
HISTORICAL INSTITUTIONAL ABUSE INQUIRY

being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at

Banbridge Court House

Banbridge

on Wednesday, 21st May 2014

commencing at 10.00 am

(Day 37)

MS CHRISTINE SMITH, QC and MR JOSEPH AIKEN appeared as
Counsel to the Inquiry.

1 Wednesday, 21st May 2014

2 (10.00 am)

3 Submissions on inspection and regulatory regimes

4 by COUNSEL TO THE INQUIRY (cont.)

5 CHAIRMAN: Good morning, ladies and gentlemen.

6 MR MONTAGUE: Good morning.

7 CHAIRMAN: I just take the opportunity to remind everybody
8 to have their mobile phones switched off or placed on
9 silent/vibrate and, of course, to remind everyone,
10 although I don't see any members of the public present
11 at this moment, that there must be no photography either
12 in the chamber or within the confines of the building.

13 Yes, Mr Aiken.

14 MR AIKEN: Morning, Chairman, Members of the Panel. I am
15 going to continue from where we had reached yesterday
16 with an examination of the inspection and regulatory
17 regime, but before I do that can I take the opportunity
18 to say that the -- it wouldn't be possible for me to be
19 delivering this material -- and we don't intend to
20 delineate between the staff who have been working
21 extremely hard back in the office -- but in fairness to
22 Ms Dougan, Ms Caslin and latterly Ms Rafferty it
23 wouldn't have been possible, given the breadth of
24 material we are dealing with, without an intensive
25 effort from them. So I just want to put that on record

1 for the Inquiry Panel.

2 The second issue is that there were a number of
3 matters that came up yesterday in the discussion that
4 ensued as we were looking at the documents and I want to
5 just go back and cover those issues before we move on to
6 look at the two homes in particular.

7 The first issue we looked at, the early part of 1950
8 and the setting up of the inspection system that was
9 happening within the Ministry of Home Affairs, and
10 I mentioned a communication with a gentleman called
11 Freer. We had a problem with that page. So if we could
12 bring up HIA-1586, please, and hopefully we will have
13 rectified that. We have. The context of this is we are
14 in December 1954. If we just scroll down to the bottom
15 of the next page, please, the author of this letter --
16 just a little further, please -- is:

17 "Yours sincerely,

18 AR."

19 It is being written to Mr Freer. So if we go back
20 up, please, and as I outline it, as inevitably with
21 a number of these issues, it is something the Department
22 will have to look into. It is a personal letter:

23 "Dear Freer,

24 I am sending you back your file with the inspection
25 of the voluntary organisations ..."

1 Now we know that towards the end of 1953 Kathleen
2 Forrest had conducted a review of all of the homes and
3 had provided a report, which we will be looking at
4 specifically in relation to these module 1 homes. So
5 whether it is that that's being referred to or something
6 else is not clear, but he is sending back the inspection
7 of the voluntary organisations file:

8 "... with just a note to say that I would be
9 delighted to discuss it with you any time that would be
10 convenient, but in the meantime for your private
11 information you might like to know what my impressions
12 are, for what they are worth, which I don't say is very
13 much.

14 But if you would like me to speak without putting a
15 tooth in it, I'd say that I wholeheartedly agree with
16 your minute ...",

17 and we don't have that minute at the moment,
18 whatever it is that's being referred to:

19 "... to your staff on the subject and I disagree
20 equally wholeheartedly with the action that they took on
21 your minute."

22 So obviously Mr Freer has issued a minute to his
23 staff and whatever the staff did in the carrying out of
24 the instructions that were in that minute the author of
25 this letter is taking the view that he doesn't agree or

1 she doesn't agree with what those steps were:

2 "I think they took you up completely wrongly, and
3 that they have gone much too far and made much too heavy
4 weather out of the whole business."

5 Then he goes on to say:

6 "I did a lot of this sort of thing when I was on the
7 outdoor staff of the local government board, and the
8 essential character of it was that we did not lay
9 claim", emphasised by the author, "to any rights to
10 inspection at all, but acted on the assumption that the
11 parties concerned would take it as a kind of pretty
12 compliment on our part that we called in and that it
13 gave them a useful opportunity of telling us what
14 magnificent people they were. In these sorts of cases
15 the board used never to write to the body concerned and
16 say that their inspectors would call, but they would
17 mention to me that there were certain places that they
18 would like me to have a look in on occasionally, and
19 I would then go along and introduce myself and say that
20 we were, of course, mildly interested in the whole
21 affair because we had a sort of responsibility in the
22 matter, and that I just dropped in to make myself known
23 to them, and with a little more guff of this kind they
24 invariably insisted on taking me all round the damn
25 place and offering either tea or excisable liquor as

1 might be appropriate in the circumstances. The same
2 sort of thing applied to the medical inspections and
3 I~have clear recollections of going round some frightful
4 institution for the blind in Cork with who was
5 the medical inspector for that district, on more than
6 one occasion. The theory in this place was that, as all
7 the inmates were blind, there was no particular object
8 in lighting the passages and staircases, and and
9 I on this visit nearly broke our necks half a dozen
10 times. It was a kind of standing jest with us.

11 From a purely official point of view I would think
12 it a bad thing to introduce the official element.
13 I think the Ministry is rather in the position of
14 an architect or engineer who is in charge of some
15 building in the course of construction when a tempest
16 arises; if he goes down and gives his contractor
17 instructions as to what he's to do in the way of taking
18 precautions against the damn place being blown down,
19 then if it is blown down, he is responsible; whereas if
20 he keeps well away and does no more than ring up the
21 contractor on the telephone and exchange a little light
22 persiflage on the subject, then if the place is blown
23 down, the responsibility is entirely the contractor's
24 and the engineer need only say, "Hard luck, old boy!"
25 In other words, I think if a government department has

1 any hand in paying grant, it ought to display
2 a reasonable interest in how the place is run, but
3 unless there is a definite responsibility on them for
4 ensuring that it is managed in the best and most
5 economical way possible I don't think they ought to
6 undertake this responsibility.

7 I imagine these are exactly your views on the
8 subject.

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

15 I haven't read every word of the file but I think
16 I have picked up the general effect of it all."

17 So there is a memo and action has been taken on foot
18 of it. The file has passed through to the author of
19 this minute, who has written a personal note. Now there
20 is obviously levity in the communication to some degree,
21 but perhaps the fourth paragraph from the bottom
22 indicates -- if we just stop there, please -- no, just
23 leave it where it was:

24 "In other words, I think if a government department
25 has any hand in paying grant, it ought to display

1 a reasonable interest in how the place is run, but
2 unless there is a definite responsibility on them for
3 ensuring that it is managed in the best and most
4 economical way possible, I don't think they ought to
5 undertake this responsibility."

6 So whether the minute that we have not yet
7 identified was interpreted by staff to have them getting
8 too closely involved in the actual day-to-day management
9 of the homes, but that's purely my speculation, looking
10 at the document. So it's something the Department can
11 look into, but it gives a flavour of certainly
12 an attitude of the author towards what the Ministry's
13 role was, and it cannot be said that those personal
14 views of whoever this was writing, whatever role they
15 held, was reflected in departmental policy or was what
16 was actually carried out on the ground, but that's in
17 fairness having described the inspection regime that was
18 being set up. That's a minute that's available that
19 communicates and perhaps how it was seen in the early
20 days.

21 Now equally the inspections having been set up to be
22 carried out under the Act -- and we will look at some in
23 the context of Termonbacca and Bishop Street -- how were
24 those to be treated when they came back into the
25 Department? What was their status?

1 If we can look at HIA-2144, please, and this is
2 a memo that is again undated, but it's indicating:

3 "The following information and instructions are
4 issued for the guidance of the staff when dealing with
5 reports by the Ministry's inspectors or children's home
6 and training schools.

7 1. Inspectors' reports are made for the information
8 of the Ministry; they are confidential and are regarded
9 by the courts as privileged documents.

10 2. Normally verbatim copies of inspectors' reports
11 will not be sent to the authorities concerned. If,
12 exceptionally, it is considered desirable in any
13 circumstances to depart from this rule, the approval of
14 the assistant secretary or, in his absence, the
15 principal must be obtained before any report is
16 communicated verbatim."

17 Then it goes on to say:

18 "Where any -- where an Inspector's report draws
19 attention to any matter affecting the premises,
20 equipment, organisation or management of a home or
21 school, which in the Ministry's view calls for action by
22 the authority concerned, the procedure will be as
23 follows:

24 (a) where the Inspector indicates in his report that
25 the matter has been taken up locally with the authority

1 or its officials and that as a result he is confident
2 that the desired end will be achieved, no action need at
3 that stage be taken by the Ministry on the particular
4 matter. In these circumstances it will be the
5 responsibility of the Inspector to follow up the matter
6 in due course and report results to the Ministry. Only
7 in the event of failure of the Inspector's endeavours
8 locally will the Ministry pursue the matter officially.

9 (b) where the matter is not being dealt with locally
10 by the Inspector as indicated in (a) above,
11 consideration should be given by the branch in
12 consultation by the Inspector to an official approach to
13 the authority concerned.

14 4. Except in the cases referred to above, it should
15 not normally be necessary to make any communication to
16 the authority concerned following inspection of a home
17 or school by a Ministry Inspector."

18 So the intention appears to have been the homes will
19 be inspected. The report comes back into the Ministry,
20 and the onus will be on the Inspector by dialogue with
21 the home concerned to achieve whatever change the
22 Inspector has identified needs to be made, or if it
23 can't be dealt with that way, then there will be a more
24 official approach.

25 While I am not going to take you to them now, there

1 is evidence of both types of conduct happening. So the
2 Ministry -- we can see at times, and we will in
3 a particular example for Bishop Street, the (b)
4 operation taking place, where the Ministry official
5 chases down compliance with a particular issue they want
6 dealt with, but the intention certainly at whatever the
7 date of this minute was was that the Inspector's report
8 was not to be sent to the home that had been inspected,
9 and we will see that substantial change takes place in
10 that policy in that by the '80s the reports are being
11 provided to the homes in order for them to and really
12 are being written for the homes' benefit on one view.

13 The particular history of that development, what was
14 to happen to the inspection reports, is something that
15 we will need to look into further and nail down as we
16 go.

17 The third issue that came up yesterday, Chairman,
18 you were asking about whether statistical returns were
19 being provided on foot of the running of the homes after
20 they were registered, and there's -- I mentioned that
21 there's clearly evidence that returns must have been
22 provided, because we have a number of compilation
23 documents that record the numbers that were in
24 particular homes, including the two that we are looking
25 at.

1 Additionally in the bundle -- and I am just going to
2 bring up one example, but I will give you the references
3 for the rest -- we do have statistical returns in
4 relation to Bishop Street. If we can go to SND-8386,
5 this is one from 1964. If we just can enlarge that,
6 please, this is the questionnaire that we have looked
7 at, and then by 1971, if we can go to SND-8393, please
8 -- just enlarge that for me, please -- we can see that
9 this is, under the '68 Act, return at the particular
10 date, 31st March 1971:

11 "Form to be used for the return of particulars of
12 children and young persons in the care of voluntary
13 organisations."

14 So there clearly was a pro forma document that was
15 to be executed and the set of instructions relating to
16 the document are on this first page. If we just scroll
17 down, please, so we can start to see the type of
18 information -- just if we stop there, please -- that was
19 being requested: numbers, looking at the legitimacy --
20 if we scroll down a little further, please -- the
21 education and employment of the children -- keep going
22 -- estimated stay, children requiring special care, the
23 weekly charge that was being received. So at that point
24 you can see it was £4 weekly for any children placed by
25 the Welfare Authority. Just scroll a little further,

1 please. That brings an end to the form.

2 It is that type of information that is contained in
3 the summary documents that we have dating back to the
4 '50s, which would suggest these forms were not new in
5 that the type of information they record to do with
6 legitimacy and numbers clearly were being provided at
7 a much earlier date. So I am just going to give you --
8 there are similar examples for Bishop Street for 1976 at
9 SND-8396, for 1979 at SND-8402, for 1980 at SND-8447,
10 for 1982 at SND-8407, for 1983 at SND-8429, 1984 at
11 SND-8413, 1985 at SND-8419, 1986 at SND-8424, 1987 at
12 SND-8434, 1988 at SND-8440, then 1990 SND-8452, 1991
13 SND-8463, 1992 SND-8469 and 1993 at SND-8475. So we do
14 have available a suite of Bishop Street returns as
15 an example of the type of statistical return that must
16 have been provided going right back to the 1950s from
17 both statutory and voluntary homes in order for the type
18 of collated information that we've seen to be created.

19 Another issue that came up yesterday, we were
20 looking at the changes that were wrought in and around
21 1984/'85 by the introduction of the monitoring review
22 and leading on ultimately to a registration review
23 system as well as a monitoring return system.

24 At HIA-5711, if we can go to that, please,
25 a circular issued from the Department in 1983 and you

1 can see in the top right of the circular it is
2 "HSS(CC)6/83". If we just scroll down a little, please,
3 it says:

4 "In November 1982 the Department of Health and
5 Social Services issued the report on homes and hostels
6 for children and young people which was prepared by
7 a team from the Department of Health and Social Security
8 in London."

9 Now that's the Sheridan Report issued:

10 "The report contained recommendations designed to
11 achieve a progressive raising of standards in
12 residential child care practice in Northern Ireland."

13 If we just move down, please:

14 "In responding to the report, boards recorded their
15 understanding of management.

16 The purpose of this circular" -- paragraph 4 -- "is
17 to clarify formally responsibilities in the management,
18 supervision, monitoring and inspection of residential
19 child care services and to identify the action to be
20 taken by boards and by the Department in fulfillment of
21 their obligations in this regard."

22 It goes on to talk about how management and
23 supervision have much in common. Just keep going
24 please:

25 "Monitoring may be defined as keeping track of

1 activities and drawing attention to those of particular
2 interest to the effectiveness of present policies
3 and practices and to activities which do not conform to
4 agreed policies."

5 Then it refers to monitoring by the boards:

6 "Given the legislative responsibility on the
7 Department and the delegated responsibility on boards
8 for the provision of health and personal social
9 services, there is a clear duty on each to assess and
10 review not only the range of services provided but also
11 the quality."

12 Then paragraph 8 we have monitoring by the
13 Department and the importance of that.

14 Then "Action by boards". It is described:

15 "The Department now wishes boards to submit to the
16 Department a detailed statement of their monitoring
17 arrangements as endorsed by the board. Monitoring is
18 an essential feature of management and any refinements
19 which boards might wish to make to their existing
20 arrangements must be achieved within existing
21 resources."

22 They set out when they want the statements by:

23 "Thereafter boards will be expected to produce
24 annual monitoring statements, outlining the elements
25 monitored, the methods used, the trends observed, the

1 areas of concern identified and the action taken to
2 remedy deficiencies. A joint review will be held
3 between each board and the Department to discuss the
4 operation of the monitoring system and the information
5 provided by those systems."

6 Scroll on down, please. Then about inspections it
7 says:

8 "Unlike the continuous monitoring undertaken by
9 boards, inspection is essentially a periodic
10 and selective activity. Boards are aware, however, of
11 the inspection programme being carried out by the Social
12 Work Advisory Group of the Department, which will
13 provide a comprehensive basis of information -- base of
14 information about children's homes in Northern Ireland.
15 This programme is approaching completion."

16 Now that's we discussed yesterday, the 1980-1984
17 Social Work Advisory Group blitz, if I can put it that
18 way, of all statutory and voluntary homes, the
19 inspections that arose out of the Kincora scandal.

20 "This programme is approaching completion. SWAG
21 will continue to carry out inspections, but these will
22 be more selective and less frequent in future.

23 The existing inspection programme has already
24 heightened awareness among boards' and voluntary
25 organisations' staff of the professional and

1 environmental factors which the Department considers to
2 be essential to good residential child care. Therefore
3 the Department is of the view that joint inspections by
4 the Social Work Advisory Group and the assistant
5 directors of Social Services, as suggested in the report
6 on homes and hostels, would not be necessary or
7 appropriate."

8 So there had been a suggestion of merging the
9 function of the Department and involving the individual
10 boards in it and the Department is saying they don't
11 consider that's a necessary or appropriate step to take.
12 So the inspection will continue to be carried out within
13 the Department.

14 This was written specifically to boards, but we will
15 see when we come into Bishop Street to look at some of
16 the SWAG reports that history records it was then rolled
17 out to voluntary homes to engage in as well.

18 We looked at a letter yesterday from 1985 written to
19 voluntary organisations doing that, enclosing a circular
20 and saying, "It talks about boards but it applies to you
21 as well". We will see from Bishop Street, because
22 Termonbacca is closed in 1982, Bishop Street engage with
23 this process and we can see how they got on.

