16 individuals who have been given anonymity will not
17 appear on the screen, but instead in a blacked out form
18 with a white designation over the top. We will be able
19 to identify and know that there is an individual named
20 beneath.

21 To assist both the Inquiry Panel and the core
22 participants the Inquiry legal team has prepared
23 a designation list, and that's obviously a sensitive,
24 confidential document. It cannot be published and it
25 cannot be disseminated beyond the legal team that is

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1 given a copy of it, but we will make some use of that
2 document as today goes on as we look at documents where
3 designations are present. If the Panel has not yet got
4 a copy of the designation list, I am sure those in
5 charge of disseminating it will resolve that for me
6 relatively soon.

7 What I want to look at first is the issue of the
8 numbers of children in care so that the Panel can get
9 some idea of scale when hearing and assessing this
10 week's evidence. I am going to start from a high
11 position and try to drive down to when we reach
12 Termonbacca for the relevant period.

13 There is a significant body of statistical
14 information that is available, mostly from government
15 records, and I am going to try to navigate through some
16 of that material, starting with a broad review and then
17 ending up looking at the Termonbacca numbers
18 specifically. Thereafter I will take you through

19 documents we have received which will help you assess
20 the type of home, the issue of staffing and supervision
21 at Termonbacca during the period the oral evidence will
22 cover.

23 We have a record -- if I could ask the team to bring
24 up SND-9335 -- and this record will show -- if we can
25 have the top half of the page magnified. This is

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1 a government document showing, first of all, the
2 population in Northern Ireland in 1951. I want to draw
3 attention to the -- if we could maybe put a circle
4 around the first column with number 1370921 and then the
5 figure beneath it. The number of residents in Northern
6 Ireland in 1951 was 1370921. Then the number of
7 children under the age of 14 and under was 378737. Now
8 the nearest figure for children in care so far that we
9 can try to set against that figure is not the one that
10 appears later in the document, which is from December
11 '57, but that from December '55.

12 If we can go to SND-1745 -- that's most definitely
13 not SND-1745. If we try SND-1771. Let's try HIA-1745.
14 I am afraid the technology is beating me, Mr Chairman.
15 That looks more like what I am looking for. If you can
16 then highlight for me paragraph 1 in the middle of the

17 page. If you can magnify it up so that those who are
18 looking at the screen can see it clearly. No, it is the
19 next paragraph marked paragraph 1.

20 So this is the first report, the Child Welfare
21 Council reporting in 1956. You can see in the
22 introduction they indicate as at the end of 1955 there
23 were 2142 children in the care of either welfare
24 authorities or voluntary organisations in Northern
25 Ireland. They indicate of these or of that figure of

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1 2142 963 children had been boarded out in foster homes,
2 were being fostered, and the remaining 1179 were in
3 children's homes of one kind or another.

4 If we take that back out, please, we will see at
5 HIA-1771, which is a document that we will return to on
6 a number of occasions for different reasons, and if you
7 just magnify that for me, this is an Appendix A to the
8 First Child Welfare Council Report, and it gives on one
9 page ultimately considerable detail about the numbers
10 being dealt with in care. Just at the moment if I could
11 ask you to perhaps highlight for me the number 9 and
12 that row. You can see that's matching the figures that
13 are set out in the first paragraph of the report. The
14 figure one in from the right-hand edge is the 2142

15 children in care.

16 Now that is slightly up. If you could take me to
17 HIA-1096, that figure of 2142 in 1955, which is, of
18 course, just after or a small number of years after the
19 Welfare State has effectively come into being and the
20 1950 Act and the obligation on welfare authorities to
21 provide children's homes, that figure is up on a 1947
22 figure that is given in the 2003 DHSS&PS publication
23 "A Better Future: 50 Years of Childcare in Northern
24 Ireland". For ease I am going to call that "50 Years of
25 Childcare" from now on. If I can ask you to highlight

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1 -- magnify for me the first half of the page, you will
2 see that the table suggests that in 1947 there were
3 a total amount of 1501 children in care, although the
4 welfare authorities were caring for them in workhouses
5 or a lot of similar institutions as opposed to
6 children's homes.

7 The Inquiry is not yet clear where the 1947 figure
8 that's in the "50 Years of Childcare" comes from.
9 Perhaps that's something that the Department could look
10 into for us and see if there are documents that ground
11 those figures, and if there are, then in due course if
12 they could be made available to us, that would be very

13 helpful, but I'd like to do briefly some mathematics
14 which I hope will assist with the figures that we have
15 been looking at.

16 The figures can't work perfectly, because they are
17 not all taken at the same time and there are likely to
18 have been some children over the age of 14 in care,
19 because, as you will recall, the 1951 census figure was
20 14 and below, but it will give the Inquiry
21 an approximate idea of scale.

22 So if one was to take the 1955 figure of 2142 and
23 set that against the census figure of 378737, then of
24 the total children in Northern Ireland approximately
25 0.56% were in care. No doubt if I get the maths wrong

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1 at any point, someone will quietly correct me. Of that
2 2142 -- and if we can just go back to SND-1745. We will
3 try HIA-1745. If we just highlight paragraph 1 again.
4 That's it. You see it is said and then it is mirrored
5 in Appendix A and the statistics that of the total
6 figure of 2142 children in care, which is 0.56% of the
7 children, then 1179 were living in children's homes of
8 one kind or another and the rest were boarded out or
9 fostered. Therefore the approximate percentage of
10 children in Northern Ireland living in children's homes

11 is in and around 0.3% of all of the children.

12 Now I should say, and it will be obvious to the
13 Panel, that the statistic doesn't diminish the fact that
14 it was over 1000 children and they were amongst the most
15 vulnerable, but it does give some idea of the scale
16 that's involved certainly at this point in time in the
17 early 1950s.

18 By the 1961 census, so ten years on -- and if we
19 could look at HIA-2686, and if you could just magnify
20 that handwritten page for me. So this again is to be
21 found in a government file and it is suggesting the
22 population under the age this time of 18, census taken
23 at 23rd April 1961, and you will see it is the third
24 column, and perhaps you could put a circle around it for
25 me. The 487844 on the bottom line is the total number

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1 of children under 18 who are in Northern Ireland at that
2 point in time.

3 Again this is not going to work precisely, but
4 papers from the then Childcare Branch of the Ministry of
5 Home Affairs -- and hopefully we find that at SND-2574.
6 Let's try HIA-2574. Yes. If you can just magnify for
7 me the text of the page. So this is from the Childcare
8 Branch in the Ministry and it is suggesting that as of

9 31st March 1966, so towards the end of the period that I
10 am going to talk about, given the oral witnesses this
11 week -- and that's indicating that there were 2316
12 children in care.

13 Now to get that figure you have to add the number in
14 care of the welfare authorities, which is 1368 -- just
15 highlight the 1368 for me at the top of the page next to
16 "Number in care", and then "Number in voluntary homes",
17 which is two numbers beneath that, the 948. When you
18 put those together, you get 2316 I trust. Now the
19 figures beneath them, beneath each of those two numbers,
20 are also telling you the number within. So the 1368,
21 within that number 690 are boarded out in respect of
22 welfare authority children and then 132 of the 948
23 voluntary care are boarded out and the percentages are
24 also presented.

25 Now what that is telling you for our purposes is of

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1 the 2316 children in care 1626 were living in children's
2 homes of one type or another and the rest were then
3 boarded out.

4 Now, as I did with the 1951/5 figures, if we do that
5 with the 61/5 figures, if you perform the same maths
6 with the same health warning, then 0.47% of Northern

7 Ireland children are in care in and around 1966 and
8 0.33% are living in residential children's homes of one
9 type or another.

10 Now in the 50 years of childcare publication -- just
11 bring up HIA-1096 and if you can just highlight the
12 bottom paragraph for me. If you magnify it first. Now
13 this is dealing only with as far as we have been able to
14 ascertain welfare authority children. So it does not
15 take into account children in voluntary care, but in
16 1960 it is said that there were 2.4 per 1000 children in
17 care in Northern Ireland, which was lower than for
18 England and Wales, which was 5.2 per 1000, and Scotland,
19 which was 6.5 per 1000.

20 There is a figure that we can look at on another
21 occasion which shows that when you bring the voluntary
22 children into the figure, the Northern Ireland figure
23 rises up to about 4 per 1000, but we don't have the
24 figures to perform the same task for England, Wales and
25 Scotland to see if they increased by the same type of

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1 level, but it gives some indication. Again if the
2 Department could help us. We are not entirely sure
3 where these figures, the grounding for them comes from.
4 If that's something that can be made available, it is

5 much better.

6 There are many more statistics in the documents and
7 maths obviously can be performed for all of them, but I
8 am going to leave it there for now in the hope that
9 gives you some idea of scale and doesn't bamboozle.

10 What I want to move on to then, Members of the
11 Panel, is the number of children who are in the care of
12 the welfare authority versus the number who are in the
13 care of voluntary organisations.

14 Again if we can go back to HIA-1077. If you can
15 just magnify that for me. Again this is the 2003
16 DHSS&PS publication "50 Years of Childcare". They say
17 in 1947 there were 1000 children in the care of
18 voluntary organisations and in contrast there were only
19 501 children in the care of the State in workhouses and
20 other local authority institutions or the greater
21 proportion of them boarded out. There were no at this
22 point children homes as such as we will come to know
23 them that were built under the 1950 Act. So there is
24 a two-thirds to one-third rough split in favour of
25 children in voluntary care as opposed to those in state

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1 care.