24 At the same time in January 1985 -- so the system is
25 being implemented in 1985 in the letters that we looked

1 at yesterday -- but Chris Patten, who was the
2 Parliamentary Undersecretary of State at the time in
3 January 1985 -- if we can bring up HIA-6695, please,
4 which is a document we've added to the bundle which
5 hopefully arrives. I am not going to spend time reading
6 the letter, but he's indicating the important issue
7 dealt with in the paper is the relationship between
8 statutory and voluntary bodies in the provision of
9 residential care for children. So it is again a piece
10 of work that arises out of the changes that were being
11 identified or the issues that were being flagged up by
12 those who had engaged in the post-Kincora revelations
13 and the report from the Sheridan group that arose from
14 it.

15 If we just scroll down a little to the third
16 paragraph:

17 "The purpose of the paper is to draw attention to
18 these issues and to concentrate the minds of Health and
19 Social Services Boards and voluntary bodies alike in
20 common purpose."

21 So it was to try and encourage an inspection by the
22 boards and voluntary bodies about the interaction or
23 lack of it that there was, what problems was there in
24 that fusion that needed to be improved, and if we move
25 on to the next page, please, we can see that the paper

1 that was issued was called "The statutory/voluntary
2 relationship in the provision of residential child
3 care". Now the document itself runs to 20 pages and
4 I am not going to look at that now. It will
5 be available for the Panel to consider and for others to
6 draw such attention to it as they wish, but
7 interestingly if we go to HIA-6705 and at paragraph 45,
8 the suggestion is postulated:

9 "The Department of Health and Social Services is the
10 registering authority for voluntary children's homes
11 under the 1968 Act. Voluntary children's homes are the
12 only homes for which the Department acts as registration
13 authority. Other voluntary or private homes for persons
14 in need are registered by the boards. From time to time
15 boards have drawn attention to this anomaly and have
16 indicated their preference for the registration function
17 in respect of voluntary children's homes to be delegated
18 to boards. They consider this would improve liaison and
19 would strengthen partnership between the voluntary and
20 statutory child care sectors. Voluntary organisations
21 are less confident. They are concerned about the manner
22 in which the Board might discharge the registration
23 function" -- scroll down, please -- "and point to poor
24 relationships in the past and difficulties over revenue
25 funding as giving grounds for fears of inadequate

1 commitment on the part of boards to the voluntary
2 sector.

3 Given the use made by boards of voluntary children's
4 homes and the dependence of the homes on boards for
5 referrals, it is difficult to resist the logic of
6 boards' assertions that they should become the
7 registering authority for voluntary children's homes.
8 The Sheridan Report suggested that this could be
9 a matter for consideration in the longer term, but the
10 Department considers that discussion of this issue
11 should not be deferred. The views of boards and
12 voluntary organisations are therefore required on the
13 proposal that registration authority in respect of
14 voluntary children's homes should be delegated by
15 Department to boards."

16 They go on to say then at paragraph 47.0:

17 "Of greater significance perhaps is how a change in
18 responsibility of registering voluntary children's homes
19 might affect the monitoring arrangements for the homes.
20 Under the present arrangements boards in placing the
21 children in voluntary homes are responsible for ensuring
22 that each child is well cared for in the home and the
23 Sheridan Report stressed the importance of boards
24 carrying out this duty. In addition, the Department's
25 Social Work Advisory Group inspects voluntary children's

1 homes and, if need be, the Department can take action on
2 foot of such inspections to revoke the registration of
3 a voluntary home. However, neither Board scrutiny of
4 the care afforded for individual children nor
5 departmental inspections through the Social Work
6 Advisory Group could be construed as continuous
7 monitoring of the voluntary sector. This responsibility
8 falls on the administering authority of each voluntary
9 home (ie the management committee) ...",

10 and we will see at the time these changes are
11 coming in around 1983 all the voluntary homes were
12 expected to set up management committees. We can see in
13 due course that the congregation for Bishop Street did
14 set up a management committee:

15 "... who are required under legislation to appoint
16 a person to visit the home each month to ensure that the
17 home is being conducted in the best interests of the
18 children accommodated there. This person is often
19 a member of the management committee."

20 Then reference is made to the circular we have just
21 looked at. You will see in the last sentence:

22 "The Department subsequently indicated to voluntary
23 bodies on 31st August 1984 that monitoring statements
24 covering the year ending December 1984 would be required
25 early in '85. At this point and annually thereafter the

1 Department would update information pertinent to the
2 registration of each home and would seek certain other
3 factual material relevant to the operation of the home.
4 This information, taken with the annual monitoring
5 statement, will constitute an annual return of
6 information for each home. When the Department receives
7 this information an inspection of each home will be
8 carried out by the Social Work Advisory Group. This
9 procedure will enable the Department to consider on
10 a regular basis the quality of provision and services
11 existing in each home and in its capacity as registering
12 authority to satisfy itself that there is no impediment
13 to the continued registration of each home."

14 Then more points are made about how that might be
15 engaged in. I am not going to look any further at the
16 summary and conclusions.

17 Now the suggestion in this document of the
18 inspection -- the registration function moving into the
19 boards didn't happen. It stayed within the Department,
20 and that may be because the voluntary homes' argument
21 held sway as to their concern about how it would be
22 used, but certainly from this point onwards a structure
23 is emerging of monitoring inspection being required and
24 in conjunction with the inspection being carried out by
25 the specialist unit, and together with statistical

1 information that was also being sought separate from the
2 monitoring return then a review would be undertaken each
3 year as to whether the home should remain on the
4 register. Now that type of rigorous process we will see
5 being worked out, but it obviously doesn't pre-date
6 1983.

7 The last matter that I want to raise that arose
8 yesterday, the Chairman asked me about staffing, with
9 this highlighting from the '50s, the awareness of the
10 staffing issue. It seems that the staffing or
11 under-staffing or under-qualification of staff has been
12 a longstanding issue from the '50s. In fact, we have
13 a document which we are going to need to look further
14 into at HIA-2479, which was found in this file within
15 the Public Records Office. It is called "The Committee
16 on Staffing of Residential Homes & Institutions. Minutes
17 of meeting. Papers and oral evidence". That committee
18 seems to have been colloquially known as "The Williams
19 Committee", and it may have been an English committee,
20 but we can see that it is 1966.

21 If we just scroll down into the first page that's
22 within, the file seems to contain a draft of the type of
23 recommendations and it examines the staffing difficulty
24 and why such problems were being found in obtaining and
25 then keeping staff. So there may be earlier general

1 publications, but this is certainly -- I think we will
2 have to take some -- it is not available on the
3 internet. There are some steps we are going to have to
4 take to obtain the actual Williams Committee formal
5 report, but it's certainly a case of these issues are on
6 the radar certainly by the mid-'60s.

7 So that all being said to mop up the issues that
8 arose yesterday, I indicated that we'd move on to look
9 at Termonbacca specifically. Just before do I that
10 I acknowledge again that this is going to be in terms of
11 the general umbrella a work in progress over the course
12 of the modules and there is obviously issues that I am
13 raising from the Inquiry's investigation that the
14 Department will pick up no doubt and deal with, and by
15 the -- when we come to the module at the end dealing
16 with the governance aspect generally, hopefully our
17 picture will be even more complete than it might be
18 today, but --

19 CHAIRMAN: Just before we leave this report that's on the
20 screen or this file, can we just go back to the
21 beginning of it and to the cover?

22 MR AIKEN: Yes.

23 CHAIRMAN: It looks from the opening paragraphs as if this
24 is a draft report of something being prepared in England
25 --

1 MR AIKEN: Yes.

2 CHAIRMAN: -- not in Northern Ireland.

3 MR AIKEN: It seems to be an English report, I think
4 colloquially known as "The Williams Committee", but it
5 seems to have had at least some input from Northern
6 Ireland in the sense that the draft documents are
7 appearing in a Ministry file from Northern Ireland, but
8 it's something that we are going to have to look into
9 a little further.

10 CHAIRMAN: Yes. There may have been some Northern Ireland
11 representation on the committee.

12 MR AIKEN: It may be, but it certainly indicates on
13 a general basis the staffing difficulty that was being
14 experienced in child care generally and also the draft
15 includes references to voluntary homes and therefore
16 voluntary homes in particular was certainly on the
17 radar.

18 What I want to do now, Members of the Panel, is
19 address Termonbacca in particular. There is no doubt
20 that the Ministry of Home Affairs, who were responsible
21 for the discretionary power to inspect from 1950, and
22 later the Department of Health and Social Services, did
23 inspect both Termonbacca and Bishop Street. There is no
24 doubt about that. We will shortly look at some evidence
25 of that taking place. However, the evidence is not as

1 complete as the Inquiry might have liked. The reason
2 for that is because it has not been possible to find
3 what the Inquiry anticipates was the Ministry of Home
4 Affairs' files that would have contained the inspection
5 reports of the Ministry's Children's Inspectors of these
6 two homes.

7 Now there is evidence that these files existed. If
8 we can bring up, please, SND-13963, and what we are
9 going to see on the screen is the departmental file list
10 that was found in files that related to the Hughes
11 Inquiry that were found in PRONI. We can see from the
12 front top right corner an annotation that suggests this
13 file dates from 1984, and if we can go, please, to
14 SND-13966, we will see -- and if we can have the bottom
15 of the page, please -- just scroll down. Just stop
16 there. At the bottom of the page we can see on the file
17 list a file with the number "TC", because all of these
18 files on this page are TC files, "172" entitled
19 "Voluntary homes -- St. Joseph's Home, Termonbacca".
20 Just above it at "TC 170" we can see the equivalent file
21 for Bishop Street.

22 Now it may be that these were general files that
23 recorded general history or important information about
24 the homes as opposed to inspection specifically, but
25 obviously their availability would have been helpful.

1 If we go further down the same list, please, to
2 SND-13980, we can see what may be a different file if we
3 just go down, please, to -- yes. If we stop there, we
4 can see now -- and these are now Department of Health
5 references rather than Ministry of Home Affairs
6 references, but about eight up from the bottom we can
7 see 16205/80 is the "Voluntary homes -- St. Joseph's
8 Home, Termonbacca inspections". The penultimate entry
9 on the same page, which is file 16893/80, is the
10 equivalent for Bishop Street.

11 Now the Inquiry has not been able to find any of
12 those four files, nor a number of others that it
13 considered relevant to its work in relation to this
14 module, and we can see the list of missing files on two
15 letters that I am going to bring up. SND-14034, please.
16 Just scroll down, please. You can see the list of files
17 that ideally the legal team wanted to have its hands on.
18 Five are contained -- in fact, six are contained on this
19 list and there are some further files at SND-18238,
20 please, in a second letter, and it is the two files we
21 have just looked at. So there were eight files
22 particularly relevant we felt to this module that we
23 have not been able to find.

24 If we just use this file as an example, we asked
25 PRONI to confirm what they could about these files, and

1 using this one, the author of the letter is saying:

2 "As stated in my last letter, the Public Records
3 Office of Northern Ireland can confirm that the
4 specified files are not held in our custody.

5 Furthermore, it would seem that they were not at any
6 stage transferred to our custody under the terms of the
7 Public Records Act.

8 The scanned copy of a list which you sent to me" --
9 if you just scroll down -- "has been obtained from
10 a PRONI held file", ie the file is from the 1984 Hughes;
11 files. Presumably that long list was given to the
12 Hughes Inquiry as, "Here's the files we had", and in
13 fairness the Hughes Inquiry were not -- make specific
14 reference to the fact not all files were available. So
15 that list -- PRONI is syndicating, "You have clearly
16 identified the file from that list".

17 If we just scroll down, please:

18 "This list appears to be a comprehensive catalogue
19 of files held at that time by the file registry of the
20 Department of Health and compiled in June 1984 by the
21 departmental records officer", who is then named. The
22 author, Mr , on behalf of the Public Records
23 Office says:

24 "You should note that the departmental records
25 officer is a key position still in existence today in

1 each government department (such as Health) and whose
2 primary role entails responsibility for all matters
3 pertaining to records management, file creation and the
4 ultimate disposal of records, whether that be
5 destruction or transfer to PRONI.

6 Therefore, I can only assume that the above
7 specified files have been destroyed at some point in the
8 last thirty years unless they are still held by the
9 Department of Health, Social Services and Public
10 Safety."

11 So there are two letters that cover those eight
12 files. The Inquiry Solicitor then wrote to the
13 Solicitor for the Department of Health on
14 6th February 2014 -- if we look at SND-18247, please --
15 setting out -- if we just scroll through the letter,
16 setting out in considerable detail the findings that
17 related to these files, initially to six files on the
18 first letter we looked at and then a subsequent letter
19 covering the two later files, giving the material that
20 we discovered from the investigation, so the file list,
21 giving an example, if we just scroll further down,
22 please, of the fact that we had found evidence of
23 inspection reports, and we will look at one of those in
24 due course that was misfiled in a fire report file
25 relating to Bishop Street, and asking the Department to

1 further examine the jigsaw exercise that the Inquiry
2 legal team had conducted or attempted to conduct to see
3 whether any more light could be shed by the Department
4 as to the history of the files and what precisely can be
5 said about their movements and location.

6 The Solicitor for the Department then replied on
7 11th March 2014 -- if we can bring up SND-16383, please
8 -- and he set out the destruction policies of the
9 Department and effectively the assumptions that the
10 files being sought may have been destroyed. So he sets
11 out in the first numbered paragraphs the development, as
12 it were, of file retention and destruction policies with
13 PRONI. Just scroll down, please. If we stop there:

14 "Files prefixed 'TC' were created by the Ministry of
15 Health prior to the creation of the Department of Health
16 and Social Services under Direct Rule in March 1972.

17 These files would have been subject to the review
18 procedures outlined in the PRONI guidance of 1968.

19 Given that the TC files requested are not held in PRONI,
20 the Department can conclude that they were destroyed at
21 either the first review", which was a five-year review,
22 "or second review (20 years)."

23 Then reference is made to the two health reference
24 files ending with the 1980 reference.

25 "They are old BC files created prior to the

1 computerisation of the file registry within the
2 Department."

3 Just scroll down, please.

4 "With computerisation" -- scroll down, please --
5 "these files were given a new number. There is no trace
6 of these files on the registered file management system.
7 Given that it was introduced in 1994, it can be assumed
8 that these records were reviewed and destroyed prior to
9 1994."

10 Now that, Members of the Panel, is obviously
11 an extremely unfortunate position, given their
12 importance to the work of the Inquiry in respect of this
13 module, but there appears to be little more that the
14 Inquiry can do in terms of the steps that have been
15 taken to try to identify them, having identified them,
16 pursue the matter with PRONI, having got to the end of
17 that, pursued the matter to the departments concerned,
18 and essentially we have drawn a blank.

19 Therefore what I~am going to do later is trace the
20 inspection history based on a lot of detective work that
21 the staff have done so that as much information can be
22 put before you as possible to give the best evidence
23 that can be given to allow a proper assessment to be
24 made by you.

25 As I say, we didn't feel that the matter should be

1 left simply saying, "We just don't have the files and
2 that's that". So the detective work that has done by
3 the staff has been a considerable effort. What I say
4 will be based on the best information that we've got,
5 but before I look at what we can say about those homes
6 in the light of not having the files, to put it in
7 context and to assist the Panel in understanding the
8 nature of departmental inspections that were undertaken,
9 so we will be able to see the years whenever inspections
10 clearly were happening, and by reference to other homes
11 that were being similarly inspected I am going try to
12 allow you to see what the inspection might have looked
13 like when they were taking place, so the few inspection
14 reports that we have got for Bishop Street and
15 Termonbacca as a result of misfiling, because they were
16 found in fire report files, to see those in the context.

17 We have included in this module's evidence
18 a Ministry file that we found relating to inspections of
19 Rubane in Kircubbin, which we will be looking at in the
20 next -- module 3, and also to Bawnmore, which was a --
21 so one home for this purpose was a voluntary home and
22 the other home I am going to show you some brief
23 examples of was a Welfare Authority home.

24 I am going to show you three examples of the reports
25 from Rubane. The first is at 1955. If we could bring

1 up, please, SND-14029, and this is the only example from
2 the assessment we have done to date, which is limited,
3 because it is limited to the modules that we are looking
4 at, of a pro forma type form being completed by the
5 Inspector. As I say, it dates from 1955. So it is to
6 identify who is in charge, who is the deputy, the number
7 of staff, the number of beds that are available, the
8 statistics at the date of the visit in terms of the
9 children, who was at school, who wasn't, boys, girls.
10 Then if we move down, "visited by", who is coming to see
11 them. The conditions on admission, fees charged. We
12 can see how much was being paid per week. The treatment
13 on admission. Reference is made to clothing, to diet.
14 If we scroll down, please, to the accommodation for the
15 staff, to the kitchen premises and cooking facilities,
16 the accommodation for children, the fire escape and
17 appliances, the amenities.

18 CHAIRMAN: Just a bit more slowly, please. Could we just go
19 back to the beginning of the report.

20 MR AIKEN: If we go back up, please, to the top.

21 CHAIRMAN: Yes.

22 MR AIKEN: Just move down slowly, please, through the
23 document.

24 CHAIRMAN: Slowly.

25 MR AIKEN: Just pause there, please.

1 CHAIRMAN: You see there Dr Simpson and I think it is a Miss
2 Wright, isn't it, from other reports we have seen?

3 MR AIKEN: Yes.

4 CHAIRMAN: Dr Simpson is a medical person.

5 MR AIKEN: He is one of the Department of Health medical
6 inspectors who also inspects Bishop Street and
7 Termonbacca.

8 CHAIRMAN: Miss Wright, and it seems they inspected Rubane
9 without notice. The form seems to allow for
10 an inspection on notice or without notice and this is
11 May 1955. It refers to a medical certificate required
12 on examination and then a medical examination by
13 a doctor, who I take it was a local GP, Kircubbin,
14 shortly after arrival. Refers to a stock of clothing,
15 meal times, a diet book. They didn't see that because
16 the person responsible was off duty. So this is one of
17 the difficulties of an unexpected inspection.

18 MR AIKEN: Yes.

19 CHAIRMAN: Yes. If we go to the next page --

20 MR AIKEN: Just pause there, please.

21 CHAIRMAN: -- so the form expects them to look at day rooms,
22 sleeping, bathroom, kitchen and cooking facilities, fire
23 escapes, amenities. I see under "Amenities":

24 "Each boy has a bedside locker."

25 I can't just make out the next word:

1 "[Something] is good. Formica top tables all in
2 use. There is a large garden attached to this home."

3 Then education, pocket money. Sixpence a week,
4 which was probably worth rather more than one might
5 think. Freedom, books, magazines, indoor games. Yes.

6 MR AIKEN: Scroll down a little further, please.

7 CHAIRMAN: Recreation, discipline. Under "Discipline" it
8 says:

9 "No punishment has been recorded this year."

10 There was a requirement I take it to keep
11 a punishment book?

12 MR AIKEN: Yes.

13 CHAIRMAN: So one may assume the Inspector has looked at the
14 punishment book?

15 MR AIKEN: Yes.

16 CHAIRMAN: Medical and dental attendance. No visiting
17 committee. So it wasn't just the Sisters didn't appoint
18 a visiting committee it seems. Visits from relatives.
19 Yes. Just scroll down.

20 MR AIKEN: Scroll down, please. So welfare officer is going
21 to arrange for boarding out. Just scroll down further,
22 please.

23 CHAIRMAN: Then there's a reference to statutory records,
24 general remarks.

25 MR AIKEN: The statutory records were the pre-requisites

1 from the voluntary regulations schedule. There were
2 five types of records to be kept, and then we have
3 a section on the general remarks as far as the
4 inspectors were concerned.

5 CHAIRMAN: Yes. One thing which one doesn't see here in
6 this form, which, of course, is 1955, is any reference
7 to speaking to children themselves. Is that right?

8 MR AIKEN: That appears to be the case from the form, but in
9 fairness I haven't for this purpose looked at the detail
10 of this to see if there is evidence of that taking
11 place, but there is certainly no category that's set out
12 for it.

13 CHAIRMAN: Just reading the general remarks, they're
14 certainly capable of being construed in one of two ways,
15 which is the information which they get as opposed to
16 the impression they gather themselves comes from the
17 staff and that's perhaps more likely than them speaking
18 to the boys, but the point I am making is the form
19 itself does not indicate that a part of the inspection
20 would require a discussion with the children in private
21 circumstances --

22 MR AIKEN: Yes.

23 CHAIRMAN: -- as opposed to asking somebody in a large
24 gathering, you know, "Is the food all right?"

25 MR AIKEN: Yes.

1 CHAIRMAN: I suppose unless you are Oliver Twist you don't
2 put your hand up and say, "It is awful" or "It's very
3 good", as the case may be.

4 MR AIKEN: There is certainly no category on this pro forma
5 that envisaged that type of if I were to call it perhaps
6 progressive dialogue to take place.

7 Now that's 1955, and obviously we are going to look
8 at Rubane. So we will look at the detail of it. I see
9 Mr Napier here. So in fairness to him the reference to
10 this document is merely as an indicator of the type of
11 forms that were being completed at that point in time as
12 opposed to the content in relation to Rubane.

13 But in 1957 then at SND-14024 we can see that there
14 was a move away from that type of completion of a pro
15 forma report. Now the reasons for that at this point we
16 can't say. It may be the inspectors felt constrained by
17 the layout in terms of space and persuaded those to whom
18 they were reporting that a more free-flowing report was
19 a better way to deal with the matter, but this is
20 what -- this type of structure of report is what we will
21 see when we look at those few examples we have for
22 Termonbacca and Bishop Street.

23 You can see that it begins -- again it is a joint
24 inspection that takes place, and then reference is made
25 to the number of children. There -- there are those who

1 are there from the Welfare Authority, those who are
2 there from in this case the Special Care Authority.
3 Reference to what the boys were doing, their general
4 appearance and demeanour. Then a reference to the staff
5 who are in the home in the next paragraph. Then changes
6 that have been made to the structure of the building.

7 CHAIRMAN: Just it catches my eye that there they were in
8 October having a break for potato picking.

9 MR AIKEN: Yes.

10 CHAIRMAN: So it is not just or wasn't just it seems
11 a feature of school life in Scotland but also here in
12 Northern Ireland.

13 MR AIKEN: Yes. Then reference is made to the sleeping
14 accommodation in the fifth paragraph, number of beds,
15 and then the play activity in the next paragraph, as to
16 what the children have in terms of opportunities. So
17 there was billiards and table tennis, films. You can
18 see one of the main difficulties was the lack of indoor
19 play space, and the management committee are considering
20 the possibility of extension. In due course when we
21 come to look at Rubane, we will see that is what
22 happened.

23 Then the next reference is to the teaching staff and
24 specific reference is made to particular children. If
25 you scroll down, please. Just stop there. So -- then

1 we get to the statutory records section and the fire
2 compliance and then reference to the weekly charge.
3 Then it is clear from the annotation that the inspection
4 that has been brought back or the report that has been
5 prepared is being reviewed by someone within the
6 Department or the Ministry, and I can see from that
7 handwritten annotation that there was going to be
8 discussion had with and the designations relate to
9 brothers of the De La Salle Order.

10 So there is communication evident between the
11 Department or the Ministry and the administering
12 authority, as it were, running the voluntary home. So
13 that's a 1957 example and 1959. So these examples are
14 covering the '50s quite deliberately.

15 If we look at SND-14018. Just enlarge that, please.
16 So -- now this reference to "Mr Alexander and I", you
17 may recall that the memo of what have to be done with
18 the reports, ie "They are privileged to us. We will
19 communicate in particular ways", was signed off by an
20 Alexander. So I am assuming this was the Inspector
21 being accompanied by someone higher than him in the
22 Ministry or higher than her in the Ministry, and we will
23 see that also taking place in the context of Termonbacca
24 and Bishop Street from the detective work that we have
25 done. So it is not just necessarily when an inspection

1 has taken place that it is the Children's Inspector who
2 is attending. There is on occasion someone above them
3 within the Ministry also going out to see the home.

4 You will see concern about the numbers being
5 discussed, particular educational needs, reference to
6 the staff, discussion of the farm and buildings and
7 equipment, developments in terms of toilet facilities.
8 Scroll down, please. Then reference to the bedrooms and
9 the improvements that have taken place and making
10 reference there's certainly no room for more --
11 an increase in any numbers in the present accommodation,
12 and again you can see from the annotations this has
13 been -- the inspection has been carried out by Kathleen
14 Forrest along with Mr Alexander, and then the report has
15 been considered by a number of individuals within the
16 Ministry.

17 CHAIRMAN: If one takes that as a representative example of
18 the way in which facilities are inspected or were
19 inspected at that time, they certainly appear to have
20 looked very closely at the physical accommodation
21 available, because Miss Forrest has pointed out that the
22 main dormitories in this instance are overcrowded. I am
23 merely using that as an example.

24 MR AIKEN: Yes.

25 CHAIRMAN: It would be strange if the type of approach which

1 is revealed by these documents were not -- was different
2 to the type of approach when other institutions are
3 looked at.

4 MR AIKEN: Yes. That's the reason for allowing the Panel to
5 consider these, because with this knowledge when we look
6 at the few that we do have for Termonbacca and Bishop
7 Street, the commonality or otherwise may be available
8 for you to consider.

9 MS DOHERTY: It is interesting they deal with the number of
10 staff, number of boys and the number of staff.

11 MR AIKEN: Yes. What it doesn't -- what it doesn't tell
12 you, and because we don't have particular files as to
13 what communication there was beyond it necessarily,
14 because the envisaged process from the memo we looked at
15 was a dialogue between the Inspector and the
16 administering authority to effect change. So one could
17 not necessarily say that because there is no note
18 saying, "You must do this, this, this and this", that,
19 in fact, that's not what actually occurred, and that
20 dialogue that was envisaged by the memo, the nature of
21 it is such that there won't necessarily be evidence of
22 it to be looked at by the Panel.

23 So that's the '50s, and before I stop, subject to
24 you, what I'd like to do is show you the three Bawnmore
25 examples which cover the '60s.

1 The first one that we have chosen to try to allow
2 a comparison to be made is from 1956 and then the rest
3 span the 60s to 1972. So the '56 one is at SND-14008.
4 Just enlarge that for me, please. So -- if we just
5 scroll down to the bottom quickly, this is Miss Wright
6 again. If we just scroll up to the top again, Miss
7 Wright and Dr Simpson. So it is a joint Ministry of
8 Home Affairs, Department of Health Children's Inspector,
9 medical Inspector and they are inspecting Bawnmore. So
10 they set out about the premises. Then the staff. So
11 you will see in 1956 the matron had just returned from a
12 three-week residential course for staff of children's
13 homes in North Wales. Then reference is made to the
14 health and activities of the children, then pocket
15 money, taken to the local shops, TV and an electric
16 gramophone, and you can see again the statutory records
17 were inspected. Medical records are satisfactory. The
18 fire drill and then the general impressions.

19 Now you can see in this report then recommendations
20 are made for improvement. They found a happy, homely
21 atmosphere, but there is one improvement which might be
22 considered. A total of 29 children. There is one
23 slipper bath and two shower baths on the first floor and
24 one bath with shower on the ground floor. Home Office
25 standards indicate that in a home accommodating this

1 number of children there should be at least four slipper
2 baths and showers are not suitable for the younger
3 child. It is possible that a bath could be installed
4 under the showers on the first floor. So it is evident
5 the Inspector in any event is aware of the Home Office
6 standards that apply to a children's home.

7 Now the next report is from 1964, so it takes us
8 into the mid '60s, at SND-13997. If you just scroll
9 down, please, so we can see who the -- I am not sure if
10 that name is or it may be something else, but it
11 is December '64. If we just go up, please, to the top,
12 you will see that two visits have taken place.

13 Reference is made to the staffing structure, that a work
14 placement is there from someone who is studying on the
15 Northern Ireland child care course. Reference is made
16 then to the number of children who are in residence and
17 to the quarterly medical inspection held a few days
18 beforehand by Dr You can see reference to:

19 "The superintendent has displayed his talent for
20 recruiting suitable people to help on a voluntary
21 capacity."

22 So there are various activities for the children --
23 scouts, physical recreation, cookery, woodwork, drama,
24 music -- which they can pursue. Then reference is made
25 to the premises. You will see it is proposed to provide

1 the playroom with a new rubber tiled floor. The plans
2 shelved pending the installation of central heating.
3 Reference is made that the home is running well and
4 making a praiseworthy attempt to cater for the
5 individual needs of the boys.

6 So the nature of the inspection in 1964 is not
7 dissimilar to the form of it from the 1950s. In fact,
8 on one view it is a little briefer, although we are only
9 looking at one example, and we have a final example from
10 1972.

11 CHAIRMAN: Just before we leave that, it is interesting to
12 see, indeed striking, that amongst the members of staff
13 recorded are I think it is a housemother -- it is
14 a little difficult to read -- an assistant house father
15 and two housemother's assistants plus the two
16 superintendents. So there are four people whose
17 specific function a day is to act in a parental role --

18 MR AIKEN: Yes.

19 CHAIRMAN: -- for 26 boys whereas in both Termonbacca and
20 Nazareth House at this time each nun would have had
21 significantly more than that herself.

22 MR AIKEN: Yes. I haven't carried out the exercise, but
23 I will to verify it, but this model looks like the 1952
24 memorandum in terms of the staffing structure of what
25 was described as a larger family home. There was

1 a family home and a larger family home. I think this
2 was the structure of the larger family home and the
3 staffing requirement that the memorandum had set out.

4 CHAIRMAN: Yes.

5 MR AIKEN: The 1972 reference is at SND-13993, please. This
6 is from April 1972. It is in a very similar style to
7 that which we looked at for 1964. It records in the
8 third paragraph particular problems that there have been
9 with some of the boys. You can see that there's
10 a staffing issue. So an indication of certainly more
11 difficulty than the report we looked at from eight years
12 prior.

13 CHAIRMAN: Yes.

14 MR AIKEN: So that is the examples we have picked and it is
15 obviously only a small snapshot and it is fixed to just
16 two homes, one voluntary, and on one view, although we
17 were looking at the '50s reports for it, they were even
18 more detailed than those to the statutory home, which
19 would have Welfare Authority oversight taking place
20 within them, and reference you may recall to

21 SND 503 statement where the Hughes Inquiry were
22 being told by the Department that the voluntary homes
23 were being inspected more often in any event than the
24 welfare homes. That may be because of that, the fact
25 that the Welfare Authority itself was engaged in running

1 course, and I think as we are approaching the end of the
2 sessions in this module where we will be receiving oral
3 evidence, it is appropriate I should take this
4 opportunity this morning to deal with this.

5 The Inquiry is anxious to receive oral evidence from
6 all witnesses whose testimony the Inquiry considers will
7 materially assist it in its task, and indeed we strongly
8 prefer to receive oral evidence wherever possible.

9 However, there will inevitably be some occasions when we
10 will have to receive material and relevant evidence
11 without the maker of the statement giving evidence in
12 person.

13 Just some examples that occur is that the witness
14 may be unable to come to give evidence because of
15 illness or for some other good reason. For example, in
16 the Australian module, which we will have in due course,
17 we know from our initial inquiries in Australia that
18 a small number of people live in exceptionally remote
19 locations and it simply will not be feasible for them to
20 come to any location to try and speak to us in any other
21 way.

22 Those are merely examples, but in such situations we
23 will consider whether we should receive each statement
24 in the light of all the relevant circumstances and in
25 each case we will take into account the reason why

1 a witness is unavailable to give evidence in person
2 before making a decision. If the reason why the witness
3 will not come is unacceptable, then we will not take
4 their evidence into account. However, if the reason is
5 acceptable, then we will give the statement the weight
6 it deserves when we come to consider it.

7 In assessing the weight to give to a statement we
8 will have regard to factors such as its inherent
9 credibility and the extent to which it is supported by
10 other evidence. In general I may say our view is that
11 we should receive as much evidence as we can. This is
12 not, after all, a contested court case. It is
13 an inquisition, an inquisitorial process and it is
14 necessary for us to draw evidence whatever its
15 individual weight may be from as wide a range of sources
16 that can assist us in our work.

17 I should make it clear that, although we prefer oral
18 evidence to be given wherever possible, that is on the
19 basis that the evidence in the statement is directly
20 relevant, directly material to the issues the Inquiry
21 has to consider. It may well be that there are some
22 witnesses who are unavailable for various reasons or
23 whose evidence is of less direct relevance but whose
24 evidence nonetheless is of some assistance to us, and in
25 such cases we may simply read out the statement or

1 indeed merely acknowledge it and in either event add it
2 to the evidence bundle.

3 In every case we will take into account all of the
4 surrounding circumstances before we make a decision, and
5 there is one consideration that I have not yet
6 mentioned, which is of considerable importance. That is
7 that a number of witnesses have said from time to time
8 to us when they have been approached and have made their
9 witness statements that they do not wish to appear
10 because they feel that they cannot face the strain
11 involved in giving evidence. That is a position which
12 we understand and respect, because we do recognise that
13 to give evidence about these matters that it is our task
14 to investigate can be for many people a stressful
15 experience, although we do everything that we can to
16 minimise that stress.

17 It is against the background of those general
18 remarks that I turn to statements of several witnesses
19 in the present module who have made witness statements
20 but who have not attended, and our view is that we are
21 provisionally minded to admit most of these, but we will
22 reserve our final decision until we have heard any
23 submissions anyone wishes to make in respect of any
24 individual statement.

25 For ease of reference I intend to give the names of

1 the people as well as their reference number, but, of
2 course, as has been repeated so often, these names
3 cannot be repeated in any form outside the chamber.

4 Three witnesses -- "HIA98", HIA98, "HIA396", HIA396,
5 "HIA102", HIA102 -- each made it clear from the
6 beginning that they were unwilling to come to give
7 evidence.

8 "HIA424", HIA424, "HIA436", HIA436 and "HIA242",
9 HIA242 have each provided us with information which
10 leads to us accept that they are unwell and therefore
11 unable to give evidence. I don't consider it
12 appropriate, unless anyone wishes to know for good
13 reason, to explain publicly what the nature of their
14 illness is or their state of health.