2 By the end of 1955 -- so if we can go to HIA-1771,

3 and again if you magnify that page for me. This is
4 a document we will come back to for different purposes.
5 We have seen already the figure in the bottom right,
6 2142, which is the total of children in care, but if we
7 look now at figure 8 and in the "Total" section if you
8 could just put a circle for me round the figures 839 and
9 1303. One big circle will do. So of the 2142 who are
10 in care in 1955, 1303 are in the care of the welfare
11 authorities. If one looks across at the narrative next
12 to the numbers 7 and 8, 8, "Total in care of welfare
13 authorities", 1303. That is by this point 60.83% and
14 the percentage is just next to the 1303 in the next
15 column to the right, and that's telling you of the shift
16 that there has been, both an increase in children in
17 care from 1501 now to 2142 and an increase from 500 in
18 charge of the State to 1303, and a slight reduction from
19 a figure of 1000, which we don't have the back-up
20 information to justify, but from 1000 in 50 years of
21 childcare to 839, and then a split moving from
22 two-thirds to one-third to now 60.83% in welfare
23 authority care and 839 in the care of voluntary
24 organisations, which was 39.17%.

25 If we then move that on and go to HIA-2574, and

1 again if you would magnify the content for me. These
2 are government statistics as at 31st March 1966. We
3 have worked out already 2316 children in care. This
4 time we can see there are 1368 in the care of the State
5 through welfare authorities, which is 59.06%, and 948 in
6 the care of voluntary homes, which is 40.94% -- or
7 voluntary organisations I should say. Those percentage
8 figures are similar to the figures as at 1955.

9 Now when we drill down further into the figures,
10 I want to touch briefly now on the statutory bias in
11 favour of fostering or boarding out that has a dramatic
12 effect on those figures as you step down a further
13 layer. As Ms Smith, QC has already outlined in the
14 Inquiry opening, the legislative bias was in favour of
15 fostering or boarding out rather than having children
16 reside in children's homes.

17 If you just bring up for me HIA-226, and this bias
18 is given expression if you just highlight for me -- in
19 fact, if you bring up alongside
20 page HIA-226 page HIA-227. I am not sure if there is
21 a way to do this, but if it is possible, if you can
22 magnify on 226 section 90 at the bottom. If there is
23 a way to make that any bigger, that would be great. If
24 there is not, so be it. Then if you can try to magnify
25 the top part of page 227. That will do. Just there.

1 If we make that bigger.

2 So this is the Children & Young Persons Act

3 (Northern Ireland) 1950. Section 90 says:

4 "Subject to the provisions of this section,

5 a welfare authority shall discharge their duty to

6 provide accommodation and maintenance for a child in

7 their care --

8 (a) by boarding him out on such terms (whether as to

9 payment by the authority or otherwise) as the authority

10 may, subject to the provisions of this Act and

11 regulations thereunder, determine ..."

12 So there is the duty to try to board out:

13 "... or

14 (b) where it is not practicable or desirable for the

15 time being to make arrangements for boarding out, by

16 maintaining the child in a home provided under this part

17 of this Act or by placing him in a voluntary home, the

18 managers of which are willing to receive him."

19 Now you can see that statutory bias then in favour

20 of boarding out, fostering as far as welfare authority

21 cases are concerned being worked out.

22 If we can go to HIA-1771, and again if you would

23 magnify that page for me. This is again as at

24 31st December 1955. Again we have seen already there

25 are 2142 children in care, which is the figure at figure

1 9. There is 1303 in the care of the welfare authority,
2 which is the figure at 8 and in the "Total" column.
3 Then of that 1303 children 891 are boarded out.

4 Now that figure is arrived at -- you have to combine
5 figure 4. So if I could just ask you to highlight for
6 me the number 7 in the "Total" column level with
7 number 4, "Boarded out from voluntary homes", number 7
8 in the "Total" column. That's it, and number 6,
9 "Boarded out by welfare authorities", 884.

10 So you can see from the left-hand side of this
11 document it is telling you that the figures at numbers 1
12 and 2 are those that relate to children who are just in
13 the care of voluntary organisations, and then grouped
14 together at 3, 4, 5 and 6 are the figures for children
15 who are in the care of welfare authorities. They are
16 effectively on two trains. One is either through
17 children's homes provided by the welfare authority or
18 accommodated in voluntary homes and that's using
19 section 90(1)(b) that we have just looked at. So by
20 putting the figures of 4 and 6 together you get 891
21 children boarded out of the 1303 in the charge of the
22 welfare authorities and that equates to 68.38%.

23 Now contrast the 839 children that are in the care

24 of voluntary homes, and that figure is obtained down at
25 number 7. You can see "Total in care of voluntary

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1 organisations", 839. Just put a circle round that for
2 me. Then if you look up at figure number 2 and in the
3 "Total number" column you have a 72 and 767, if you just
4 put a circle round 72 for me. You can see that of the
5 839 children in the care of voluntary homes only 72 are
6 boarded out. That is 8.58%, or to turn it around,
7 91.42% of children in the care of voluntary
8 organisations are living in children's homes of one type
9 or another that are voluntary in nature.

10 Now we can drill down into that a little further.

11 Again page HIA-2556.

12 CHAIRMAN: Sorry. Can you just go back to that previous
13 page?

14 MR AIKEN: Can you go back to HIA-1771?

15 CHAIRMAN: If we look at the first column, Mr Aiken, it
16 seems to suggest of the 668 Catholic children in the
17 care of voluntary homes only 6 were boarded out, and if
18 we go further down the same column, that compares with
19 338 Roman Catholic children boarded out by the welfare
20 authorities.

21 MR AIKEN: Yes. I intend, Mr Chairman, though not today,

22 because of wanting to make sure that the analysis is
23 correct, to look at the differentials that arise between
24 Protestant and Roman Catholic children, and this figure
25 that you just pointed to, the 338, when you add it to

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1 the 91 and the 70, you actually discover there was
2 a significant number of Roman Catholic children in the
3 care of the welfare authority aside from those that were
4 in the care of voluntary homes without connection to the
5 welfare authority. There is an analysis to be gone
6 through that we have not quite got to the end of as yet
7 looking at the differential between the two communities.
8 I should say the statistics that exist from this period
9 of time do look closely at the religious divide and
10 how -- look at the trends that that divide tends to
11 throw up and it is something to which I will return.

12 CHAIRMAN: Then if we look at the third column, there are 99
13 children in -- Protestant children in voluntary homes,
14 of whom 66 are boarded out.

15 MR AIKEN: Yes.

16 CHAIRMAN: Then if we go down, there are 546 Protestant
17 children boarded out, which would suggest in voluntary
18 homes there are far more Catholic children in numerical
19 terms --

20 MR AIKEN: Yes.
21 CHAIRMAN: -- than Protestant children in either secular or
22 other voluntary homes and yet exactly two-thirds of the
23 Protestant children -- sorry -- two-thirds or 66
24 compared to 99 are being boarded out compared to 6 out
25 of 668 in Catholic homes.

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1 MR AIKEN: Yes.
2 CHAIRMAN: That figure would tend to suggest for whatever
3 reason very few children Catholic children in
4 Catholic-run institutions were boarded out.
5 MR AIKEN: Yes. When we look at the figures in more detail,
6 some of the reasons for that will become apparent. That
7 is the voluntary homes that were not run by Roman
8 Catholic Orders were of a smaller size than the homes,
9 for instance, that we are looking at in this module, but
10 it is an analysis that we are looking at. It has not
11 been completed.
12 CHAIRMAN: Yes. Thank you.
13 MR AIKEN: If I take you to HIA-2556 and we can make the
14 same comparisons. If you can just increase the size of
15 that. Take me to HIA-2574. We have a reference
16 problem, Members of the Panel. If you go for a moment
17 to HIA-2556. Maybe if you give me the next page as

18 well.

19 CHAIRMAN: I am not sure if we have seen this page before

20 with some of these figures, but if we look at "Nazareth

21 House, Bishop Street" on the left-hand side, it seems to

22 suggest that in terms of numbers accommodated it is the

23 largest single voluntary home in Northern Ireland.

24 MR AIKEN: At that point in time it was.

25 CHAIRMAN: Narrowly ahead of Nazareth Lodge, Ravenhill Road.

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1 MR AIKEN: And Nazareth House on the Ormeau Road --

2 CHAIRMAN: Yes.

3 MR AIKEN: -- which is one of the points we will be bringing

4 out.

5 CHAIRMAN: In numerical terms if you take those three homes

6 together all run by The Poor Sisters of Nazareth, they

7 were responsible for a very substantial number of

8 children in absolute terms.

9 MR AIKEN: Yes.

10 CHAIRMAN: And indeed if I do the mathematics, one can see

11 it's a very high percentage. Some of the other homes

12 seem to be quite small.