15 "HIA411", HIA411 suffered a bereavement not long
16 before he had initially been scheduled to give evidence.

17 There are three other witnesses who were put forward
18 on behalf of the Sisters of Nazareth: "SND132", SND132,
19 "SND194", SND194, "SND40", SND40. In those instances we
20 don't consider it necessary to ask them to come to give
21 evidence. Their evidence will be noted and taken into
22 account.

23 Finally, I turn to two other witnesses. One is
24 SND483, whose number I am afraid I have temporarily
25 forgotten. She declined to come to give evidence, but

1 in view of the nature of the issues which arise in which
2 she is concerned we consider it appropriate to admit her
3 statement, subject to the reservation I have already
4 indicated.

5 Finally, I turn to "HIA90", HIA90. All I wish to
6 say about her evidence is she gave a number of
7 conflicting explanations as to why she did not wish to
8 attend to give evidence. None of them is acceptable.
9 We don't propose to admit her statement and therefore it
10 will not be taken into account.

11 There may well be from time to time other witnesses
12 or indeed there may even at this stage be other
13 witnesses whom I have not referred to, but those are
14 those witnesses who it might have been expected would be
15 coming to give oral evidence. If anyone wishes to make
16 any submissions as to why one or all of them shouldn't
17 be admitted, they can do that during their final
18 submissions if they wish.

19 This policy I may say will apply not only during the
20 current module, but it will be applied with any
21 necessary modifications during succeeding modules and we
22 will take each individual case, as I say, on its merits
23 when we turn to it.

24 Now, Ms Smith.

25

1 WITNESS SND21 (called)

2 MS SMITH: Mr Chairman, there are a number of appearances to
3 be made this morning.

4 CHAIRMAN: Mr Lavery.

5 MR LAVERY: Chairman, my name is Michael Lavery and I lead
6 Mr Finbar Lavery. We are barristers. We are instructed
7 by Mr Denis Moloney of Donnelly & Wall on behalf of SR6.

8 CHAIRMAN: Thank you.

9 MR McATEER: Chairman, my name is McAteer. I appear with
10 Mr~Toner on behalf of HIA69. We are instructed by
11 Mr Kevin Casey of McCartney & Casey.

12 CHAIRMAN: Thank you, Mr McAteer.

13 MS SMITH: Chairman and Panel Members, this morning's
14 witness is SND21. She is "SND21", and she understands
15 that you are going to ask her about taking the oath.

16 CHAIRMAN: Do you wish to take a religious oath or to make
17 an affirmation, which is a solemn promise to the same
18 legal effect? It is a matter for your choice.

19 **A. I'll take the religious oath.**

20 CHAIRMAN: Very well.

21 WITNESS SND21 (sworn)

22 Questions from COUNSEL TO THE INQUIRY

23 MS SMITH: SND21, as you have just heard, I have given your
24 designation, which is "SND21", and you are aware we have
25 given a number of people such designations to protect

1 their anonymity, and I just wanted to confirm that you
2 also wish your anonymity to be protected?

3 **A. Yes, please.**

4 Q. You are now a lady aged 58?

5 **A. Yes.**

6 Q. You have provided a witness statement for the Inquiry
7 which can be found at SND-17859. If that can be called
8 up, please. You will see that this has been redacted to
9 remove people's names, but this is the witness statement
10 you provided for the Inquiry.

11 If we could go to the last page, which is SND-17865,
12 and can I just confirm, SND21, that where we see that
13 large block reading "SND21" you have signed the witness
14 statement there on 25th April of this year?

15 **A. Yes, I have.**

16 Q. And can I then ask that this is the evidence you wish
17 the Inquiry to consider?

18 **A. Yes, I do.**

19 Q. Thank you. Now you are currently retired --

20 **A. Yes.**

21 Q. -- having worked in child care throughout your working
22 career.

23 **A. Yes.**

24 Q. Isn't that correct?

25 **A. Yes.**

1 CHAIRMAN: Does she wish to maintain or waive her anonymity?

2 MS SMITH: I did confirm with her, chairman --

3 CHAIRMAN: Did you?

4 MS SMITH: -- she does wish to maintain it.

5 **A. Yes, I do.**

6 CHAIRMAN: Thank you.

7 MS SMITH: Your general background, first of all. You
8 worked as a young person as a volunteer with the Sisters
9 of Nazareth in Termonbacca.

10 **A. Yes.**

11 Q. You set out your career with them, first of all --

12 **A. Yes.**

13 Q. -- in paragraph 2 of your statement. If we could just
14 go back to that, which is at SND-17859. You say there
15 in paragraph 2 that you were employed as a houseparent
16 in Termonbacca for a year and a half between 1977 and
17 1979. Six months prior to that employment you did
18 voluntary work in the home, which involved making tea,
19 washing clothes and helping the children. As
20 a houseparent your hours were 7.00 am until 10.00 pm or
21 3.00 pm until 10.00 pm seven days a week, and during the
22 time you worked there you attended Rupert Stanley
23 College in Belfast and completed a certificate in
24 residential care, and during term you continued to work
25 in the home at weekends.

1 **A. Yes.**

2 Q. Out of term then did you also work in the home?

3 **A. Yes, I did, yes.**

4 Q. Can I just ask, first of all, as a volunteer were you
5 given any training by the congregation?

6 **A. None, none at all.**

7 Q. And then when they employed you, how did that employment
8 come about?

9 **A. The Sisters of Nazareth asked me would I like to be in
10 paid -- come, you know, working for them and be paid
11 a salary at the end of the week. So I said "Yes" to
12 that.**

13 Q. What age were you at the time, SND21?

14 **A. I was going on just 19.**

15 Q. And the -- the attending Rupert Stanley College, can you
16 say how that came about?

17 **A. That came about through SND332 speaking to me about a
18 residential certificate in you know, social work. So
19 I said I'd like to do it. So I approached the nuns.
20 There was humming and hawing about that, because they
21 would have to pay my wages if I was going to be working
22 at the weekend, but I manage to sway it and be able to
23 attend the college.**

24 Q. So who paid for the training at the college?

25 **A. The nuns did as far as I'm aware.**

1 Q. They paid for you both to get --

2 **A. Yes.**

3 Q. -- the certificate --

4 **A. Yes.**

5 Q. -- in residential care and they also then were paying
6 you for the work you were doing in the home --

7 **A. Yes, just for the weekends.**

8 Q. -- at that time also? Apart from yourself -- you say
9 here you were a houseparent in group --

10 **A. Yes.**

11 Q. -- and the nun in charge of the group was named there.
12 That was someone who was later replaced by someone we
13 know as SR6.

14 **A. Yes.**

15 Q. Can you recall how long it would have been before that
16 switchover came about?

17 **A. It would be probably between three to six months, you
18 know. I'm not entirely au fait with the whole monthly
19 thing, but do I believe it was like between three to six
20 months.**

21 Q. And was this after your term as a volunteer?

22 **A. Yes, it was after, yes. Uh-huh.**

23 Q. So if you became an employee in 1977, then some time in
24 that year --

25 **A. In that, yes, yes.**

1 Q. -- or at the start of '78 there was a change to your
2 recollection?

3 **A. Yes, there was a change, yes.**

4 Q. In fact, we have from documentation seen that SR6 came
5 in April 1978.

6 **A. Uh-huh.**

7 Q. So would that accord --

8 **A. Yes. Uh-huh.**

9 Q. -- with your recollection?

10 **A. Yes. Uh-huh.**

11 Q. You have said there was someone else there who worked as
12 a cleaner in the group and you have named her there and
13 she's been given the designation --

14 **A. Yes. Uh-huh.**

15 Q. -- SND57.

16 **A. Yes. Uh-huh.**

17 Q. You say SR2, who we know was SR2 --

18 **A. Yes.**

19 Q. -- and again I am using the names to make it easier for
20 you, SND21, but again they are not to be used outside
21 this room --

22 **A. Yes. I understand.**

23 Q. -- she was in charge of the other group of children?

24 **A. Uh-huh.**

25 Q. Can you recall any other staff? You were with SR6 in

1 her group and you named this lady who was a cleaner,
2 SND57, as you recall it.

3 **A. She would have been probably coming in in the evenings**
4 **when the kids came in from school and stayed till about**
5 **8 o'clock. So she would help with the cleaning but she**
6 **would also help with tea and help the kids with their**
7 **homework and things like that.**

8 Q. What age of a lady was she?

9 **A. She would have been older than me. I would say in her**
10 **20s, 23, 24.**

11 Q. And was there anyone else you remember working in that
12 group?

13 **A. There was another young person who came,** ,
14 **came to work. She was around 17 and she would have**
15 **worked opposite shifts to me. When I was off, she was**
16 **on, and we both did -- we would have slept in. We had**
17 **a room where we stayed overnight with the kids.**

18 Q. And is there anyone else that you recall?

19 **A. There was a cleaner. I can't remember her name now.**
20 **She would have come in and cleaned during the day.**

21 Q. Well, you had actually described in your statement that
22 SND57 was the cleaner.

23 **A. Well, she did help out cleaning and she did help out**
24 **with some of the child care. I remember that.**

25 Q. I think you mentioned someone called .

1 **A.** , **yes.**

2 Q. Now in your statement you say in paragraph 4 that you
3 think there were approximately 17 children in the group
4 that you were house parent to.

5 **A. Yes.**

6 Q. The youngest was 18 months old and the eldest was
7 15 years old.

8 **A. Yes.**

9 Q. So he would only have been about three, four years
10 younger than you.

11 **A. Yes. That's true, yes.**

12 Q. At that stage you had no formal training and were not
13 given any --

14 **A. None, no.**

15 Q. -- although you had experience from your own background.

16 **A. My own background, yes. My family was large. So I had
17 a lot of brothers and sisters, mum and dad. So ...**

18 Q. Now you describe the three sisters that you encountered
19 effectively in the home and worked with.

20 **A. Yes.**

21 Q. You talk about SR14 at paragraph 6 of your statement.

22 **A. Uh-huh.**

23 Q. You say she was there for approximately six months when
24 you worked there. You would describe her as strict and
25 controlling and she did everything by the book.

1 "I felt that she was not emotionally attached to the
2 children and viewed working in Termonbacca as
3 a profession rather than a vocation. She shouted at the
4 children a lot, but I never saw her hit a child."

5 **A. Uh-huh.**

6 Q. Did any of the children ever complain to you about how
7 she treated them?

8 **A. Well, they would have said she didn't like some certain
9 kids and kids said she would have shouted at them, but
10 they never ever divulged or disclosed any kind of
11 hitting by her, but she was very strict on them,
12 homeworks and things like that and getting dressed in
13 the morning early.**

14 Q. You also in paragraph 8 of your statement talk about
15 SR2. She was in charge of the other group. You say
16 that you didn't think she was very nice. I wonder if
17 you can expand on why you felt that?

18 **A. I -- well, I was only 19 at the time. I was frightened
19 of her. She seemed to be the boss, sort of matriarch
20 and everybody looked up to her and she just ran the
21 units I felt, even unit. What she said
22 went and the kids -- she would just be very regimental
23 and "Get in there and get your shoes done. Get them
24 cleaned". "You have to do this." "Sit you down." "You
25 are not allowed to speak when I'm speaking." She was**

1 **very regimental, very controlling.**

2 Q. Can I ask -- you say in your statement that you recall
3 one occasion when you saw her and SR6 talking about
4 people who donated money --

5 **A. Yes.**

6 Q. -- and they were visiting the home, saying, "I wish they
7 would go now". You didn't think she'd a nice attitude
8 to people who were trying to help them.

9 **A. No.**

10 Q. You say she backstabbed people who were good to them and
11 kind to the children --

12 **A. Yes.**

13 Q. -- and you do say she appeared it be a matriarch.

14 Now we have heard various accounts about this
15 particular nun from a number of people who have spoken
16 to the Inquiry.

17 **A. Uh-huh.**

18 Q. It is true to say there would be those who would
19 complain about her and how she treated them --

20 **A. Yes.**

21 Q. -- but equally there were a number of people who have
22 nothing but good to say about her.

23 **A. Yes, yes.**

24 Q. Have anything you want to say about that, SND21?

25 **A. SR2 ran Termonbacca I believe more so than the Mother**

1 General. I didn't like her and -- because of her
2 attitude to the children and also her attitude to people
3 who came in to help. She just -- I did discover her and
4 SR6 talking. I was off duty I was in my bedroom and
5 I heard the two of them talking about people coming in.
6 "Wish they would leave now. I'm sick of looking at
7 them. Been here all day." So I went back home and told
8 my mother about this and I said, "I don't think it's
9 nice. They are supposed to be Christian. Why do they
10 go on like that?" and she did -- I would hear her not
11 being very nice to some of the children, roaring at them
12 and shouting at them.

13 Q. Now can I ask you do you remember her leaving? Were you
14 still there when she left in 1978?

15 A. I can't recall her leaving. I probably didn't even want
16 to know if she was leaving or not, because I didn't like
17 her. So I didn't get involved in wanting to know what
18 she was doing.

19 Q. We have heard that -- from other information that we
20 have received that, for example, children were very
21 upset when she left and there were a number of boys who
22 were very unsettled as a result of that and they were --
23 she herself was very upset and there was a dinner
24 organised by older boys or ex-residents for her. Do you
25 have any recollection of any of that?

1 **A. I have no recollection of that at all. I don't believe**
2 **that in my own opinion that people would be crying, the**
3 **kids would be crying at her leaving.**

4 Q. Okay. Now the other person who you obviously had
5 more -- I should say to you that I put your statement to
6 SR2 when she gave evidence. I put it to her some of the
7 things that you had said generally about the nuns in
8 your statement and, for example, that the nuns were more
9 interested in appearance than in the children, and she
10 said that she only did for them what a good mother would
11 do to make sure they were well presented and being
12 turned out. Is there anything you want to say about
13 that?

14 **A. That's not true. The kids came in from school, had to**
15 **go straight out the backyard to make sure they polished**
16 **their shoes before they got anything to eat. Even watch**
17 **TV, they had to set the table for tea before they could**
18 **watch TV. They had to get themselves undressed out of**
19 **their uniforms. They had to be folded up, clean, tidied**
20 **on the bed. It is not true.**

21 Q. I also put that the nuns -- you felt that the nuns would
22 take advantage of you, wanting to you stay over, and she
23 said you got the same treatment as other staff.

24 **A. No. If they got their way, I would have been working**
25 **every night, every day. They had gone to prayers. You**

1 **were left in charge of the children. They prayed in the**
2 **morning. They prayed in the afternoon. They prayed in**
3 **the evening. They left the children quite a bit.**

4 Q. She said about -- one of the complaints that you make in
5 your statement at paragraph 18 is in relation to food.

6 She indicated that in a statement she gave to the
7 Inquiry that the nuns ate the same as the children and
8 suggested that you wouldn't know what they ate, because
9 you wouldn't have been allowed into the dining room.

10 She did, however, accept -- and this again SR6 would
11 accept this also -- that whenever children -- when they
12 didn't -- the fact they didn't eat with the children may
13 have led to the perception that the nuns were provided
14 with better food. Is there anything you want to say
15 about that?

16 A. **That's not true. I did sneak into their place where**
17 **they ate a few times to see what they were eating. They**
18 **got better food than the children. They had better**
19 **cutlery. They had -- their table was shining. It just**
20 **wasn't right what I saw. The children just had very**
21 **little food. You had to pace out the food for them. It**
22 **came up in a big trolley.**

23 Q. She also was asked about the fact that you say there
24 were comments made by the nuns that were -- denigrating
25 comments effectively made to the children. You talk

1 about that I think in your statement in paragraph 16 on
2 page SND-17863. In fact, it is on the screen. You say:

3 "The nuns commonly said to children, 'I am in charge
4 of you because you have no-one else'."

5 **A. Yes.**

6 Q. You thought it was a cruel thing to say.

7 **A. Yes.**

8 Q. Both she and SR6 deny that they ever made such comments,
9 and SR2 said she never heard such comments and would
10 have been shocked to have heard such things said.

11 **A. They were -- they were said quite a bit to the children
12 when the children were playing up, if they were having
13 behavioural difficulties. The children told me.**

14 Q. The children told you?

15 **A. Yes.**

16 Q. But did you actually hear?

17 **A. Yes, I did hear a nun say, SR6 say, "You're here because
18 you've nobody else here".**

19 Q. It was also put to both nuns about the nuns being
20 resistant to being told how to look after children by
21 a young girl, because you have said in your statement
22 that certainly when you tried to speak to SR6 about what
23 you were learning on your course --

24 **A. Uh-huh.**

25 Q. -- that she basically told you not to be --

1 **A. Yes.**

2 Q. -- they didn't need your theories of child care.

3 **A. Yes, that's true. It was very much -- the points were**
4 **always made to me about my certificate and maybe**
5 **I shouldn't be there any more, you know, that "Theories**
6 **and methods don't work here". They run the place.**

7 Q. That was said to you?

8 **A. Yes.**

9 Q. By whom?

10 **A. SR6.**

11 Q. Can -- she has said to the Inquiry that she actually had
12 her own child care qualification.

13 **A. She made that quite clear at times, you know. "I have**
14 **got a child care ... I know what I'm talking about".**

15 Q. Now moving on from SR2 to SR6, you worked with her in
16 her group and you say a number of things which relate to
17 her in your statement. Again these were put to her.
18 One of the things we have just been -- talked about is
19 the fact that she was resistant to child care theories.
20 She says that that isn't so and that, in fact, she
21 encouraged to you do the training.