13 MR AIKEN: It is. If you bring in St. Joseph's,

14 Termonbacca, which is three-quarters of the way down the

15 left-hand side --

16 CHAIRMAN: So there are four homes there. In Northern
17 Ireland terms those four homes accommodated a huge
18 proportion of all the children in voluntary homes.
19 MR AIKEN: Yes. My page reference has gone slightly awry,
20 but what I am going to do is give you the figures. If
21 I take you back to --
22 CHAIRMAN: Just one moment. (Pause.) Thank you.
23 MR AIKEN: What I am going to do, Members of the Panel, is
24 something akin to what the Chairman has just been
25 discussing with me. If I take you back to HIA-1771, and

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1 if you just expand that for me again, and if you take
2 the figure 1 in voluntary homes and the number in the
3 "Total" column, 767, if you put a circle around that for
4 me, and what this is telling us is in December 1955
5 there are 767 children living in children's homes run by
6 voluntary organisations, and what we will be able to do
7 shortly is show you that -- I am just going to give you
8 the numbers for now -- at this point in time there were
9 239 of those children living in two institutions between
10 them that we are looking at in this module.
11 CHAIRMAN: I am sorry. Give me that figure again.
12 MR AIKEN: So of the 767 there are 239 children in
13 December -- in and around December 1955 living in both

14 together Bishop Street and Termonbacca.
15 I show you that if we just skip back quickly to
16 page HIA-2556. If you just make that page large for me,
17 please, the text of it. If you could just highlight for
18 me the two homes we are looking at. So we have
19 "Nazareth House, Bishop Street". If you just yellow
20 right across that column for me. If you can leave that
21 yellow there and also give me one two down at
22 "Termonbacca". If we take those two figures together,
23 we get the 239 figure that I am suggesting that are
24 living in voluntary homes of the total of 767.
25 Now when you then do some maths to that figure, it

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1 means that there are 31.16% of children in voluntary
2 organisations -- who are in the care of voluntary
3 organisations that are living in these two subject homes
4 alone and there were roughly 24 voluntary homes by this
5 point in time. So 31.16% of children in the care of
6 voluntary organisations are living in these two homes.
7 We have looked at the figures for the total living
8 in institutions and then the total in care at the two
9 higher levels. What we can also do with this figure is
10 say that 17% of all the children living in residential
11 institutions are in these two homes at this point in

12 time, and of all the children in care 9.3% of them are
13 living in these two homes. So that's the position in
14 1955. We can briefly show you the equivalent by March
15 '66, which is towards the end of the period the oral
16 evidence will cover.

17 If we go to page HIA-2574. Again if you make that
18 large for me. We have already added up the two figures
19 to show that there are 2136 children in care, and of
20 that number the top figure, "Number in care from welfare
21 authorities", 1368, and 690 are boarded out, which is
22 50.44%. Then the 948 now in the care of voluntary
23 homes, 132 are boarded out. That's only 13.9%.

24 The comparison this time is not going to work quite
25 perfectly, but if you go for me to -- we have the

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1 figures now for living in voluntary homes, which is 948,
2 the total in care, 2136, and if you go for me forward to
3 HIA-567, if you can just make that figure much larger,
4 this is a table that's annexed to the Fourth Child
5 Welfare Council Report 1966, which is a document to
6 which we will return, but this shows the position as at
7 March 1965. So the comparison is not exact in the way
8 it was for 1955, but again we can see in March 1965 we
9 have figures for two homes. So again if you would just

10 highlight for me -- they're together about halfway down.
11 You have "Nazareth House, Londonderry" and "St. Joseph's
12 Home, Termonbacca". If you would just take the
13 highlighting across. That's excellent.

14 If we look, the first column shows the capacity
15 that's in the home, which is something to which we will
16 return. Then a breakdown of children accommodated on
17 1st March '65 by the welfare authority, by the voluntary
18 placement and then giving us the total.

19 So for the present purposes of looking at this
20 document the total living -- children living in these
21 two homes is 197 and we have in effect 24.14% of
22 children who are living in voluntary homes being housed
23 in these two homes. When you step it up, bring it back
24 up the two levels, that's 13% of all the children living
25 in residential homes and it is 9.22% of all the children

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1 in care.

2 Now, as I said to the Panel, we will be looking --

3 CHAIRMAN: Can I just ask you, Mr Aiken, to explain just the
4 last column, "Weekly charge to welfare authorities"? Is
5 that in relation to boarded children or children placed
6 in a home by the welfare authority; in other words, it
7 is not a per capita allowance for every child I think?

8 Isn't that clear from what we heard in the opening?

9 MR AIKEN: Not at this point in time. It is something when

10 we come to look at the finance aspect in detail will

11 become clearer, but at this point in time if a welfare

12 authority placed a child in a voluntary home, then, as

13 the section 90 provided, they could agree with the

14 voluntary home what the charge was to be.

15 CHAIRMAN: Yes.

16 MR AIKEN: The Ministry of Home Affairs helped set the rates

17 that were payable for each child placed in a particular

18 home and there's a mathematical formula that was

19 applied. So when we come to look at finance, it will

20 become clear that some voluntary homes were paid more

21 per child staying than other voluntary homes, and it was

22 to do with how much income they were generating

23 themselves.

24 CHAIRMAN: But the point I was interested in is it should

25 not be interpreted as meaning that welfare authorities

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1 were paying, for instance, Nazareth House in Londonderry

2 £3 a week for each of 109 children.

3 MR AIKEN: No.

4 CHAIRMAN: It's £3 a week for each of 7 children. Isn't

5 that right?

6 MR AIKEN: Yes.

7 CHAIRMAN: The same, of course, for Termonbacca. It is 9

8 out of 88 children in relation to whom they paid 4

9 guineas a week in old money.

10 MR AIKEN: Yes, and you can see even just looking at those

11 two homes the differential I am talking about, where the

12 figure applied to each home is different. There is

13 a lengthy discourse to be looked at as to how that all

14 comes about, but for present purposes -- and I hope it

15 has been of some assistance to see the breadth and

16 extent of these two homes in the childcare sector, as it

17 were, of Northern Ireland at this point in time.

18 I want to step back from figures for a little while

19 and look at the nature of the homes. Ms Smith, QC has

20 touched on some of this material, but I want to look at

21 some documents which hopefully will assist the Panel.

22 When the Welfare State was set up and welfare

23 authorities were tasked by the Children & Young Persons

24 Act (Northern Ireland) 1950 with providing children's

25 homes, what were those homes supposed to look like?

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1 What was envisaged whenever the Act was saying,

2 "A welfare authority should provide children's homes"?

3 If you could take me to HIA-1078, this is again the

4 2003 publication by the DHSS&PS, "50 Years of
5 Childcare". If you can particularly highlight for me
6 the second paragraph down:

7 "It was envisaged that each children's home would
8 accommodate between 25-30 children on a temporary basis
9 pending their transfer to foster homes. Only in
10 exceptional circumstances would children's homes provide
11 a permanent home for children who were deemed 'not
12 suitable to be boarded-out'."

13 So that is in effect an attempt to paraphrase the
14 statutory bias in section 90 of the 1950 Act and an
15 indication of what was envisaged by the definition of
16 "children's homes".

17 Now a document to which the Inquiry will turn over
18 and over again, which Ms Smith, QC mentioned this
19 morning, is the Home Office 1952 memorandum. If you
20 just take me to HIA-470, this document is issued --
21 again if you could make that large. Perhaps if it is
22 possible if we could further magnify from "type and size
23 of children's homes". If you could make that as large
24 as possible. So this is what the Home Office -- and
25 obviously this is a document issued by the Home Office

1 for England and Wales. We have seen the document being

2 issued to Northern Ireland homes, both welfare and
3 voluntary, and this is what was envisaged:
4 "The aim when providing new homes for children in
5 long-term care is to enable each child to live as
6 a member of a small group. The number of children in
7 a home of this kind (referred to in this memorandum as
8 a family group home) may vary from eight to 12. If the
9 home is a house in a street (perhaps a villa type house
10 or two semi-detached houses, suitably adapted) the
11 children gain by living as members of the local
12 community and by taking a full part in its social
13 activities, as do children living with their own
14 parents. Many local authorities are setting up small
15 homes of this kind. Rather larger homes, taking up to
16 about 20 children, are also being established. It is
17 important that homes should be so situated that the
18 children will be able, out of school hours, to mix with
19 their school friends. While every children's home
20 should have a garden, the children should be encouraged
21 to join with others in outside play.

22 In the family group home the age range should be
23 wide, say from 3 to 15 years, with boys and girls
24 growing up together. It will be desirable sometimes to
25 include children under the age of 3 in the group (for

1 example, where they have older brothers or sisters in
2 the home) or on occasion to keep" -- and if we could
3 just move over the page -- that's excellent -- "keep
4 children" -- just stop there -- "beyond the age of 15.
5 The conditions of normal" -- perhaps if we could maybe
6 go back out and get all of the second half of
7 paragraph 4 for me. It is just cut off on the
8 right-hand side:

9 "The conditions of normal family life can most
10 nearly be reproduced in this way, and the children will
11 not require to be moved at a specified age to some other
12 children's home and so lose contact with those whom they
13 are fond of and trust. In homes accommodating children
14 of a wide age range and both sexes the special problems
15 arising in adolescence call for sympathetic guidance and
16 wise, unobtrusive supervision. It will not generally be
17 right to place in a mixed family group home older
18 children coming into care, but this may not apply where
19 several children from the same family are received into
20 care and should be kept together."

21 Now it is clear to the Panel no doubt already that
22 the two homes we are dealing with in this module were
23 not of this character. The memo did, however, deal at
24 Appendix A or Appendix 1 -- if we can go to HIA-482 --
25 the memo did deal with -- if you can just take me from

1 Appendix 1 -- rather than the whole page made big if you
2 just make from Appendix 1 down as big as possible -- the
3 memo did deal with what it called "large homes". So
4 this is 1952 recommendations relating specifically to
5 large homes:

6 "This appendix contains recommendations relating
7 specifically to large homes, and particularly to those
8 which are organised neither as grouped cottage homes nor
9 as boarding schools. The appendix is to be read in
10 conjunction with the memorandum which, though written in
11 the main with direct reference to children in care for
12 an indefinite period who are being brought up in family
13 groups, applies for the most part to all long-stay
14 children's homes and, with necessary modifications, to
15 short-stay homes.

16 The size of some homes, and the nature of their
17 premises and organisation, are such as to make them in
18 greater or lesser degree institutional in character and
19 thus particularly unsuitable for young children. It is
20 of the first importance that all possible steps should
21 be taken to lessen the disadvantages of the large home.

22 Where the children do not go out to school", and by
23 that it is talking about being schooled in the home you
24 are in, "the home should be run as far as possible as

25 a boarding school with arrangements for the children to

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1 spend the school holidays with parents, relatives or
2 foster-parents. It will be all to the good if some of
3 those attending such a school are children living in
4 their own homes. In other cases the home might be
5 organised, after suitable adaptation of the premises, in
6 family groups, each under the charge of a house-mother,
7 so that the conditions of a family group home are
8 reproduced as nearly as possible. Where the nature of
9 the premises makes this impracticable, it may be
10 possible to adopt a house system. Whatever the method
11 of organisation, the aim should to be secure that
12 certain members of the staff have continuing
13 responsibility for the care of certain children, so that
14 constant change is avoided.

15 A defect of some large homes is that there is
16 insufficient recognition of a child's need of occasional
17 privacy, and that the children may never know what it is
18 to be alone. Some small rooms, comfortably furnished
19 and provided with small tables for study and quiet
20 occupation, should always be available. There will be
21 need for rooms with equipment for games and physical
22 exercise, and for play in bad weather."

23 Now if we look at SND-5798, we can see that in 1953,
24 not very long after this memo -- if you can just
25 maximise for me the left-hand side of the page and then

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1 if you can highlight -- "Termonbacca" is the home at the
2 bottom, one up. Just highlight that for us. The
3 government statistics suggest that in 1953 Termonbacca
4 had places for 92 children. If you just highlight for
5 me "Nazareth House, Londonderry", which is three up from
6 the yellow "Termonbacca". Just make that yellow for me
7 as well. The places available -- said to be available
8 at Nazareth House are 154. You then have numbers for
9 '53, '54, '55 and '56, which I will come back to for
10 a different purpose.

11 If we then look at SND-9337 --

12 CHAIRMAN: Just pausing there a second --

13 MR AIKEN: Could you just take us back for a moment, please?

14 CHAIRMAN: -- it would suggest that in 1953 for whatever
15 reason Nazareth House in Bishop Street was accommodating
16 some 16 more children than its capacity by 10% --

17 MR AIKEN: Yes.

18 CHAIRMAN: -- whereas in succeeding years it seems to have
19 been almost full.

20 MR AIKEN: Yes. The legal team has not yet seen a document

21 that explains how capacity was ascertained and who was
22 saying what the capacity was. There will be some
23 documents that will assist with seeing that at certain
24 times the Sisters of Nazareth were saying, "We have X
25 places". How that was verified and what criteria were

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1 applied, that's not clear. The position is the document
2 shows that there were said according to the government
3 statistics to be that number of places in respect of
4 each home.

5 CHAIRMAN: I think some of the witness statements from the
6 Sisters indicate part of their philosophy -- indeed
7 a fundamental part of their philosophy -- was they
8 didn't turn anybody away.

9 MR AIKEN: Yes.

10 CHAIRMAN: Of course, if these were voluntary placements,
11 there was no element of state supervision over that.
12 That might be an explanation why in 1953 there's
13 a significantly higher figure, that a large number of
14 children were placed with them voluntarily. Rather than
15 say, "I am sorry. We can't take you in because we have
16 reached our capacity" they took them in.

17 MR AIKEN: Yes. Later in the analysis that I am taking you
18 through we will see it was not until 1958 approximately

19 that a welfare authority placed a child in either of
20 these two homes. So at this point in time there
21 wouldn't have been -- other than the Ministry of Home
22 Affairs' inspections, which we will look at in due
23 course, there wouldn't have been welfare authority
24 involvement in Termonbacca or Bishop Street.
25 CHAIRMAN: I wouldn't want my comment to be thought to be

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1 implying any criticism. I am merely pointing out their
2 philosophy, as I understand it, from what the Sisters
3 themselves have said was they would never turn anybody
4 away. Since they were a voluntary home, all presumably
5 the State knew about it at the end of the exercise was
6 the figures that were returned in some way.

7 MR AIKEN: Yes. These are government files of annual
8 statistics that we will be looking through.

9 CHAIRMAN: Well, I did say we would need to take a short
10 break. We have been going for about an hour and a
11 quarter. So I'm sure our stenographer, if not everybody
12 else, would appreciate maybe five minutes. So we will
13 start again at let's say 2.50.

14 (2.43 pm)

15 (Short break)

16 (2.50 pm)

17 CHAIRMAN: Yes, Mr Aiken.

18 MR AIKEN: Members of the Panel, just before the break we
19 were looking at the capacity that existed in Termonbacca
20 and Bishop Street and based in 1953.

21 I was just going to show SND-9337, which hopefully
22 will show the capacity as at December 1957. Again if we
23 can magnify that page. Again if we can highlight the
24 "Nazareth House, Bishop Street" and then "St. Joseph's
25 Home, Termonbacca". "Nazareth House". Just further

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1 down, three more down. That's us. We will come back to
2 look at the numbers in due course. Again "Termonbacca"
3 is just two down. Yes. You can see in 1957 the
4 capacity in Bishop Street was said to be 154 and in
5 Termonbacca 92.

6 Then -- this is a document we will take some time to
7 go through in total on another occasion, but if we can
8 go to SND-7804 and again you can magnify all of that
9 page. The Fourth Child Welfare Council that reported in
10 1966 engaged in sending questionnaires to each voluntary
11 home and the questionnaires covered a wide range of
12 subjects, and we will be coming back to look at this
13 questionnaire in much greater detail in due course, but
14 for present purposes when we are looking at capacity,

15 this is what -- if we look at 7(a) and if we could
16 highlight 7(a) and magnify it even more, if that's
17 possible:

18 "What is the total number of children who can be
19 accommodated in the home?"

20 That is said by the Sisters of Nazareth completing
21 the questionnaire to be 90. These can be dated -- I am
22 not going to take you through the documents that show
23 how they can be dated -- in or around January 1964.

24 CHAIRMAN: Which is of the two houses is this?

25 MR AIKEN: This is Termonbacca. If we move to SND-7797 --

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1 CHAIRMAN: I'm sorry. Can we go back to SND-7804 for
2 a moment?

3 MR AIKEN: If we just stay at SND-7804. Perhaps if you
4 bring up for me alongside it 7803.

5 CHAIRMAN: There are 87 children, of whom 79 are voluntary
6 cases.

7 MR AIKEN: Yes. I will be coming back to look at the
8 numbers present in the home. This is one example of the
9 numbers as at January 1964.

10 If we move to SND-7797, this is the Bishop Street
11 questionnaire that was completed around the same time.
12 Make that large. You notice the Termonbacca one is in

13 handwriting in blue ink. This one is typed. Again if
14 you could make question 7 larger still, you can see the
15 capacity that was said to exist in Bishop Street at this
16 point in time, January 1964, was 140. Now therefore we
17 are dealing with in this module very large institutions
18 compared with the types of children's home that the
19 State was recommending as children's homes to be
20 provided by the welfare authorities consequent on the
21 1950 Act.

22 If we look again at the list of voluntary homes from
23 1953 to 1956, which is SND-5798, just to drill down
24 a bit further and put it in some further context, if we
25 make that total page just as large as you can, you see

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1 Ministry of Home Affairs' statistics, but it will give
2 you some idea, Members of the Panel, of the size of
3 these two homes compared to other voluntary homes that
4 existed in Northern Ireland at this time.

5 So you can see Glendhu had a capacity of 40;
6 Macedon, which was run by Barnardo's, 52; Manor House,
7 which was Barnardo's, had 23; Sacred Heart in Belfast
8 had 33 child places; Victoria Homes, Belfast, 20; Mother
9 of Mercy in Newry had 25; The Good Shepherd had 20;
10 Childhaven, Donaghadee, 30; Johnston Memorial, Belfast,

11 20; Convent of Mercy in Bessbrook, 40; 13 places at
12 Altavilla in Portadown; Blackburn House had 14. Those
13 are much smaller homes in terms of capacity than the
14 Nazareth homes, which you will see. You have Nazareth
15 Lodge with 145 places; St. Joseph's Babies' Home, which
16 is on the same site, at 120; along with Nazareth House,
17 Belfast, 145 -- they are together, Ormeau and Ravenhill
18 in Belfast -- then you have Nazareth House, Londonderry,
19 154; Termonbacca, 92; and you have Rubane, Kircubbin,
20 which is to be looked at in due course, which is 66
21 places. It gives you some idea even in terms of
22 voluntary homes these were homes of significant size.