22 **A. That's not true.**

23 Q. In paragraph 5 of your statement, if we maybe just go
24 back up to that, you talk about a particular child and
25 SR6's punishment of that child. You say that he was

1 five or six years of age. He had taken a biscuit from
2 the kitchen and as punishment she made him stand in the
3 corner of the corridor all day.

4 **A. Uh-huh.**

5 Q. You say you stood up for him and told her not to punish
6 him that way.

7 "I told her I would not take the other children to
8 the civic parade that day without him."

9 **A. Yes.**

10 Q. "She then conceded and allowed him to go."

11 You say as a result you then started to stand up for
12 yourself and to challenge certain practices in the home.

13 **A. Yes, yes, I did, yes.**

14 Q. She said she never imposed that punishment on any child
15 and she doubts a child could have stood in the corner
16 all day without collapsing.

17 **A. She did that to the young child and I was there. She
18 did do it to him.**

19 Q. In paragraph 7 you talk about when she came to the home
20 and you describe her there and you say she was full of
21 fun, always smiling, but then you say:

22 "She was also controlling. Everything had to be
23 spick and span. She was cross with children and often
24 threatened, 'I will give you a kick up the ass'. I did
25 see her kick children on the bum, but this was to move

1 them along rather than to hurt them."

2 **A. Uh-huh. Yes.**

3 Q. "She shouted at the children but I never saw her hit
4 a child with her hand or anything else."

5 Now if I can just pause there, when she was asked
6 about this in evidence, she said she would never use
7 language like that in the first place and she would
8 never raise her feet to a child.

9 **A. SR6 was always using language that wasn't nice in front
10 of children and she always said, "I will give you a kick
11 up the ass". She did say that, yes.**

12 Q. She also said she wouldn't have lifted her foot at all.

13 **A. Well, I did see her running over the corridor when the
14 kids were going to church, "Hurry up. Hurry up or
15 I will give you a kick up the ass". It might have been
16 a jest thing, but she did say it.**

17 Q. Can I just ask about the children going to mass? How
18 often were they expected to go to mass?

19 **A. Every day.**

20 Q. Because we have heard from some children and from the
21 nuns themselves that that wasn't the case.

22 **A. Uh-huh. Every morning, yes, 7 o'clock, and then we'd
23 rosary at 5 o'clock every evening before tea.**

24 Q. And what age did the children have to attend mass from?

25 **A. From the 18 months old. I had to get the 18 month child**

1 **up, dressed, take him over, put him in my arms when the**
2 **mass was going over or the rosary was being said.**

3 Q. You have also said that -- again she denied the
4 conversation that you say that she had with SR2 and she
5 never remembered any incident where SR2 might have said
6 something like that to her. Again when asked about the
7 comment about nuns being more concerned about
8 appearance, whether that was a fair comment, she said,
9 "No, definitely not". She said that it wasn't true that
10 the nuns would have had you on duty every night, and she
11 said that she didn't have favourites among the children
12 as you allege in paragraph 13 of your statement.

13 **A. She did have favourites. She did have favourites.**

14 Q. And how was that demonstrated?

15 **A. Three sisters. One sister very loving, nice looking,**
16 **she would be favourable to her and not favourable to the**
17 **other two. I did witness that and they would tell me**
18 **that themselves.**

19 Q. Your relationship with the children, they seem to have
20 been talking to you quite a lot.

21 **A. Yes.**

22 Q. Is that correct?

23 **A. Uh-huh, yes.**

24 Q. You say in paragraph 14 that there was a bad tempered
25 nun --

1 **A. Yes.**

2 Q. -- in charge of the kitchen.

3 **A. Yes, SR64, yes.**

4 Q. Children told you that she had hit them.

5 **A. Yes, they did tell me that. They were frightened of**
6 **her.**

7 Q. Can you recall anything in particular about that?

8 **A. No. They just didn't like -- they had to take the**
9 **trolley down to the kitchen or some of them had to bring**
10 **it from the kitchen, and they would tell me that they**
11 **didn't like SR64. She shouted and roared at them, you**
12 **know, that the trolley had to be brought back spotlessly**
13 **clean and no food in it and things like that.**

14 Q. I did put that also to SR6 and she said there wouldn't
15 be any reason for her to hit them, that the kitchen was
16 in a separate building. The children didn't go near the
17 kitchen, nor did she come up to the children.

18 **A. No, that's not true. We often went down. I went down**
19 **with the kids sometimes, because they didn't like taking**
20 **the trolley down by themselves.**

21 Q. In paragraph 15 you talk about there being a few
22 children in your group that wet the bed and you say:

23 "When this happened, SR6 would have told the child
24 off and made them take the sheets down and put them in
25 the washing machine."

1 **A. Yes.**

2 Q. When you told her that bed wetting was the result of
3 feelings of separation, loss --

4 **A. Uh-huh.**

5 Q. -- which you had learned from the course you were doing,
6 you said she just looked at you, wasn't interested in
7 what you had to say.

8 "On occasions I washed children's wet sheets and
9 showed them how to do it so they wouldn't get told off
10 again."

11 **A. Uh-huh. Yes.**

12 Q. When she was on holiday, you made the beds and helped
13 them as much as you could. You couldn't do that while
14 she was there. She would have told you off.

15 **A. Yes, yes. I was frightened of the nuns myself. So ...**
16 **They were very -- very forceful in doing things, getting**
17 **things clean. Everything had to be tidied, put away,**
18 **and kids who wet the bed would have been demeaned in**
19 **front of other kids.**

20 Q. In what way?

21 **A. Told off. "Why are you wetting the bed? You shouldn't**
22 **be doing that. Now the sheets have to be washed again.**
23 **Take them down now this minute."**

24 Q. She has said that she definitely did not shout at
25 children for wetting the bed --

1 **A. She did.**

2 Q. -- and that children did not have to wash sheets.

3 **A. They did.**

4 Q. Staff did that.

5 **A. They did have to wash sheets, yes.**

6 Q. As I say, she denied making any derogatory or
7 denigrating remarks to children, as you have suggested
8 in paragraph 16.

9 She also said with regard to children being made to
10 do chores in the home -- you talk about this in
11 paragraph 17. You say that this included washing
12 dishes, cleaning the kitchen, Hoovering, making beds and
13 cleaning floors and that children had to do chores from
14 a young age.

15 **A. Yes, they did, yes.**

16 Q. Was there a rota for chores or how was it --

17 **A. Yes, we would have -- the kids had to take turns at
18 washing dishes, drying the dishes, putting them away,
19 cleaning out the trolley, emptying the food, brushing
20 the floor, mopping the floor and it had to be tidy. The
21 tables in the dining room had to be spotless, all put
22 back. Everything had to be cleaned.**

23 Q. And if a child did these chores and didn't clean it?

24 **A. They would have been told off, yes, but if you were
25 there with them, you would have helped them and you**

1 **would have got it done, and if the nuns were away doing**
2 **their prayers, you would have -- I personally would have**
3 **done a good bit of the work for them.**

4 Q. SR6 has said that they didn't have to do chores. They
5 were encouraged to go and dry dishes --

6 **A. That's not true. They had to do. She would have left**
7 **strict instructions that the place had to be tidied and**
8 **clean before she came back.**

9 Q. There was some suggestion -- I mean, one person
10 complained that she had to clean the floor after
11 breakfast or that.

12 **A. Yes.**

13 Q. She was -- the sister's reply was the staff would have
14 hoovered the floor and there was no need to clean the
15 floor --

16 **A. That's not true.**

17 Q. -- because there were cornflakes.

18 **A. No, it's not true.**

19 Q. You also said about her in paragraph -- can I just ask,
20 just pausing on the chores issue --

21 **A. Yes.**

22 Q. -- I mean, the kind of chores that you are describing
23 are maybe chores that the children would be expected to
24 do at home?

25 **A. Yes. I understand that. It was regimental, yes, but**

1 **some of these children were very young.**

2 Q. What age are you talking about?

3 **A. You are talking about 6, 7, 8, 9, 10, you know. I would**
4 **have got the older ones to do maybe the mopping or the**
5 **brushing, but the younger ones would put away the cups**
6 **and the saucers, things like that. I would have helped**
7 **them, and mopping the tables, but they were very young,**
8 **some of them.**

9 Q. You talk about her leaving Termonbacca at paragraph 22.
10 If we just scroll down to the next page, you say that
11 you believe that she had to leave Termonbacca and go to
12 England, but you don't know why.

13 **A. Yes. That's right.**

14 Q. You believe complaints may have been made to the Mother
15 General about her.

16 "I think she left child care."

17 **A. Yes.**

18 Q. Why do you believe that and why do you think that,
19 SND21?

20 **A. At the time I don't know why, but I do believe there**
21 **might have been complaints made about her behaviour, the**
22 **way she behaved to children, and she left -- I didn't**
23 **know why she left, but she was sent to England, and then**
24 **I found out later that she was no longer going to be in**
25 **child care. So I sort of made an assumption I know why**

1 she is not in child care, because she wasn't good to the
2 children. She was a nun who just wanted to rule the
3 roost.

4 Q. Her response to that paragraph in your statement was
5 that if the Mother General had reasons other than the
6 fact that there was a need for a driver in the home that
7 she was sent to in Wales, she certainly didn't tell her
8 that, but this is really an assumption that you have
9 made based on your experience of her?

10 A. Uh-huh.

11 Q. Is that what you are saying?

12 A. I didn't believe -- if she was in child care and had
13 a certificate, why was she sent to be a driver
14 somewhere, you know?

15 Q. Well, can I ask you about -- you address some of this in
16 your statement, but HIA69 was one of the children in
17 your care. Isn't that correct?

18 A. Uh-huh. Yes.

19 Q. He spoke to the Inquiry and he made a couple of
20 allegations -- well, one allegation where he said that
21 you had to pull SR6 off him after an incident in Shrove
22 where she punched him with fists over the head calling
23 him a dirty article.

24 A. Uh-huh.

25 Q. Now in paragraph 24 you say that you do recall him in

1 Termonbacca and being at Shrove during the holidays.

2 You were only there once --

3 **A. Uh-huh.**

4 Q. -- which -- but you don't recall that incident which he
5 describes --

6 **A. No.**

7 Q. -- and you would have remembered --

8 **A. Yes.**

9 Q. -- if you had had to pull the sister --

10 **A. I don't remember -- recall pulling SR6 off and I would**
11 **never do that, but I could have told her off. I don't**
12 **remember this. You know, I remember HIA69 being upset**
13 **about being on holiday, but I don't remember pulling SR6**
14 **off him.**

15 Q. He has told the Inquiry that he ran away on at least
16 three occasions.

17 **A. Yes.**

18 Q. Is that correct?

19 **A. Yes, yes. He was very unhappy in Termonbacca.**

20 Q. And you have a recollection of him --

21 **A. Yes.**

22 Q. -- running away?

23 **A. Yes. Uh-huh.**

24 Q. We have also heard evidence and we have seen written
25 evidence from SND332, who I will come back to, but was

1 the social worker there in Termonbacca --

2 **A. Yes.**

3 Q. -- and **SND 484** , who was HIA69's social worker, that
4 there was an incident involving him and SR6 where she is
5 alleged to have throttled him. This was -- as a result
6 of that he ran away.

7 **A. Yes.**

8 Q. When that was investigated by a social worker and
9 **SND332**, they spoke to SR6. Have you any recollection of
10 anything like that?

11 **A. I have no recollection of that. I could have been away
12 on my course at the time.**

13 Q. It seems to have happened in around March 1978, which
14 would have been a time you were there.

15 **A. Yes, which I would have been attending Rupert Stanley at
16 the time, yes.**

17 Q. Shortly after that in April he was moved into SR2's
18 group. Do you remember that?

19 **A. I don't remember that, no.**

20 Q. You do talk about an incident involving HIA69 and
21 another child in paragraph 20. You say you were staying
22 overnight and you were off duty. You heard a child
23 crying at the end of the corridor and went. You found
24 a child with her pants around her feet. She was about 5
25 or 6 you thought. HIA69 came out of the toilets and

1 scarpered. He was about 9 you thought --

2 **A. Yes.**

3 Q. -- at the time.

4 **A. Yes.**

5 Q. Now we know that in 1978 he would have been about 12,
6 13.

7 **A. Yes. Uh-huh.**

8 Q. So was this before SR6 then came to be in Termonbacca?

9 **A. It could have been, yes, yes. I can't recall the dates**
10 **or whatever, but I remember the incident, because**
11 **I heard the child cry and I went in and HIA69 stormed**
12 **out of the bathroom.**

13 Q. You said you reported this --

14 **A. Yes.**

15 Q. -- to SR6.

16 **A. Yes.**

17 Q. So you are sure that at that time she was there?

18 **A. I am not sure about SR14 or SR6 at the time, but**
19 **I definitely did report it, because I know HIA69 was**
20 **being moved. He had to be moved from**
21 **group. So he could have been transferred to SR2's**
22 **group, yes, but we were never told anything like, that**
23 **you know.**

24 Q. There was -- did SR6 or SR2 for that matter discuss the
25 child care or the care of the children with you?

1 **A.** No. They very rarely. Just, you know, we would sort of
2 meet in the morning and sort of if there was any
3 incidents or any child unsettled during the night, we
4 pass that on, but no, there wasn't a full discussion on
5 the child care.

6 Q. But you thought that he might have been removed from
7 Termonbacca entirely because of this incident.

8 **A.** Yes, yes. Uh-huh.

9 Q. You think that was in 1980.

10 **A.** Yes. Uh-huh.

11 Q. Although you yourself had left in '79.

12 **A.** Left at that stage, yes. Uh-huh.

13 Q. Forgive me, SND21. Maybe I am confusing you.

14 **A.** Yes, yes.

15 Q. But it seems to me if he was 9 years old, that would
16 have been before you started.

17 **A.** Yes. He could have been 12. I just -- you know,
18 I can't remember his age, but I remember he was older
19 than the child that was in the toilet at the time.
20 So -- and I knew she was about 5 or 6.

21 Q. Well, certainly SR6 doesn't remember this incident or
22 being told that --

23 **A.** Yes.

24 Q. -- but you -- certainly if it wasn't her, you definitely
25 told one of the nuns?

1 **A. Yes, I did tell one of the nuns, yes.**

2 Q. Can I ask do you know what happened after you told one
3 of the nuns? Do you know what came?

4 **A. Well, they had obviously gone over to tell the Mother**
5 **General, who was at the front of the house. I presume**
6 **that should have happened.**

7 Q. But you don't know?

8 **A. I don't know, but I made an issue of it, because I knew**
9 **it was wrong that the child had her pants down and she**
10 **was crying. She said she was -- he had hurt her, and**
11 **I knew it was wrong at the time and I had to pass that**
12 **on.**

13 Q. Well, were you ever given any instructions by the
14 congregation about how to deal with such matters?

15 **A. None, none at all, no.**

16 Q. Or were you ever told by SR6 that HIA69 wasn't to be
17 with younger children?

18 **A. No, no.**

19 Q. Do you ever remember someone in the home called SND35?

20 **A. Yes, and he was in SR2's group, yes.**

21 Q. Did you have any contact with him?

22 **A. I had very little contact with SND35. I probably would**
23 **have seen him passing when I was coming into my work or**
24 **passing through the corridor of SR2's unit.**

25 Q. What you are describing suggests that the two groups

1 were kept very much separate?

2 **A. Yes, they were, yes.**

3 Q. Another incident that has been spoken about, and you
4 deal with this in your statement, was HIA352. She told
5 us in her evidence that she remembers you sitting on
6 a piece of wood to stop SR6 sitting ^{SND 309}, her younger
7 brother, for wetting the bed.

8 **A. Yes.**

9 Q. Do you have any recollection of that?

10 **A. I can't recall that at all. ^{SND 309} was the young boy that**
11 **was in the corner, put in the corner by SR6. I remember**
12 **that, but I can't recall me sitting on a stick.**

13 Q. Paragraph 23 -- if we could just scroll down, please --
14 you mention this and you say that you do recall -- you
15 do not recall the incident she describes. You say that
16 SR6 may have had a stick --

17 **A. Yes.**

18 Q. -- and she could have threatened children with it.

19 **A. Yes. She had it in her bedroom and it was -- it was**
20 **sort of white or grey or -- on her bed, yes. There was**
21 **something around.**

22 Q. And what kind of length are we talking about?

23 **A. We are talking about -- it was a good size length, you**
24 **know. (Gesturing.)**

25 Q. But you yourself never witnessed her hitting a child?

1 **A. I never witnessed SR6 hitting a child with a stick, no.**

2 Q. Others have said she beat them in a particular way, that
3 she would have hit them on the head with her knuckles,
4 and we have had -- do you remember the HIA 382 ?