23 If we bring up side by side, if we can,
24 pages SND-9337 and SND-9338. You can bring up SND-9338
25 alongside it. It will probably be difficult to magnify

89

1 this on both screens, but it is a similar list with the
2 capacity of the homes set out. Again you can see that
3 the two homes we are dealing with in this module in
4 terms of scale of voluntary homes these are significant
5 in terms of size.

6 By 1965 -- we can bring up HIA-567. This is
7 Table B, which was appended to the Fourth Child Welfare
8 Council Report. If you just maximise that for me, you

9 will see how again these two institutions compare in
10 size to approximately 20 voluntary homes that operated
11 in Northern Ireland in 1965.

12 What I am going to now, Members of the Panel, is
13 look specifically at the numbers of children in
14 Termonbacca, because the first witnesses this week deal
15 with Termonbacca, and I'm going to look at the period
16 1950 to '65. I am only going to deal with the numbers
17 of children in Termonbacca to try to avoid confusion
18 that I might cause by statistics if we look at both
19 homes at the same time.

20 If we go back to SND-5798, and these are the first
21 figures we have been able to find for numbers in
22 Termonbacca. Just make the left-hand side of the
23 page as large as possible. They relate to 1953, '54,
24 '55 and '56. You can see "Termonbacca" is the
25 penultimate entry. You have the number of child places

90

1 and then per year, '53, '54, '55 and '56, you have 86,
2 90, 90 and 89.

3 Then if we move to SND-12945, we can see -- so the
4 last entry there is 89 children in 1956. Just maximise
5 this letter for me. This is a letter of
6 21st January 1957 from Eddie McAteer, who was a Member

7 of Parliament, and he was in the Nationalist Party in
8 Northern Ireland and was its leader from 1964. He
9 represented mid-Londonderry constituency between 1945
10 and 1953 in Northern Ireland's House of Commons, and in
11 1953 he succeeded Patrick Maxwell, solicitor, who will
12 also feature in the documents that we look at in the
13 coming weeks -- he succeeded him as MP for Foyle. That
14 was a seat he retained from 1953 until 1969, when he was
15 succeeded by John Hume.

16 Eddie McAteer will feature heavily when we look at
17 the issue of funding. You will see he was regularly
18 corresponding with the Ministry and with the Welfare
19 Authority for grants for both of the Derry homes that we
20 are looking at, but for present purposes I am interested
21 in showing you the second paragraph. If we can just
22 highlight that. You can see that it is said by him in
23 January 1957 that there are 87 boys. We will come back
24 to the different statistic in due course. 66 of them
25 were from Northern Ireland and the remainder were from

91

1 outside Northern Ireland.

2 If we look at the December '57 statistics, that's
3 SND-9337. So why I am showing you the government
4 statistics and what Eddie McAteer is saying is that they

5 lend support for each other that the figures are more
6 likely to be accurate than not, and again if we can
7 highlight the bottom half of the page, you will see as
8 of December '57 St. Joseph's Home, Termonbacca is said
9 to have 82 children -- sorry -- 92 children.

10 CHAIRMAN: 92.

11 MR AIKEN: We will come back to it for different reasons in
12 due course, but you will see that 82 of those 92 have
13 been there for longer than six months. The six months
14 figure has a significance for welfare authorities in
15 terms of reporting. There was to be a system of
16 reporting children if they were not boarded out within
17 six months -- in fact, within three months. So that
18 figure of 92 is also confirmed if we look at SND-5996,
19 which is another letter from Eddie McAteer, writing in
20 February 1958. If you can just highlight -- not
21 highlight -- if you maximise that page for me, you will
22 see that in writing this time to the City Accountant in
23 the Guildhall in Derry he is saying that the number in
24 care at this date, ie February 1958, is 92. Again he
25 gives the residency. 18 were born outside Northern

92

1 Ireland.

2 In December 1963 -- if we can go to SND-7804. We

3 have looked at this document previously for a different
4 purpose, but in completing the questionnaire for the
5 Fourth Child Welfare Council -- if you can just maximise
6 the page. You noted, Chairman, already that the number
7 of children who were resident in Termonbacca in
8 January 1964 was 87. When the Child Welfare Council
9 finally produced a report -- if we go to HIA-567. The
10 figures have been updated to March 1965. Just maximise
11 that page. You will see that "Termonbacca" is about the
12 middle of the page and the entry capacity 90. If you go
13 across the "Number resident", the total figure was 88.

14 That's the period we are looking at this week. I am
15 going to stop there, but you will see, and I will touch
16 on it again later for a different purpose, the numbers
17 don't fall beneath 85.

18 Now if we can bring up SND-232, what I want to look
19 at briefly now is Termonbacca as a voluntary home.

20 That's not right. Let's try HIA-232. That is much
21 better. Increase the size of section 99 for me. So the
22 Act is coming into force, the Children & Young Persons
23 Act (Northern Ireland) 1950. Section 99 says:

24 "After the expiration of three months from the
25 coming into operation of this part of this Act no

1 voluntary home" -- this is Part V -- "shall be carried
2 on unless it is for the time being registered in
3 a register to be kept for the purposes of this
4 section by the Ministry."

5 Then it indicates how one would apply, and
6 ultimately in 1950 there were regulations made that set
7 out the form that was to be completed.

8 Now if we can just go up to -- this is for the
9 registration of something described in the legislation
10 as a voluntary home. If we just scroll up so we can see
11 section 98 for the definition of a voluntary home as
12 meant by -- I am sorry. It is Part VI of the Act:

13 "In this Act the expression 'voluntary home' means
14 any home or other institution for the boarding,
15 protection, care and maintenance of poor children or
16 children otherwise in need of help, being a home or
17 other institution supported wholly or partly by
18 voluntary contributions or endowments but not being
19 either --

20 (a) a school within the meaning of the Education
21 Act;

22 (b) an institution within the meaning of the Mental
23 Health Act."

24 So the activities being carried on by the
25 congregation in both Termonbacca and Bishop Street

1 clearly would fall within that definition.

2 Then if you can take me to SND-5654, we can see from
3 the government files that Termonbacca -- if you could
4 just maximise this for me. Let's see if we can do
5 a little better. If you take the bottom half of the
6 page and blow it up as much as possible, the third entry
7 down "St. Joseph's Home, Termonbacca", you can see it
8 was registered as a voluntary home under the 1950 Act on
9 1st July 1950. This is the voluntary homes register as
10 maintained by the Ministry of Home Affairs.

11 You will see further to the right-hand side of the
12 page that Termonbacca remained a voluntary home within
13 the Act and its successor Act of 1968 until 28th
14 May 1982, when it closed down. So the registration of
15 Termonbacca as a voluntary home, and indeed a similar
16 entry is there for Bishop Street just further down the
17 same page. It had the effect of placing on the home the
18 obligations set out in the 1950 Act and in the Children
19 and Young Persons (Voluntary Homes) Regulations
20 (Northern Ireland) 1952 and it is the statutory
21 framework post-1950 that the home was to operate within.

22 In the context of numbers the relevance is found in
23 section 90 of the 1950 Act that we looked at earlier.
24 That's at HIA-226. The Welfare Authority -- if a child
25 couldn't -- if we can just take the next page over,

1 HIA-227, and maximise the first six or eight lines of
2 the page. The relevance of being registered was it
3 meant that Welfare Authority -- if a child couldn't be
4 boarded out, the Welfare Authority had to maintain the
5 child in a home provided by it under Part V of the Act
6 or by placing him in a voluntary home, the managers of
7 which were willing to take him. So it was a statutory
8 permission to the Welfare Authority to place children in
9 a home that was a voluntary home within the meaning of
10 the Act and was registered. We looked in more detail at
11 section 99. If you didn't register, then there were
12 criminal penalties that could follow if you carried on
13 the home in contravention.

14 Now from the documents that we have had the
15 opportunity to look at to date if we can look at
16 SND-5999. If you could just try to maximise for me the
17 page as best you can. This is -- if you can -- let me
18 just talk to the document first and then I will try to
19 drill it down further. This is an extract that's given
20 to the Ministry of Home Affairs of a minute of a meeting
21 by the County Londonderry Welfare Committee, not to be
22 confused with the city version, the Londonderry County
23 Borough Welfare Committee. The document you can see is

24 dated -- it relates to a meeting that was held on
25 13th September 1958, and then what I'd like you to do

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1 for me, please, is the second handwritten annotation on
2 the page, if you can just try to blow up the -- and the
3 next one down. Yes. Just make that as big as you can.
4 Okay. So this is -- it is not possible at the moment to
5 identify.

6 "Miss Miller,

7 There were no children belonging to the welfare
8 authorities in St. Joseph's Home, Termonbacca at 31/3/58
9 and 30/6/5. As for 30/9/58 all the returns are in
10 except those for Belfast and Londonderry county boroughs
11 and I don't think that either will have any children in
12 St. Joseph's at that date."

13 So there is no document we have seen to date that
14 suggests by this point a Welfare Authority had placed
15 a child in Termonbacca.

16 If we look at HIA-1811, it's possible that this
17 continued to be the position up until March 1959. I say
18 that because the first Welfare Committee that appears to
19 have placed a child in Termonbacca that we'll shortly
20 see was the Londonderry County Welfare Committee. You
21 can see from this document the Londonderry one -- I am

22 sorry -- it is slightly cut off -- is the fifth council
23 down, as it were. If you read across to "Voluntary
24 homes" -- I am just going to have to leave that for now,
25 Members of the Panel, if I may, and come back to it,

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1 because that's not quite right.

2 If we can see from HIA-1861 -- now this document is
3 difficult to read, but if we look at the top half -- can
4 you just make that as big as you can? It is telling us
5 that it is about the children in care of welfare
6 authorities and who are accommodated in voluntary homes
7 numbers as at quarter ended 31st December 1959. If we
8 can take it back out to the full size just for a moment.

9 We have to do, I am afraid, a little bit of detective
10 work, but in the second column down headed "Catholics"
11 if you can maximise from "Catholics" to the end of that
12 section. Yes. Just there. It is not making it a great
13 deal better. The last entry that you can see is
14 "Termonbacca". Just take it out to its full size again.
15 Then along the top it is giving you the various welfare
16 authorities. If you can follow across to "Termonbacca",
17 you will see that underneath the "Londonderry County
18 Borough" two children are placed in Termonbacca by
19 Londonderry County Borough.

20 I will not take to you the reference, but the
21 position is the same in December 1960. Then if we go to
22 HIA-1856, again this is a similar document, this time
23 for 31st March 1961. Again it's broken down in three
24 sections. Under the section "Roman Catholics" you will
25 see that three up from the bottom is "Termonbacca".

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1 This time if you come across, you will see there are
2 none from Londonderry County Borough any longer in
3 Termonbacca, but this time there are three from
4 Londonderry County Welfare Authority, and in the "Total"
5 section there are three children from the Welfare
6 Authority placed in Termonbacca.

7 If we go to HIA-2685, we can see that in March 1962
8 the figure increases. Again a bit of detective work is
9 required. Take the right-hand side of the page and
10 magnify the right-hand side for me. This is looking at
11 the Welfare Authority children, children accommodated in
12 voluntary homes under section 90(1)(b). That's by the
13 Welfare Authority. You will see one up from the bottom
14 is "Termonbacca". This time in the "Total" column,
15 which is to the far right, you have four. We have two
16 from the Londonderry Borough, none from Londonderry
17 County and two from Tyrone.

18 We have looked already -- if we look to SND-7804 --
19 CHAIRMAN: Before you leave that, what is the date for that,
20 Mr Aiken?
21 MR AIKEN: That's March 1962. If we just take it out to its
22 full size, please, can you highlight for me the top
23 quarter of the left-hand side? You will see "Number
24 accommodated at 31st March 1962". Just take it out to
25 its full size again.

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1 If we move to SND-7804, we know from a document we
2 looked at earlier in December 1963 -- just maximise the
3 bottom half of that page as large as possible -- that by
4 that date Termonbacca -- the Sister completing this form
5 was indicating she now had eight Welfare Authority cases
6 by December of '63.

7 If we look at HIA-2645, I would just like to
8 maximise that as much as possible. This time from the
9 top and towards the left we can see the number
10 accommodated at this date. We are talking about
11 31st March 1965. Perhaps if you could just take the
12 right-hand side of the page and maximise that as large
13 as you can. This time "Termonbacca" is three up from
14 the bottom. The "Total" is off to the right-hand side.
15 You will see that the total is 9. If you read back

16 across, you will see that those nine children that are
17 now placed by welfare authorities all come from Tyrone
18 Welfare Authority.
19 CHAIRMAN: A total of nine from how many?
20 MS DOHERTY: Nine from Tyrone.
21 CHAIRMAN: Out of a total of how many children in the home?
22 MR AIKEN: At that point the children in the home in 1965 --
23 CHAIRMAN: 88?
24 MR AIKEN: -- it would have been approximately --
25 CHAIRMAN: I think you have told us it is 88. HIA-567.

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1 MR AIKEN: Yes, it is. So during the period the oral
2 evidence will cover in the following week the vast
3 majority of children are there on a voluntary basis and
4 from 1958 onwards there is a growing, though small,
5 number that are there placed by welfare authorities, and
6 from the records that we can see they seem to be from
7 three particular welfare authorities.
8 CHAIRMAN: So if we look at the figures overall between 1953
9 and 1965, the number in Termonbacca remains relatively
10 stable, being somewhere between 86 and just over 92.
11 MR AIKEN: Yes.
12 CHAIRMAN: 86 to 92, and the proportion of those children
13 who are being paid for by the Welfare Authority, to

14 start with there are not any. By the time we get to
15 1959 it increases from 2 to 9. By 1965, just over 10%.
16 MR AIKEN: Yes.
17 CHAIRMAN: Yes.
18 MR AIKEN: What I want to do briefly then, which I hope will
19 assist you in hearing some of the evidence that's to
20 come and what the numbers facilitate is giving some
21 context and perspective in assessing the evidence about
22 the staffing levels and the issue of supervision that
23 will feature heavily in the evidence that's to come.
24 The 1950 Act or the regulations didn't prescribe
25 minimum staffing levels or staffing ratios for

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1 children's homes. However, Dr Harrison on behalf of the
2 DHSSPS pointed out in her statement -- if we could just
3 pull that up. SND-13462. If you just take paragraph 62
4 and make that as large for me as possible.

5 "The relevant regulations required the administering
6 authority", so in this case the Sisters of Nazareth, "to
7 ensure that Termonbacca was conducted in such a manner
8 and on such principles as would further the well-being
9 of" -- I know the statement says "the home", but it
10 should read "the children of the home".

11 That Dr Harrison is describing -- if you just bring

12 up for me HIA-288 -- is describing the duty. If you can
13 just make regulation 4 for me as large as possible:

14 "The administering authority", which in this case is
15 the Sisters of Nazareth, the voluntary organisation with
16 responsibility for the home, "shall ensure that each
17 home in its charge is conducted in such a manner and on
18 such principles as will further the well-being of the
19 children in the home."

20 Now to give that some context, the 1952 Home Office
21 memorandum -- if we can go back to HIA-471 -- and from
22 staff -- if you just maximise that -- paragraphs 5
23 through 10. This will be an important grounding you may
24 consider:

25 "The standard of care provided in a home will be

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1 determined by the success with which the staff are able
2 to take the place of parents and to meet the children's
3 individual need for interest and affection. It is
4 essential that the conditions offered to staff should be
5 such as to attract and keep men and women of the high
6 quality needed for this work.

7 It is on the understanding and devotion of the
8 staff, more than on anything else, that the happiness of
9 the children depends. The housemother and members of

10 staff" -- as you will recall, when we looked at the
11 section earlier about the home itself, it was to be
12 a family group home -- "the housemother and members of
13 staff, besides being familiar with the stages of
14 development throughout childhood, should be
15 temperamentally fitted to the difficult task of
16 maintaining the balance between giving the children the
17 affection that they need and being too possessive in
18 their attitude towards them. The housemother in charge
19 of a family group home should be given the fullest
20 possible responsibility and should not be subordinate to
21 the person in charge of some other children's home."

22 Then this paragraph may be of particular relevance
23 to the Inquiry:

24 "The staffing should be sufficient to allow the
25 housemother's time to join in the children's activities

1 and to talk with them, and thus to provide the children
2 with the adult companionship which is necessary to their
3 normal development. It is undesirable for one
4 housemother to live alone with the children; she needs
5 adult companionship, and a housemother living alone may
6 sometimes be subject to undue strain. In family group
7 homes taking from eight to ten children a resident

8 housemother and assistant or two housemothers should be
9 sufficient with adequate domestic help."

10 So for 8 to 10 you're talking about 2 staff. So 1:5
11 is the ratio outside that is being suggested.

12 "In homes taking 11 or 12 children it will be
13 an advantage to have in addition one full-time domestic
14 assistant, preferably resident, and in these the
15 employment of a married woman as housemother with the
16 husband going to outside work is a good way of securing
17 a man's influence and interest in the household.

18 It is considered that the staff required for a home
19 taking about 20 children of a wide age range and both
20 sexes might be a married couple (the husband usually
21 going to outside work), one resident housemother, one
22 resident housemother/cook, daily domestic assistance,
23 and part-time help with the garden where required.

24 If a home is to be well run, it is essential that
25 the conditions should be such as to enable the staff to

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1 retain pleasure and freshness in their work. Adequate
2 time off and holidays, giving opportunity for outside
3 interests, and provision for seeing their own friends in
4 the home contribute to the well-being of the staff and
5 consequently of the children. At the same time there

6 should be a sufficient flexibility in the arrangements
7 to ensure continuity of care. Where relief staff are
8 employed, it should be arranged wherever possible for
9 the same people to go to the same homes.