5 **A. I do, yes.**

6 Q. Two boys from that family and two girls from the HIA 127
7 family --

8 **A. Yes. Uh-huh.**

9 Q. -- have alleged that she did that and another child,
10 HIA 92, has said she did that. Did you ever see her do
11 that?

12 **A. I didn't see her do that, but I believe she would have
13 done that, yes.**

14 Q. Why do you believe that?

15 **A. Just, I mean, the way she treated the kids and said
16 things to them and shouted at them.**

17 Q. Do you remember someone called SND33?

18 **A. Yes, I do, yes.**

19 Q. What do you -- was he in your group?

20 **A. SND33 was in, yes, group with SR6, yes.**

21 Q. You do talk about him in your statement also, if we can
22 just go to the page in the statement where you do that,
23 which is at -- sorry -- paragraph 10, which is
24 SND-17861. You say:

25 "Older boys came back to visit the home when I was

1 on duty at weekends."

2 If I can just pause there, when you say "older
3 boys", were these people who had left, ex-residents?

4 **A. Yes. Ex-residents would have visited the home quite**
5 **regularly. They would have come to SR2's group quite**
6 **regularly, but they would have then veered over to**
7 **group quite a bit as well, yes.**

8 Q. You say they were often left in charge of the children
9 when the nuns were at prayer.

10 **A. Well, the kids would have told me that. Not when I --**
11 **they would have been there when I was there, but the**
12 **kids did tell me, yes, sometimes they were left in**
13 **charge.**

14 Q. So when the nuns were at prayer, you were left to
15 supervise rather than these ex-residents?

16 **A. Yes, when I was on duty, yes.**

17 Q. You say the nuns did not seem to have a problem with
18 them returning.

19 **A. They didn't seem to have a problem.**

20 Q. Did you have any concerns?

21 **A. I had a concern about one gentleman that SND33 told me**
22 **about. He would have come into our group and I would**
23 **watch him very closely. SND³³ was frightened of him and**
24 **he would have taken my hand when he came into the group.**

25 Q. And you say that there was one occasion where SND33

1 actually took a knife?

2 **A. Yes. There was an incident where SND33 took a knife to**
3 **him. Now I wasn't on duty, but I was informed about**
4 **that by SR6 and another staff member, that SND33 took**
5 **a knife to him.**

6 Q. And do you know what was done about that?

7 **A. Well, SR6 was dealing with it at the time and SND33 was**
8 **spoken to about it. So ...**

9 Q. But it wasn't an incident that was reported to the
10 police, for example?

11 **A. No, no, it wasn't.**

12 Q. You also are aware, because you worked in Harborton
13 House yourself years later --

14 **A. Yes.**

15 Q. -- and SND33 came to live there -- you actually were his
16 key worker. Is that right?

17 **A. Yes, that's true, yes.**

18 Q. You were made aware that he had indicated at a meeting
19 with HH 5 --

20 **A. Yes.**

21 Q. -- that he had been beaten by --

22 **A. Yes.**

23 Q. -- SR2.

24 **A. Yes.**

25 Q. And he told you that too. Is that correct?

1 **A. That's right, yes.**

2 Q. If we could just scroll on down, please, he told you
3 that SR2 didn't like him.

4 **A. Uh-huh.**

5 Q. She shouted and roared at him when you weren't there.

6 **A. Yes, that's true.**

7 Q. Did he tell you that in Harberton House?

8 **A. Well, he disclosed a lot about what happened in**
9 **Termonbacca, that he would have been abused by the older**
10 **boys, that at night-time a stick would have been hit on**
11 **his bed and he would have been -- he said, "I would have**
12 **been ready for abuse". He didn't know what that meant**
13 **at the time, but they were going abuse him. He used**
14 **those words because he was in Harberton. He understood**
15 **then what was happening to him, but from my own training**
16 **I understood there was a lot of sexual abuse took place,**
17 **and when the stick hit his bed, he was the one next to**
18 **be abused.**

19 Q. Now you have talked in general terms in your statement
20 about life in Termonbacca. You have given us some of
21 that evidence today. You say you believe the nuns got
22 money for each child that came to the home.

23 **A. I do believe that, yes.**

24 Q. Where do you believe they got it from?

25 **A. I believe they got it from the government. So that's**

1 **why the children were looked after.**

2 Q. Just pausing there, did you see social workers coming to
3 visit children at Termonbacca?

4 **A. I had never seen a social worker coming to visit the**
5 **children. The only social worker I saw was SND332.**
6 **I didn't realise. I thought he was employed by the**
7 **government, but I later discovered he was employed by**
8 **the Sisters of Nazareth, but there was never any**
9 **inspections or anything like that.**

10 Q. It is possible, though, that they may have taken place
11 when you were doing your course?

12 **A. Yes. Uh-huh.**

13 Q. But certainly you didn't witness any inspections?

14 **A. No, I didn't. There was no visits.**

15 Q. You were never spoken to by any child's social worker?

16 **A. No, no.**

17 Q. You do -- as I say, you did mention SND332 in your
18 statement and you say you were glad that he had come --

19 **A. Yes.**

20 Q. -- to Termonbacca.

21 **A. Uh-huh.**

22 Q. Did he then arrive after you were working there?

23 **A. Well, he arrived there when I was working there, you**
24 **know, and I would have spoken to SND332 a lot about**
25 **social work and the kids and where they were coming from**

1 **and their behaviours and that. So I got a lot of**
2 **experience and knowledge from SND332 when I was doing my**
3 **own course.**

4 Q. I mean, did the children have easy access to him if they
5 wanted to speak to him about anything?

6 A. **Yes. As far as I was aware they knew where his room was**
7 **and his office and they could go at any time to speak to**
8 **him.**

9 Q. Now you have also said that -- just going back to
10 Termonbacca, you say that at Christmas Du Pont sponsored
11 presents for each child.

12 A. **Yes. Uh-huh.**

13 Q. On some occasions the Du Pont who donated the present
14 came to the home on Christmas Day to see them open their
15 gifts.

16 A. **Yes.**

17 Q. And you believe the children were allowed to keep these
18 gifts?

19 A. **Yes. I just -- the nuns told me Du Pont was**
20 **sponsoring -- they sponsored each child. I discovered**
21 **later that an individual in Du Pont took on a child and**
22 **got the presents for the child and would have brought**
23 **them there on Christmas Day.**

24 Q. So it was an scheme where a Du Pont worker --

25 A. **It was a scheme, yes, yes.**

1 Q. -- was actually given an individual child to buy
2 a present for it?

3 A. Yes. Uh-huh. One would dress up as Santa Claus and
4 bring the presents that morning. There would be
5 a lot -- or there'd be quite a few of the sponsors there
6 with the children, which they enjoyed immensely, you
7 know.

8 Q. Apart from Christmas being a good time in the home
9 clearly, I mean, we have heard that there were other
10 good times.

11 A. Yes. Uh-huh.

12 Q. There were concerts, things like that. Do you remember
13 anything?

14 A. Yes, and Shrove -- you know, going to Shrove, the kids
15 found freedom there, and taking them to the beach and
16 playing with them away from Termonbacca gave them some
17 kind of happiness I felt, because they were so happy in
18 Shrove.

19 Q. We have received a statement from someone who worked
20 there when you did, SND194.

21 A. Yes.

22 Q. She worked as a volunteer many years before you came to
23 be there.

24 A. Yes.

25 Q. She also worked with SR2's group when she was ultimately

1 employed both as a volunteer I think and then later.
2 She addresses a number of issues that I just want to ask
3 you about. One of the issues we have heard complaints
4 about is how children were bathed. Can you say what you
5 remember about what the situation was with getting
6 children cleaned?

7 **A. I would have bathed the children by myself, you know.**
8 **They always had a bath in the morning if some of them**
9 **were wet or I would have bathed them in the evening if**
10 **they needed it, but I would have done most of the**
11 **bathing, because I had young children, 18 months, 3, 5,**
12 **7. So they needed help to be bathed. The older kids**
13 **would have bathed themselves.**

14 Q. We have heard talk of there being a shower block near
15 the dormitory. Is that right?

16 **A. I can't recall any shower blocks, but I do remember**
17 **baths and running baths for the kids and ...**

18 Q. Would the older boys maybe have gone and had showers?

19 **A. They would have gone and had showers, yes.**

20 Q. And again SND194 has told us that the children were well
21 fed. She says she ate the same food as they did and,
22 being a fussy eater, would not have eaten the food if it
23 wasn't good.

24 **A. The food was just all right. I ate with the children,**
25 **and sometimes I didn't eat mine. So I would give it to**

1 older boys, because there wasn't enough of food at
2 times.

3

4 Q. Clothes. She said there was warm clothes for school,
5 play and Sundays. The boys went to mass on Sundays and
6 during the week, for example, at Lent if they wanted to,
7 but ...

8 A. No, they had to go to mass every day, and as for
9 clothes, they had to be washed and tidied. They didn't
10 buy their own clothes. I didn't know where their
11 clothes came out of. Maybe the nuns got them. I don't
12 know, but not my experience I took them down the town or
13 buy them clothes. I didn't. I did that in Harberton
14 with children, but not in Termonbacca.

15 Q. Holidays. She talks about the Sisters ensured the
16 children had a good holiday by providing lots of
17 activities and good fun. They were given pocket money
18 and a few nights a week were accompanied to the local
19 shop.

20 A. Yes, we would have taken the kids to the shop and the
21 nuns would have given us the money to buy them things,
22 but the children didn't really have pocket money.

23 Q. She talks about the number of staff who were there at
24 the time and maybe you remember some of these people.

25 There was a SND 214 , a SND 145 , a

1 , a and a who
2 were all with SR2.

3 **A. I only recall one, a SND 214 .**

4 Q. They may have been there perhaps at different times.

5 **A. Yes.**

6 Q. But you remember **SND 214** when you were there?

7 **A. Yes.**

8 Q. She said she does remember you, and a woman
9 named working in the other group.

10 **A. I don't remember any .**

11 Q. She has also said that -- with regard to the trip in
12 August '78 to Greencastle she said that both groups went
13 -- of children went together and you stayed in the Old
14 Fort Hotel.

15 **A. Yes. Uh-huh.**

16 Q. She says she worked there with -- both groups worked
17 together.

18 "During that time", she says, "SR6 gave of her best
19 to ensure the children had a good time. She played the
20 accordion and we would often have sing-songs in the
21 evening."

22 She said during that month she got to know SR6 very
23 well.

24 "She was always smiling and was kind and
25 understanding."

1 **A. We had to listen to the accordion so many times. SR6**
2 **just played it non-stop.**

3 Q. She said that when SR2 moved to Birmingham in
4 October 1978, the children were very upset and SR6 was
5 always there for them to comfort and reassure them.

6 **A. It's not true.**

7 Q. Can I just ask on another issue about record-keeping?
8 What do you recall about record-keeping?

9 **A. Very little record-keeping. There was a diary to do**
10 **with medical, dental. That's about all.**

11 Q. You say in paragraph 9 of your statement that life -- it
12 was a very regimented life in Termonbacca.

13 **A. Yes. It wouldn't be a life that I would like. I was**
14 **a young girl myself and I was frightened of the nuns.**

15 Q. You left and went to Dublin.

16 **A. Yes.**

17 Q. Did you obtain a job in child care in Dublin?

18 **A. Yes, social work, yes.**

19 Q. Was that with a home run by the Sisters of Nazareth?

20 **A. No, no.**

21 Q. And you then -- ultimately I think you came back --

22 **A. Yes.**

23 Q. -- and you worked in Harberton House in Derry --

24 **A. Yes.**

25 Q. -- where you reengaged with some of the children you had

1 looked after.

2 **A. Yes. Uh-huh.**

3 Q. But can I ask you what your experience in other homes
4 was like in compared -- in comparison to Termonbacca?

5 **A. Well, in Dublin it was completely different. It was**
6 **an assessment. Kids were happy. They were involved in**
7 **their reviews. There was family involved. Kids had**
8 **a say in their upkeep and their sort of going to school,**
9 **what school they would go to.**

10 Harberton House, completely different as well. Kids
11 were listened to. They had social workers visiting
12 every month. They attended their reviews. We were more
13 experienced. We were qualified and child development
14 was a big thing. We learned a lot about child
15 development and about abuse and sexual abuse and
16 physical abuse and all that, and we had nothing like
17 that in Termonbacca at all.

18 Q. You say --

19 **A. It was very regimental in Termonbacca.**

20 Q. In paragraph 26 of your statement at SND-17865 you said
21 you are -- effectively in summary of your time you say:

22 "In Termonbacca the nuns were very into praying
23 and following their own rules."

24 You say you used to go home in frustration and vent
25 -- vent to your mother.

1 **A.** Yes, I would have spoken to my mother a lot about it.
2 My mum was a devout Christian woman, and there was very
3 little gentleness or compassion shown to those children
4 and even kindness, and I talked a lot to my mum about
5 this and she said, "Maybe it's better that you leave
6 rather than get upset", because I would have taken some
7 of the children home with me and they didn't want to
8 leave our home. They would have cried going back into
9 Termonbacca again. It was very painful and -- but, as
10 I say there, it's learned me to be a better social
11 worker as the years went on.

12 **Q.** You say -- I can say, SND21, a number of the people who
13 have spoken to the Inquiry do speak fondly of their
14 memories of you.

15 **A.** Uh-huh.

16 **Q.** I am wondering as you sit here today how you feel about
17 your time in Termonbacca and the people who were asked
18 to care for children.

19 **A.** Well, I cared deeply about the children. I was young.
20 I wanted to help them and support them. They didn't
21 have families. They felt abandoned. So I had to stay
22 on. I was heartbroken when I had to leave, but it was
23 because of the nuns I left. I did wish it to be closed
24 down. I did pray that it would be closed down. It
25 wasn't a good place for a child to be.

1 Q. You did say to me something about coming to the Inquiry
2 and what you felt about coming to speak to us.

3 **A. Yes. I wanted justice for the likes of SND33. I mean,**
4 **I worked with SND33 very deeply and he was very hurt.**
5 **He did make allegations against the nuns and nobody**
6 **listened to him at the time, and he's gone to his rest**
7 **now and I hope he gets justice from this Inquiry and the**
8 **rest of the kids that were there that were hurt by them.**

9 Q. SND21, thank you very much. There's nothing else that
10 I want to ask you, but do you feel that we have covered
11 the matters --

12 **A. Yes. Uh-huh.**

13 Q. -- obviously your statement is there -- that you wanted
14 to draw to the Inquiry's attention?

15 **A. Yes. Uh-huh.**

16 Q. The Panel Members may have some questions for you.

17 Questions from THE PANEL

18 MS DOHERTY: Thanks, SND21. I just have one question. The
19 issue when the nuns went off to pray, what we heard was
20 that the nuns in the evening around 6.30 --

21 **A. Yes.**

22 Q. -- would go to pray.

23 **A. Yes.**

24 Q. Then they'd have their tea.

25 **A. Yes.**

1 Q. Then there'd be a half hour and then they would have
2 a kind of communal recreation together.

3 **A. Yes, yes, yes.**

4 Q. Is that your memory of it?

5 **A. Yes, it is, yes. They were away for long periods, yes.**

6 Q. So mainly in the evening from about 6.30 onwards they
7 wouldn't have been around much or would they have come
8 back afterwards?

9 **A. They would have come back afterwards and then the kids
10 would have to get ready for bed and ...**

11 Q. Was that before 8 -- 9 o'clock?

12 **A. Yes. The kids would have to be in bed by 9.00.**

13 Q. So they would come back after their evening meal --

14 **A. Yes, they would, yes.**

15 Q. -- and then go away again, would they?

16 **A. And make sure everything was done, tidied up and the
17 kids were in the right place where they should be.**

18 Q. So once the kids were in bed and you were on duty did
19 the nuns then go away again and you were --

20 **A. Well, the nuns would have gone off to bed, and some
21 nights I stayed in at the week-end, because the older
22 boys I am talking about, they loved their football, and
23 I would have stayed to allow them to watch Match of the
24 Day, things like that, because they played a lot of
25 football, but we had to be quiet as mice going up the**

1 **stairs, because we were told that it wouldn't happen the**
2 **next week-end if we made noise. So I remember saying to**
3 **them, "We have to be quiet like mice going up the**
4 **stairs".**

5 Q. Okay. Can I just -- the other thing is about bullying
6 of younger children by older children.

7 **A. Yes, yes.**

8 Q. Were you aware of that as an issue?

9 **A. I wasn't aware of it at the time, but when the other**
10 **kids came to Harberton, they did tell me they were**
11 **bullied, you know, by older boys.**

12 Q. So as a member of staff there you weren't aware of it.
13 So it was feasible that you --

14 **A. Well, they would have -- you know, with children they**
15 **would have fought and argued and you would have settled**
16 **them and say, "Look, stop fighting", but I would say**
17 **maybe with SND33 he felt bullied quite a bit by some of**
18 **the older boys before I came.**

19 Q. Okay.

20 **A. We would talk a lot about that.**

21 Q. Okay. Thanks very much.

22 **A. No problem.**

23 MR LANE: You mentioned that the Sisters were resistant to
24 ideas that you were bringing from Rupert Stanley.

25 **A. Yes.**

1 Q. Can you give any examples of the sorts of things you
2 wanted to introduce?

3 A. I wanted to -- you know, the behaviours of children,
4 when they were sort of behaving badly, it wasn't just
5 because they were bad. They were behaving because maybe
6 they were missing their families, or they were lost, or
7 they were separated and they were frustrated about, you
8 know, where they were going, where they were going to
9 live and who was going to take them, because fostering
10 was being introduced or some of them had been already
11 fostered and brought back in again. So they were --
12 just to understand where they were coming from regarding
13 their behaviour. You know, it was -- they were human
14 and they needed to be loved rather than told off. I was
15 trying to introduce that to the nuns.