10 It is hoped that local authorities and voluntary
11 organisations will release suitable members of their
12 staffs to take a full course in childcare provided
13 through the Central Training Council in Childcare and
14 will encourage others to attend refresher courses.
15 A valuable feature of the refresher course is the
16 opportunity they afford to the staff of different homes
17 to meet and discuss their work."

18 So the type of ratio that's being described in the
19 1952 memorandum is essentially one adult to every five
20 children. We will not find -- if we look at Appendix 1,
21 there is no deviation to that ratio being suggested for
22 the larger home that's described in Appendix 1.

23 If you turn for me to HIA-1756, which is the First
24 Child Welfare Council Report of 1956. It is called
25 "Children in Care" and it addressed this issue at

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1 paragraph 61. So if you just make paragraph 61 as large
2 as possible:

3 "It is difficult to lay down exact ratios which

4 could be applied to all classes of homes, especially as
5 most children's homes in Northern Ireland cater for more
6 than one age group. However, as a guide, we suggest
7 that for children under 5 the ratio of full-time staff
8 to children should not be less than one to three. Where
9 the children are all older than this the ratio might be
10 reduced as far as one to six. These ratios do not, of
11 course, include domestic staff, cook, etc, the number of
12 which should always be sufficient to ensure the highest
13 standards of cleanliness and efficient housekeeping
14 without diverting the time of the child-care staff to
15 this class of work."

16 So the First Child Welfare Council are suggesting
17 a ratio of between 1:3 and 1:6 but excluding domestic
18 staff and cooks, etc. So if we take 1:6 as the outside
19 figure that's being suggested and take a look at the
20 staffing of Termonbacca during the period 1950 to 1965,
21 and you just mentioned, Chairman, that we looked earlier
22 at the numbers of children in Termonbacca during the
23 period, we can see there were never really less than 85
24 children and often more, and using the suggested ratio
25 of one member of staff to every six children, that would

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1 equate to 14 members of staff that you would expect to

2 find to look after 80 children, excluding any domestic
3 staff and cooks.

4 Ms Smith, QC brought up for you earlier the
5 employment registers for Termonbacca. If you bring
6 those up at SND-5760, and what I am going to ask those
7 in charge of the technology is just scroll with me as we
8 go. You can see -- I am just going to cover this very
9 quickly -- in 1950 if we take the occupations that were
10 placed against the numbers, you will see that there is
11 one nun in charge of the children and another nun in
12 charge of the babies.

13 If we just scroll down to the next page, you will
14 see that this time there were two nuns looking after the
15 boys. So --

16 CHAIRMAN: It is 1951?

17 MR AIKEN: This is 1951. You will see SR86, which from your
18 designation will tell you the identity of the particular
19 nun. SR11. There are two dots that have not come
20 through very clearly. There are two dots to indicate
21 a repeat of the word "boys". Slightly further up you
22 can see in charge of the babies was SR88.

23 If we scroll down to 5762 --

24 CHAIRMAN: Just before we leave that, that is four. Is that
25 right?

1 MR AIKEN: Three: two in charge of the children and one in
2 charge of the babies. The total number of children at
3 Termonbacca is not always separated into who is in the
4 nursery or babies and who is in the children's section.

5 CHAIRMAN: Children and boys are synonymous?

6 MR AIKEN: We are giving them -- in terms of this analysis
7 classifying them as the same.

8 If we move down to the next page, 1952, you can see
9 on the right-hand side you have one nun in charge of the
10 nursery and one nun in charge of the boys. Rather than
11 me say it, if those helping me with the technology just
12 put an arrow as they see to the point that I am making.

13 If we scroll to the next page, 1953, we will see
14 that again there is -- halfway down you can see SR86 is
15 no longer looking after the boys. There is a stroke
16 through that. The boys are being looked after by SR12.
17 There is one nun looking -- two nuns looking after the
18 nursery, 62 and 38.

19 If we scroll down a bit further to 1954, we have
20 again the nursery, SR38. We have one nun, and SR12 is
21 looking after the boys.

22 If we scroll down to the next page, 1955, we have
23 the nursery and boys one after each other and we have
24 one nun looking after the boys and another nun looking
25 after the nursery.

1 If we scroll down to 1956, again the nursery comes
2 first. This time SR38 is looking after the nursery and
3 SR17 is looking after the boys.

4 1957, SR11 is looking after the boys and SR38 is
5 looking after the nursery. I will break this down for
6 you in greater detail in due course as to who is who and
7 who is doing what.

8 In 1958 then we have two nuns in charge of the
9 children. We should have SR3 and SR37. SR3 is looking
10 after the children. Then there is one nun looking after
11 the nursery. So there are three looking after the
12 children.

13 In 1959 we have three nuns again. It is SR3, SR11
14 and one nun looking after the nursery, which is SR38.
15 She is also the bursar.

16 In 1960 again three nuns, one in the nursery, two
17 with the children.

18 If we carry on down 1961, it is the same.

19 Move down to 1962. It is the same, and at this
20 point we have two nuns that will feature heavily in the
21 coming weeks. We have SR2, who is looking after the
22 boys and the laundry, and SR1, who is looking after the
23 boys. You will see from your designation lists who
24 those two nuns are. Then there is one nun looking after

25 the nursery and that's SR136.

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1 In 1963, if we scroll down again, we have the same
2 two nuns who now will cover certainly up to and beyond
3 1965 looking after children, SR1 and SR2, and the same
4 nun looking after the nursery, and in 1965 again we have
5 SR1 --

6 CHAIRMAN: Give me those figures again. '63?

7 MR AIKEN: '63 it is SR1 and SR2 with the children and SR136
8 with the nursery.

9 CHAIRMAN: 1964?

10 MR AIKEN: Is the same.

11 CHAIRMAN: 1965?

12 MR AIKEN: Is the same two nuns with the children, SR1 and
13 SR2, and with the nursery now is SR136. SR3, something
14 has gone slightly wrong there that we're going to need
15 to correct.

16 I am going to stop there for the purposes of this
17 week's witnesses, but from these documents it appears
18 there were never more than three members of staff in
19 charge of looking after the children who were resident
20 in Termonbacca and some of those members of staff had
21 more than one job. I said to you I will say something
22 more about the particular nuns in terms of biographical

23 background in due course.

24 What I want to do, Chairman, before I finish today,

25 lest the Panel feel they are going to get nothing but

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1 statistics from me as I explore the documents, is to

2 look at a particular suite of correspondence from 1951

3 in closing today.

4 CHAIRMAN: Just one moment, please. So whereas the Home

5 Office suggested that you might have a need, therefore,

6 for 14 or 15 staff to look after 90 some odd children,

7 there were never more than three?

8 MR AIKEN: No. Even if you took -- someone could argue all

9 of the list could be counted. Then it still wouldn't

10 get anywhere near the figure that was being suggested.

11 CHAIRMAN: Yes.

12 MR AIKEN: What I would like to do just in closing today,

13 Mr Chairman, is to look at some exchange of

14 correspondence that occurs in 1951. These are

15 documents -- there are essentially three in number --

16 that were disclosed by the Diocese of Derry -- that's

17 the Roman Catholic Diocese of Derry -- through the

18 Inquiry asking it to disclose any documents it had

19 relating to the two homes that were being investigated

20 in this module.

21 As I said, this set of correspondence is from 1951.
22 It originates from the then Roman Catholic Bishop of
23 Derry, Neil Farren, who had been the bishop of the
24 diocese from 1939. He had particular views on the
25 Welfare State and the provision of care by the State in

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1 relation to the church.

2 I am just going to -- because it raises an issue
3 that the Inquiry is going to have to deal with, and
4 that's the philosophical approach and difference of view
5 about how children should be cared for, in a book by
6 Oliver Rafferty called "Catholicism in Ulster,
7 1603-1983" and on page 248 the author says this:

8 "Nor did the church see the social legislation of
9 the State as wholly beneficial. A number of the leading
10 bishops, including Cardinal Dalton, were interested in
11 the social question, but were inclined to see too much
12 state provision as an interference with the rights of
13 the individual. Bishop Farren launched a scathing
14 attack on the Welfare State in Northern Ireland in April
15 1951, in the course of which he denounced much of the
16 prevailing social legislation as inspired by Nazi and
17 Communist materialism."

18 It goes on to give the reference that that's said to

19 come from. That's from a text by JH Whyte called
20 "Church and State Northern Ireland 1923-1979", Second
21 Edition, on page 251.

22 So that in stark terms or perhaps trenchant terms
23 raises this philosophical debate that will rage through
24 much of the documents that we will look at over the next
25 period of time, but it was that bishop, Neil Farren, who

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1 was the originator of the correspondence that we are
2 going to look at, and he's writing to who we take in
3 this case to be the Superior General of the congregation
4 in Hammersmith at the time.

5 This chain of correspondence did not come from the
6 Sisters of Nazareth themselves. There were no other
7 documents from the Sisters of Nazareth that alerted the
8 Inquiry to this particular incident that we are going to
9 look at, but the correspondence is about the nun who was
10 in charge of the children in Termonbacca in 1951. The
11 Inquiry has given her a designation so her name cannot
12 be disclosed by anyone beyond the Inquiry chamber. She
13 is SR78. You will find her actual name on page 7 of the
14 designation list.