16 Q. While you were at Rupert Stanley did you have placements
17 in other homes in other parts of Northern Ireland?

18 A. Yes, we did, yes.

19 Q. Where else did you go?

20 A. I did a placement

21 Q. Uh-huh. What sort of home was that?

22 A. That was like a children's home, you know, and I did one
23 in England. It was a home.

24 Q. Right.

25 A. It was a group home.

1 Q. Okay.

2 **A. Okay.**

3 Q. Thank you very much.

4 **A. Thank you.**

5 CHAIRMAN: Well, SND21, thank you very much for coming to
6 speak to us. We don't have any more questions for you,
7 but again thank you for coming today.

8 **A. Thank you.**

9 (Witness withdrew)

10 MS SMITH: Chairman, Panel Members, that's the only witness
11 to give oral evidence today. I know Mr Aiken will be
12 returning to the inspection issues, but I presume that
13 will be after lunch.

14 CHAIRMAN: Yes. Well, I think we will rise now and we'll
15 sit again at 1.45.

16 (12.50 pm)

17 (Lunch break)

18 (1.45 pm)

19 Submissions on inspections and regulatory regimes
20 by COUNSEL TO THE INQUIRY (cont.)

21 CHAIRMAN: Mr Aiken.

22 MR AIKEN: Chairman, Members of the Panel, before we broke
23 we were looking at the comparator documents to try to
24 give a flavour of what the inspection system was like
25 certainly up until the '70s, and what I intend to do now

1 is look at what evidence the Inquiry investigation has
2 managed to produce in terms of the inspections that were
3 going on in respect of Termonbacca and Bishop Street.

4 I am going to first look at Termonbacca. If we
5 could bring up, please, SND-5654. Just to set the scene
6 in the context of the legislation we were looking at
7 yesterday, the Ministry of Home Affairs registered
8 Termonbacca as a voluntary home on 1st July 1950. So --
9 can we have, please, SND-5654? That's great. If we
10 scroll down, please -- so this is the register as it was
11 maintained. We can see "St. Joseph's home, Termonbacca,
12 1st July 1950". That remained the case until its
13 closure in and around May 1982.

14 So with the registration, as we saw yesterday, that
15 brought with it the system that was supposed to pertain
16 and the opportunity amongst other things to deregister,
17 if that was -- if the home was being operated in what
18 was considered to be an unsatisfactory way.

19 Now what steps, if any, that were taken to decide
20 whether Termonbacca should be registered we are not in
21 a position to say. It may be because of the timing that
22 simply if you were already a voluntary home at the point
23 in time that the legislation comes into force, then you
24 were automatically registered, but it is not clear from
25 the material that the Inquiry has seen that there was

1 an inspection of some kind in order to register. That's
2 something the Department can look into, but we haven't
3 found documents that suggest that to date.

4 What we do know and what the Inquiry might consider
5 to be a seminal document for the two homes that we are
6 looking at in this module, if we can bring up, please,
7 HIA-1464, we do know that Kathleen Forrest, who was one
8 of the Children's Inspectors within the Ministry of Home
9 Affairs -- and I think it is important to ground this.
10 If we scroll back, please, to the start of the memo.
11 Keep going, please. If we just stop there. So this is
12 Kathleen Forrest in April 1953. She is indicating that
13 she is giving brief summary impressions of the different
14 voluntary children's homes, and the contrast that the
15 Panel might find in this document may be helpful in that
16 you can see Dr Barnardo's being described as:

17 "Well staffed, well equipment -- well equipped,
18 excellent care and training."

19 Then you have Glendhu, which was a voluntary home:

20 "Very high ratio of staff to children. Very good
21 quality staff. Many voluntary helpers in addition."

22 CHAIRMAN: Before we leave Dr Barnardo's, Macedon was the
23 home out at Whiteabbey that was later closed and I think
24 demolished.

25 MR AIKEN: Yes. You can see Johnston Memorial Home:

1 "Very good care by good quality staff."

2 What is interesting the Panel may consider is
3 clearly Kathleen Forrest on behalf of the Ministry
4 staffing was on the agenda.

5 The next one at Moyallen is closing soon it is said.

6 Then you have Manor House, Lisburn, which was:

7 "Poverty stricken in money and ideas for some time
8 past. Insufficient staff of poor quality in recent
9 times. Equipment and maintenance poor. Some
10 improvement in recent weeks, but needs a large amount of
11 money spent on, for example, floor coverings, heating,
12 beds, tables, chairs, play equipment. Attend outside
13 schools."

14 So there is clearly a problem in Manor House.

15 "Childhaven."

16 It is described as:

17 "A homelier atmosphere, somewhat bare and spartan,
18 not helped by the other three members of staff, who are
19 little more than domestics. Needs more, better quality
20 staff, more equipment."

21 She considered that the committee working with
22 Childhaven were willing if they received help.

23 Then you have Victoria, which again:

24 "Insufficient staff and not of the highest quality."

25 Scroll on to the next page, please. Thorndale is

1 described as -- as a Salvation Army mother and baby
2 home:

3 "Well run by adequate trained staff."

4 Then you have the Hopedene and Kennedy House and
5 Good Shepherd not really dealing with children.

6 Good Shepherd Convent in Newry:

7 "Material conditions and equipment very good."

8 There is no mention of staffing.

9 Sacred --

10 CHAIRMAN: Is it possible to interpret these manuscript
11 notations? For instance, opposite the "Good Shepherd,
12 Derry" what looks like an "S" and the same for the
13 convent in Newry and then "N". Did they ultimately --
14 they must have made their way on to the register
15 presumably.

16 MR AIKEN: Yes. These are all homes that are on the
17 voluntary register. Chairman, if you leave that with
18 me, we will see if we can try and work out what that
19 might be referring to.

20 CHAIRMAN: I think, looking at it more closely, it must be
21 "No", N-O, whatever that relates to. Yes.

22 MR AIKEN: So Rubane House, for instance:

23 "Good care and training by trained staff of
24 brothers -- plus one woman cook."

25 Our Mother of Mercy:

1 "Children look quite well cared and babies are well
2 cared, but I feel there are insufficient staff and the
3 bigger children's activities could be improved."

4 The Convent in Bessbrook was described as:

5 "Giving affectionate care."

6 They don't seem to have large numbers.

7 The Nazareth Lodge, Belfast then is described as:

8 "Poverty stricken, short of staff and play
9 equipment. Very institutional for older children and
10 babies in desperate plight. Reverend Mother very
11 anxious to improve and hopes to have nursery school
12 started."

13 I am not sure whether we can enhance even further
14 the size to see can we work out what the handwritten
15 notes are.

16 CHAIRMAN: I think it starts:

17 "For toddlers (unless Ministry of Education -- under
18 Minister of Education)"

19 and then below:

20 "At ..."

21 MR AIKEN: BR 39 , who was BR 39 .

22 CHAIRMAN: "Glenariff -- Glenariff home."

23 MR AIKEN: Yes. BR 39 was the -- in the De La
24 Salle Order and he sat on the Child Welfare Council and
25 was responsible for setting up Rubane in Kircubbin,

1 although he himself was based at St. Pat's in Belfast.

2 CHAIRMAN: I think we know from the Rubane material that
3 Glenariff was a home up in the glens of Antrim where
4 children went for summer holidays.

5 MR AIKEN: Yes.

6 CHAIRMAN: Yes.

7 MR AIKEN: Being fair to the Department, looking at what's
8 described in respect of these four Nazareth homes that
9 we are going to look at, when I come on in due course to
10 talk about finance there is at least a partial answer to
11 show what the Department did, because investment was
12 made certainly in considerable sum to Nazareth Lodge
13 shortly after this report. When I say shortly, I mean
14 shortly after in civil service terms, if I can not cause
15 offence, three to four years.

16 So we have then Nazareth House, Belfast:

17 "Very institutional, but material conditions better
18 than Nazareth Lodge. Short of play equipment. Short of
19 staff. Have made holiday arrangements at Brother
20 **BR 39** Glenariff house."

21 What will become apparent when we look at Rubane is
22 the boys transferring from the Lodge to Rubane at around
23 about 11. So there was a relationship between the
24 Sisters of Nazareth in Belfast and the De La Salle
25 Brothers operating in Rubane.

1 Scroll down, please. So said of St. Joseph's Home,
2 Termonbacca:

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

6 I have already indicated on behalf of the Inquiry to
7 the Department that the Inquiry wants to know what the
8 Department did, having had their officer identify that
9 this was an issue.

10 Then the Nazareth House in Bishop Street it has:

11 "The best play equipment of any of the four Nazareth
12 homes at any rate for toddlers, but still very
13 institutional."

14 So there is no reference to a lack of staffing
15 there. However, then the summary that's given is:

16 "Children in these four homes have nothing like
17 a normal upbringing. They must feel unloved as it is
18 just not possible for the number of staff to show
19 affection to such large numbers of children."

20 So that encapsulates a recognition covering all four
21 homes that there's a staffing issue which creates -- and
22 it might be said on one view that of its time the
23 inspections were more about buildings and structures and
24 what was available as opposed to the emotional need of
25 the child, which clearly changes over time, but there is

1 a recognition here that love is important and that
2 providing it was going to be nigh on impossible. So
3 that's a -- Children's Inspector within the Ministry
4 pointing that out and raising that:

5 "They can know little or nothing of the world
6 outside, as with one exception school is on the
7 premises. Must be completely unprepared for it."

8 So an aftercare issue is flagged up. Not only --
9 two bases for that are given, either in character or
10 knowledge, and her personal indication is that she found
11 the homes utterly depressing and was appalled to think
12 that these hundreds of children are being reared in
13 bleak lovelessness.

14 Now one might pause there to pose the question for
15 the Panel to consider those for a civil servant might be
16 considered to be very strong words and one might have
17 thought they would have provoked responses of some kind
18 from those that read this note and that may well be the
19 case, but at this point those documents are not
20 available. Because of the --

21 CHAIRMAN: It is interesting Miss Forrest really concludes
22 by strongly recommending a two-pronged process. The
23 first is the Ministry pressing the Order for a complete
24 overhaul, in other words, a root and branch
25 re-examination and change, and then adding to achieve

1 that they have to be assisted in whatever way possible.

2 So it's not just a critical form of approach that she is
3 recommending. Far from it, but she is saying they can't
4 do this on their own.

5 MR AIKEN: Another observation that the Panel might consider
6 is that she doesn't flag up as an option the
7 deregistration of them as voluntary homes. Now from
8 silence it is dangerous to mount any argument, but it
9 may be the case that she was not saying that these were
10 unsafe places for children to be, just that they were
11 very far from her view of what a children's home should
12 look like, and therefore, as she saw it, very far from
13 ideal, but one might have expected, given the statutory
14 obligation on the Inspector, that if she considered them
15 to be an unsafe place for the child, then she would have
16 had an obligation to take steps to have the children
17 removed on one view.

18 CHAIRMAN: Well, between them they accommodated several
19 hundred children.

20 MR AIKEN: And it would have raised obviously serious issues
21 for the welfare authorities into whose care all of those
22 children would have fallen had the homes been
23 deregistered, but what is clear is that as far as the
24 Children's Inspector or this one in particular was
25 concerned, the issue of adequate staffing was all over

1 her examination of the voluntary homes in the summary
2 that she was then providing.

3 I am not sure if we scroll down whether there is any
4 annotation on -- there is no annotation on this
5 particular memo.

6 Now, as I say, when we come to look at finance, it
7 will be clear that some steps were taken on the
8 financial side and we can come back to see the context
9 of this when we are looking at those matters.

10 CHAIRMAN: Do we find anywhere in the records anything to
11 suggest that there was a comprehensive overview or
12 response to these suggestions in the context of all of
13 the homes as opposed to specific reactions in relation
14 to individual homes; in other words, a policy decision
15 being considered as to having a uniform reaction to what
16 Miss Forrest had identified?

17 MR AIKEN: There are two things I should say about that,
18 Chairman. The first is that from the likes of the Freer
19 letter we were looking at today there clearly was
20 a minute, at least one, that provoked what might be
21 described as an enthusiastic reaction from the
22 inspectors, which Freer was receiving comment on from
23 the author of the letter. We don't have the minute that
24 that was or any that might have preceded it and we will
25 continue looking.

1 The other thing that I should say is that there is
2 every possibility that in the files that are not
3 available there would have been minutes or memos about
4 what was to be done with each one of these homes, and it
5 may be when -- because we haven't moved there -- when we
6 come to look at the Belfast homes and attempts are made
7 to find those inspection files, that the reaction
8 specific to them from this memo might be found therein
9 and that might indicate what might have been done about
10 these homes, but because the files particular to
11 Termonbacca and Bishop Street are not available, that
12 knowledge is lost to us.

13 CHAIRMAN: I wouldn't be unduly optimistic that you would
14 find such a document in another file, because this was
15 long before the era of that great invention the
16 photocopier.

17 MR AIKEN: Yes.

18 CHAIRMAN: So to produce the number of carbon copies that
19 would be necessary for every one of these homes, it
20 wouldn't be impossible, but it would be relatively
21 unlikely.

22 MR AIKEN: Yes. It is like looking for a needle in a ...

23 CHAIRMAN: By 1970s one could get a Gestetner machine that
24 would churn out endless photo... -- endless carbons, but
25 I doubt whether in 1953 those were in use.

1 MR AIKEN: No. So there are obviously questions for the
2 Department that arise from this that they are aware of
3 and that --

4 CHAIRMAN: We have to keep looking I think.

5 MR AIKEN: Yes. That document then is the start of
6 a journey that I am going to take you briefly through,
7 and if at times you want it to be slower or quicker,
8 then if you can guide me, I'll try and do that, but this
9 inspection that we were looking at was April 1953.

10 We know -- can we have SND-13069, please -- that
11 on -- if you just magnify that for me, please -- on 11th
12 June 1954 the first Child Welfare Council visited the
13 home at Termonbacca amongst a series of other visits
14 they did as part of their work. Now we will not look at
15 it just now, but there were a number of qualified and
16 well qualified people sitting on the Child Welfare
17 Council doing the work, and you have seen the product of
18 that through the various detailed reports that are
19 available. So it can be inferred that there were
20 individuals who might have known what they were talking
21 about at the time and perhaps of its time, but certainly
22 visiting Termonbacca in June 1954.

23 CHAIRMAN: Do we know what the remit of study group number 1
24 was?

25 MR AIKEN: That was looking at the -- if we just scroll up

1 to the next page, please, so I quote it accurately, it
2 was looking at child life protection and the welfare of
3 children in homes and training schools.

4 Now a source from which it has been possible to --

5 CHAIRMAN: Can we go back down to SND-13069?

6 MR AIKEN: Yes. Can we just scroll down, please?

7 CHAIRMAN: It is that group that goes to -- to Termonbacca.

8 MR AIKEN: Yes, and also to Nazareth House on the same day.

9 CHAIRMAN: Yes.

10 MR AIKEN: The congregation has produced for us the
11 foundation book records that were kept of Termonbacca
12 and Bishop Street and those provide further evidence of
13 the fact inspections were taking place and that's the
14 type of record I am going to turn to on a number of
15 occasions.

16 If we can go to SND-18251, please, and again a lot
17 of forensic work has been done very recently by the
18 staff back in the office to get the relevant portions,
19 but this is a record from 1955. You can see:

20 "The boys club reopened at the beginning of year and
21 Mr Hall, inspector, visited. Examined all the books,
22 gave great credit to and for their
23 charitable work and seemed quite pleased with
24 everything."

25 So one can surmise there would have been a report in

1 a file which we don't have which may not necessarily
2 have expressed the same views as the sister who has
3 compiled this note, but certainly the Department seems
4 to have been in Termonbacca in 1955.