15 Now if we can just bring up, first of all, SND-5757,
16 we can see from the employment register that we were

17 looking at that SR78 is in charge of the boys in
18 Termonbacca in 1947, and if you scroll through for me,
19 you will see that she is also in charge of the boys in
20 1948. If you carry on into the next year, she is in
21 charge again of the boys in 1949, and if you move down
22 to 1950, you will see she is in charge of the children
23 in 1950. Then in 1951 you will see that she is in
24 charge of the boys and then the "boys" are stroked out.
25 So SR78 has been in charge of the children in

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1 Termonbacca for a period of approximately four years
2 before this correspondence develops.

3 If you could bring up for me SND-6210, what I would
4 like you to do for me is if you would just magnify the
5 part of the letter and you can take the bottom part away
6 from "They have reported to me". So if you can take
7 away for me the line -- yes, just from there up. If you
8 can magnify all of the letter down to where you see
9 "SR78". Slightly further down. Just a little more.
10 Just there. If you maximise that for me.

11 So the letter from Bishop Farren is dated
12 21st February 1951. It says:

13 "Dear Mother,

14 Some time ago I had a visit from SR78 from

15 Termonbacca. She desired to have a number of the boys
16 put in touch with the Welfare Authority on the ground
17 that very many of them were MDs."

18 I take that to be "mentally deficient".

19 "I was candidly shocked by her attitude and spoke
20 very plainly to her. At the time I had full information
21 before me about the results of an inspection of all the
22 schools by the authorities on the matter of subnormal
23 children. These results were questioned by the
24 education authority -- predominantly Protestant -- on
25 the ground that too many children were put down as

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1 abnormal. Yet in that list there was only one --

2 a girl -- from Nazareth",

3 which I take it to be Bishop Street:

4 "I told the Sister I would make inquiries and had
5 intended to call on Termonbacca personally. On second
6 thoughts I was afraid that I might be prejudiced owing
7 to the bad taste left behind after the Sister's visit.

8 So I appointed three priests -- all experts in education
9 and acquainted with the workings of Termonbacca -- to
10 carry out an investigation. They have reported to me."

11 I break off there and I wish the Panel to look at
12 the report before we go through the rest of the letter

13 that Bishop Farren received from the three priests that
14 he had sent to carry out the investigation. If you
15 could pull up for me SND-6211. If you just maximise
16 this for me. This is the report of 21st February that
17 provoked Bishop Farren's letter of the same day to the
18 Superior in Hammersmith. The priests say:

19 "My Lord,

20 In compliance with your Lordship's instructions we
21 visited St. Joseph's Home, Termonbacca and enquired into
22 the matters complained of to your Lordship by SR78 of
23 that community.

24 We have come to the unanimous conclusion that the
25 statement made by SR78 that a large number of the boys

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1 of the home are of subnormal mentality is entirely
2 without foundation; that no exceptional grounds of
3 complaint with regard to the conduct and demeanour of
4 the boys of whom SR78 has charge exist; that SR78 has
5 displayed little understanding, sympathy or tact in her
6 handling of the boys under her supervision.

7 We feel that the boys would be responsive to
8 a Sister with a more sympathetic approach and that with
9 the removal of any sense of antagonism on the part of
10 the Sister in charge, a happier relationship and

11 atmosphere would be engendered between the boys and the
12 Sisters.

13 We beg to remain

14 Your Lordship's obedient servants."

15 So that is the report from the three priests that
16 Bishop Farren sent to investigate. If we can then go
17 back to the rest of Bishop Farren's letter at SND-6210
18 and if you can just highlight the bottom half of it for
19 me for now, he goes on to say:

20 "They have reported to me. They say that the
21 children there are quite normal. They are unanimous
22 that SR78 is the cause of all the trouble, is completely
23 out of sympathy with the children and is an evil
24 influence. I feel then compelled to ask in the
25 interests of religion and of the good name of the

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1 Sisters of Nazareth that SR78 should be removed from
2 Termonbacca to a place where she will have less chance
3 of doing harm."

4 If you just turn over to the next page for me,
5 SND-6211. That's Bishop Farren's letter. We then have
6 the reply that came from the Superior General in
7 Hammersmith. That Superior General has been given the
8 designation SR110. Her reply can be found at SND-6212.

9 Just maximise that letter. You will see just before you
10 do in the top corner "From Nazareth, Hammersmith,
11 London". Then if you maximise the content:
12 "My Lord and dear Father,
13 I received your letter, and I am very grieved indeed
14 that you have had so much trouble and anxiety about St.
15 Joseph's owing to SR78's attitude towards the boys.
16 I hope, my Lord, that your words have made an impression
17 on sister, and that they will make her realise her
18 mistake. We are disappointed that she took such
19 an attitude in Derry, as she had been very good with the
20 boys in other houses.
21 We have changed sister to Sligo where we hope she
22 will do better after the lesson she has had.
23 Regretting very much that this has happened in
24 Nazareth House and asking" -- could we just move to the
25 next page -- "your Lordship's pardon for the trouble and

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1 annoyance it has caused you.

2 I am your Lordship's devoted and obedient child.

3 SR110."

4 So there are obviously a series of questions that
5 are of more general application that arise from this
6 incident that again Ms Smith, QC has touched on. That's

7 about: well, how were Sisters assessed to be suitable to
8 look after the children? What process was engaged in to
9 place them in charge of children and what training were
10 they given to carry out that task? In this case we have
11 someone said in very strong terms by the then Bishop of
12 Derry to be unsuitable for that task being moved to
13 another home and the question that we raise is: was she
14 looking after children there and, if so, before that
15 took place what steps were taken to make sure there was
16 not a repeat of what Bishop Farren found so offensive in
17 Derry?

18 We did write to the congregation on 10th December
19 for a Rule 9 witness statement in respect of the matters
20 that arise in the documents and we posed a series of
21 questions to the congregation about the individuals
22 involved in the incident and the investigation that the
23 congregation presumably carried out on foot of Bishop
24 Farren's letter. The Inquiry, as I've said, will note
25 the nun had previously worked with children before

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1 moving to Derry and then was moved to Sligo. Therefore
2 there is a series of questions the Inquiry is keen to
3 know the answer to. That statement we sought was to
4 have been provided by 20th December and it remains

5 outstanding. I may have to come back to these documents
6 once whatever it is can be said about this incident by
7 the congregation can be dealt with.

8 I notice that it is 4 o'clock, Chairman. Unless
9 there's anything you want me to address I propose to
10 stop there for today.

11 CHAIRMAN: I think this is a convenient point. We shall
12 adjourn for today and tomorrow we will sit again at
13 10.30. We hope to have the first of three witnesses
14 tomorrow.

15 MR MONTAGUE: Sorry. It would be remiss of me to allow
16 today's hearing to pass without offering an apology on
17 behalf of the Sisters of Nazareth in respect of
18 criticisms that have been made this morning by Ms Smith
19 and latterly by Mr Aiken. All matters I can assure you,
20 Chairman, are being attended to. I know you will
21 require a fulsome explanation for the delays that have
22 occurred. Can I say, Chairman, on behalf of the
23 congregation that they acknowledge the frustration this
24 has caused the Panel and Inquiry legal team and research
25 team. The compilation and gathering of documents has

1 been a challenging one for the congregation because of
2 the archive problems that have pertained. An archivist

3 was only engaged prior to the announcement of the
4 Inquiry, and because documents are being held in Dublin,
5 Belfast and also in Hammersmith there have been real,
6 practical problems that the congregation had to deal
7 with. I acknowledge also there are other issues that
8 have troubled the Inquiry to date, and we will provide
9 a fulsome explanation as required, Chairman.

10 CHAIRMAN: Thank you, Mr Montague. The Inquiry certainly
11 hopes for, if not a fulsome explanation, at least
12 a comprehensive one. Although the legislation governing
13 the Inquiry only came into force just over a year ago
14 now, we did write to the Sisters of Nazareth in the
15 latter part of 2012 asking for voluntary cooperation in
16 advance of the legislation. So we have been seeking
17 material, much of which is plainly covered by the terms
18 of that initial letter, if not the later section 9
19 notice.

20 So whilst I appreciate that the demands placed on
21 everyone by the Inquiry are heavy and, of course, they
22 fall particularly heavily no doubt on a voluntary
23 organisation, it may not be entirely satisfactory that
24 it has taken so long to produce so much material.

25 MR MONTAGUE: I respectfully agree.

1 CHAIRMAN: We have heard, for example, the last series of
2 documents that Mr Aiken has been taking the Inquiry
3 through. It is worthy of note that those came to us
4 from the diocese, not from the Sisters of Nazareth.

5 MR MONTAGUE: I respectfully agree. Can I say I think that
6 relates to the archiving problem we have. That is under
7 investigation and hopefully we will have an answer for
8 you sooner rather than later, Chairman.

9 CHAIRMAN: Thank you.

10 MR MONTAGUE: Thank you.

11 CHAIRMAN: Very well. 10.30 or as soon thereafter as
12 possible tomorrow morning, ladies and gentlemen.

13 (4.05 pm)

14 (Hearing adjourned until 10.30 tomorrow morning)

15 --ooOoo--

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Opening Remarks re Nazareth House,2
Londonderry and St.~Joseph's
Home, Termonbacca by COUNSEL
TO THE INQUIRY