5 Then if we can have, please, SND-5923, there are
6 a number of occasions whenever the home was also
7 visited. If you just maximise the page that -- thank
8 you. The McConaghey Committee, as it became known, its
9 official title "The children's homes and training
10 schools committee", which was set up -- when we come to
11 look at the financial matters, the capital grants under
12 the legislation, the Ministry of Home Affairs set up
13 this committee, which was chaired by Bessie McConaghey,
14 and had a series of very experienced, qualified people
15 sitting on it. It seems to put some clear blue water
16 between the Ministry and the decision that was being
17 taken as to whether funding of the voluntary home was
18 appropriate or not, and they feature on a number of
19 occasions in respect of grant applications, but what
20 this record shows is that as part of their work in --
21 they indicate in the letter of 7th May 1957:

22 "My committee has carefully considered the question
23 of financial assistance from public funds to the
24 management committee of St. Joseph's Children's Home,
25 Termonbacca towards the expenditure. My committee has

1 paid two visits of inspection to St. Joseph's Home and
2 scrutinised its annual accounts."

3 Now it can rightly be said that their purpose was to
4 look at whatever the plan was for improvements there.
5 They were examining the accounts. So the main purpose
6 is a financial one in considering the application for
7 a grant, but it is government officials who are in the
8 Termonbacca home visiting twice in 1957.

9 The foundation book, if we just quickly turn to
10 SND-18252, may be recording the same visit. Just scroll
11 down for me, please.

12 "The different officials who visited us from
13 Stormont are very pleased with the boys. Thank God they
14 all keep well."

15 So that's '57.

16 In 1958, if we can look at SND-6215, this is
17 a document we have seen very briefly in a different
18 context, but it is a memo -- again if you just scroll
19 down a little so the name and date can appear --
20 November 1958, Kathleen Forrest. A memo has come into
21 the Department of Health from the Ministry of Home
22 Affairs asking about two boys who are on a farm in Feeny
23 as a result of the children who -- of the parents having
24 been arrested and how did the children from Nazareth end
25 up there? For present purposes it is the last

1 paragraph. You will see:

2 "Miss Wright will be visiting this home in the near
3 future ".

4 So we are in November '58 and Kathleen Forrest is
5 indicating there is to be an inspection by her colleague
6 in the near future.

7 CHAIRMAN: It seems clear from her terminology that this was
8 a planned inspection in the sense it had already been
9 arranged. Then this issue was raised to the Minister
10 and she is saying, "Well, we can take advantage of this
11 planned visit to pursue this issue".

12 MR AIKEN: Yes. "We'll discuss it with ..." -- and the
13 section 103 reference is about the aftercare. You will
14 see the third paragraph up:

15 "Voluntary homes are required under section 103 to
16 inform the Welfare Authority in whose area a child over
17 school age proposes to reside on leaving the home and
18 the Welfare Authority is required to advise and
19 befriend."

20 So that's the duty that we looked at and we
21 discussed with TL 19 whether there ever was a policy
22 from the Board to pick up children who were leaving
23 voluntary care. We will see the response that was given
24 at one point certainly by the Sisters to this, but the
25 issue is these children have gone out on to the farm and

1 the query is being raised about whether the welfare
2 authority might know about it, but they don't
3 necessarily need to give approval for it if the welfare
4 authority was happy that the aftercare solution found by
5 the voluntary home was satisfactory. So there still
6 should be some decision-making process in there that
7 involves the Welfare Authority, but Miss Wright is going
8 to pick this up as part of her inspection.

9 We can see then at SND-5833 that that inspection
10 that was being forecast does appear to have taken place
11 on 28th February 1959 and the practice -- and this goes
12 back to the memo that we saw about the dissemination of
13 inspection reports. So on occasions excerpts of
14 an inspection was sent to someone that the Ministry
15 considered needed to see it. So on occasion that might
16 have been the Welfare Committee or perhaps another
17 Department, but this note -- we don't have the
18 inspection itself, but:

19 "Reverend Mother showed us over the premises.
20 Control heating by oil installed last November is
21 a great asset to this home."

22 So -- and you can see the -- it is a joint
23 inspection. So Dr Simpson from the Health Department,
24 the medical inspector, is there along with Miss Wright
25 from the Ministry of Home Affairs.

1 One can also deduce from this document that not only
2 did they inspect, but Miss Wright prepared a report,
3 because we are looking at an excerpt from that report.

4 So that's February of '59. We do actually have one
5 of Miss Wright's inspection reports for Termonbacca for
6 August 1960. If we can go to SND-6174, please and if we
7 can just magnify. So she is saying that:

8 "On 23rd July 1960 I visited St. Joseph's Boys Home,
9 Termonbacca. There were 87 children in residence, 15
10 from 2 to 5 years of age, 12 from 3" -- sorry -- "15
11 from 2 to 3 years of age, 12 from 3 to 5 years of age
12 and 60 of school age. There are two boys", named, "who
13 are the responsibility of the Special Care Authority.
14 They attend a day centre in Derry. SR38 told me later
15 that these boys were very difficult to deal with at
16 times and she thought their presence was detrimental to
17 the welfare of the other children."

18 Then there is reference to SR1 thinking she is going
19 to be transferred from Termonbacca in August and she
20 will then have completed six years in office.

21 "SR11 returned to Termonbacca last September, having
22 successfully completed the Home Office residential child
23 care workers course for houseparents.

24 SR38 continues to be in charge of the nursery group.
25 She is at present assisted by three untrained nursery

1 assistants. One of those is anxious to train as
2 a nursery nurse. Another, who holds a Northern Ireland
3 certificate in child care and who has assisted SR38 for
4 a number of years, terminated her employment at the home
5 last November."

6 So:

7 "SR13 showed me over the premises. A considerable
8 amount of redecoration has been carried out recently
9 throughout the house. A new laundry is in the course of
10 creation adjacent to the main building."

11 There is an notation beside that indicating a memo
12 of November '60. I think this issue does feature in the
13 finance aspect:

14 "It was a sunny afternoon and all the children were
15 out of doors. The older boys were playing football and
16 the younger children were enjoying a variety of
17 activities on the cement at the side of the house.
18 Reverend Mother is disappointed that it had not been
19 possible to have the playing fields levelled during her
20 term of office. She paid tribute to the members of the
21 farm committee and the wonderful assistance they had
22 given her on all occasions. The St. Vincent de Paul has
23 also been very helpful coming to the home in the
24 evenings and taking the boys out from time to time.
25 Most important of all, they had undertaken the aftercare

1 supervision of all boys discharged from the home."

2 So Miss White from the Department is being told or
3 from the Ministry is being told by the Reverend Mother
4 there is aftercare provision and it is being catered for
5 by St. Vincent de Paul.

6 "This supervision included boys returned to their
7 own parents. Reverend mother assured me" -- and this
8 takes us back to the reference to and the two farm
9 boys -- "Reverend Mother assured me that in all cases
10 the Welfare Authority had been notified in accordance
11 with section 103 of the Children & Young Persons Act."

12 Now there is no documents from the congregation to
13 show that happening. To date there's nothing that we've
14 found from the welfare authorities to show that
15 happening, but that's not to say it didn't happen. What
16 the Reverend Mother is saying may well be right.
17 There's just no documents to confirm it:

18 "She assured me that in all cases that had been
19 done.

20 The Reverend Mother showed me clothing purchased
21 recently for boys attending school -- blazers and grey
22 flannel trousers. This deviation from the clothing
23 normal at this house is a pleasant and commendable
24 change.

25 I hope to revisit St. Joseph's in September and see

1 SR11, who is responsible for the older boys, who was
2 absent at the time of my visit."

3 Now what the record doesn't indicate, although we
4 have seen from earlier records that it was the practice
5 of the Ministry inspectors, the report doesn't indicate
6 that the statutory records were inspected and that is
7 the discharge book, the admissions and discharge book,
8 the events of importance book, the medical record, the
9 diet record. Those are the records that were to be
10 kept.

11 Also what it doesn't do, and this is an issue that
12 I can pick up with **SND 503** , it doesn't indicate that
13 the Inspector checked to ensure that the voluntary
14 visitor obligation that was placed on the congregation
15 as the administering authority was being carried out,
16 and the congregation have said to the Inquiry that it
17 was not being carried out. So that's the obligation
18 under regulation 4 to inspect on a monthly basis and
19 someone was to be appointed to do that to ensure the
20 home was being run in the best interests of the children
21 and to report back to the administering authority.

22 So we'll see when we get into the '80s and '90s that
23 the Social Service Inspectorate, as it became, that was
24 one of the issues that they wanted to ensure was being
25 done, and when it wasn't being done, they picked up on

1 it and recommended that steps be taken to do it. In
2 this case it doesn't seem to have featured as far as the
3 written record was concerned, and the written record for
4 whatever reason does not refer to a staffing issue. Now
5 what reasons there are for that they could be infinite.
6 It could be that -- one can see from the ratios that it
7 can't be because there wasn't a staffing issue it would
8 seem and therefore the non-reference to the staffing
9 issue is either because the Inspector presumably didn't
10 recognise it or it, if recognised, was something that
11 whether it was acquiesced in or -- that's a matter the
12 Panel will have to consider, but if doesn't have
13 a reference to the staffing in this particular document.

14 Now it indicates at its end that there's going to be
15 another visit in September. We don't have that report
16 that might have emanated from that visit, but what we
17 can see, if we go to SND-14242, the entry of 20th
18 October indicates that:

19 "The congregational council met and voted to pay the
20 bills. The Child Welfare Council visited on
21 14th October. They were pleased with the work done for
22 the children."

23 I am not quite sure why that's redacted, but
24 I believe that's Miss Wright, and perhaps if someone
25 could bring me the page with that reference on it. Just

1 scroll up so I can give the page number again, please.
2 SND-14242, but on this occasion in October the
3 inspection of the children's records has taken place and
4 they were up-to-date. So it may be that there was
5 another report that looked more closely, given that the
6 person who was looking after the children wasn't there
7 at the time of the first visit, but we don't have the
8 report in order to say any more about it.

9 You will note that the Child Welfare Council have
10 visited again and this time it is the --

11 CHAIRMAN: Just before we leave that page could we scroll up
12 to the page before?

13 MR AIKEN: Just scroll up, please.

14 CHAIRMAN: I was curious to know what the reference to
15 £45,000 was.

16 MR AIKEN: Just come down a bit, please. Several
17 businessmen were very generous with their subscriptions,
18 with this money, and replacement -- they purchased
19 a dairy herd.

20 CHAIRMAN: They were buying more stock.

21 MR AIKEN: Yes, at a cost of -- scroll down, please --
22 £45,500.

23 CHAIRMAN: Yes.

24 MR MONTAGUE: It is Miss Wright.

25 MR AIKEN: It is Miss Wright. I am grateful to Mr Montague.

1 So Miss Wright has been back, as she said she was going
2 to be, and there are various references in the
3 foundation books which I am not going to take you to
4 which show the farm progress and it became a profitable
5 organisation. There was one occasion when the farm
6 account, £12,000 was generated which was capable of
7 being used. So it was something that was obviously
8 doing well eventually.

9 So that's -- so Ms Write has been twice in 1960, and
10 if we look at the foundation book -- and Mr Montague
11 maybe can continue helping me if he can keep the
12 foundation books open for me.

13 At SND-18256 we have Ms Wright and Dr Simpson who
14 both visit. You can see thankfully this one hasn't been
15 blacked out:

16 "In 1961 Miss Wright and Dr Simpson from the
17 Ministry of Home Affairs called here in July and were
18 very pleased with the children and the work done."

19 Now obviously there may well have been a report from
20 Miss Wright. The Department is looking into for us
21 whether there were medical reports from Dr Simpson that
22 we discussed yesterday that might also assist if he did
23 follow through on Dr minute of commenting on the
24 general condition and operation of the home, but whether
25 this note echoes what would have been in the report from

1 Miss Wright obviously we can't say.

2 What we can say then in 1962 at SND-14246, and this
3 time the record we are going to look at, we can see it
4 was compiled by SR1, which is SR1, who is featured, and
5 this time Miss Forrest is visiting, and Mr Montague will
6 just check that for me to make sure that --
7 unfortunately the name is blacked out, but I am
8 confident this is a congregational record that shows
9 that in the month preceding 16th April 1962 there was
10 a visit from Miss Forrest during night recreation. You
11 will see that the rule was spoken of, which is the
12 discipline of the congregation:

13 "All agreed that the sisters were doing their best
14 and devoted to their work."

15 CHAIRMAN: Who came during the recreation?

16 MR AIKEN: Kathleen Forrest.

17 CHAIRMAN: Miss Forrest.

18 MR AIKEN: So the pattern that we are seeing are annual
19 inspections, different inspectors, often joint
20 inspections between the Ministry of Home Affairs
21 Children's Inspector and the Department of Health and
22 local governments -- sorry -- the Ministry of Health and
23 local government's medical inspector. This is a visit
24 in the evening time. So different times of the day. I
25 will give you at the end a series of references for the

1 visitations that was happening not at the same time but
2 over the same period where the mother house, as it were,
3 Hammersmith, were having visitations and it gives you
4 an interesting insight. It is at the same time. This
5 is April '62 that Miss Forrest inspects.

6 If we look at SND-14248, we can see that -- a record
7 of the type of visitation report that was prepared. So
8 there's a council meeting and there's reference made to
9 the spiritual observance. Then "Bursar's remarks". You
10 will see:

11 "The bursar said she is quite satisfied that she has
12 no difficulty in obtaining all that is necessary. The
13 food is excellent, plentiful and well cooked. The menu
14 is varied."

15 There is reference then to the sisters and then to
16 the chapel. Just scroll down, please. Reference to the
17 linen room, books. You can see at 1962:

18 "Folders for the children with case history of each
19 also filed in perfect order."

20 So there's definitely from this document
21 a suggestion that there were folders for the children
22 who were being looked after and we will shortly see the
23 number. You can see under "Employments" then:

24 "Babies.

25 The children look healthy and happy. There is

1 plentiful supply of clothing and footwear.

2 There is 64 boys on top of the 26 babies."

3 So we have a total of 90 in the home.

4 "The boys look healthy and are well dressed. They
5 are polite, respectful in their manner. Two boys attend
6 the Christian Brothers School. One of them hopes to
7 qualify for a senior certificate."

8 Then there's reference to the boys under 10
9 attending school in Bishop Street:

10 "Adequate supply of clothing and footwear. A large
11 quantity ... of which is quite new."

12 Then there is a reference -- if we just scroll down,
13 please -- no, not just -- up so we can see the general
14 remarks:

15 "The house is gradually approving in its financial
16 state. There are good hopes that there will be no need
17 to borrow money from the mother house to maintain it.
18 The farm which had hitherto been" -- if we can --
19 "a great liability is now well organised and there are
20 evident prospects that it is going to be adequately
21 productive. For these much-needed improvements we are
22 indebted to a committee of men formed from the leading
23 Catholics of the city of Derry. They take a keen
24 interest in all that concerns the home and are willing
25 to help the Sisters in every possible way.

1 There are necessary repairs to be done in the boys
2 department as soon as funds will permit.

3 The following are urgently needed: refrigerator,
4 deep frying pan, a boiler. In the nursery a washing
5 machine and an extra bath for the babies. That can be
6 supplied from Fahan where there is a new bath not in
7 use."

8 You will recall that one of the sisters described to
9 you encouraging the move to taking babies to live in
10 Termonbacca rather than just 2-year-olds coming from
11 Fahan.

12 "As the chaplain in the house gets no stipend ..."

13 Now obviously Bishop Daly's recollection was there
14 was no chaplain in Termonbacca, but it seems at this
15 point in time in '62, which would have been before
16 Bishop Daly's time as bishop, there was a chaplain and
17 it seems four priests took turns acting as the chaplain.

18 So that is -- that type of content is typical of the
19 visitation records of the Superior coming to examine
20 Termonbacca. It doesn't contain criticism or
21 constructive criticism of how things are being done. It
22 doesn't refer to staffing problems. It doesn't
23 recognise the fact that the voluntary regulations are
24 not being complied with by the administering authority,
25 which is the congregation.

1 Now we -- the last Ministry record we looked at was
2 in April 1962. We can see at SND-18257 that in 1963 --
3 and this again is taken from the foundation book,
4 because the record is not available -- that, second
5 paragraph:

6 "Miss Forrest and Mr Marks came to see the boys
7 place from Stormont. Next day we had members of the
8 Child Welfare Council to see the children.

9 The council remarked on how well cared for the
10 children looked and hoped we would be able to improve
11 the present building."

12 So this follows a pattern that we saw in the
13 representative records that we looked at after lunch,
14 where it wasn't necessarily just the Inspector but one
15 who was above the Inspector on occasions accompanied the
16 Inspector on the visit, because Mr Parks on this
17 occasion has accompanied Miss Forrest, and Mr Parks
18 appears to have been her senior within the Ministry of
19 Home Affairs, and unfortunately there is no report
20 beyond that.

21 So in 1963 we have two sets of government officials
22 for two different purposes visiting the home.

23 Then in February 1964, if we look at SND-18258,
24 please, we have:

25 "Dr Simpson and Miss Hill paid us a visit in

1 February."

2 Now the Department will have to help me out.
3 Perhaps if someone could come back to me about this,
4 Miss Hill, whether Miss Hill is a doctor or whether Miss
5 Hill is a Children's Inspector. There was, if you
6 recall, a Children's Inspector report that we looked at
7 after lunch from one of the other homes where the
8 signature looked like "O'Neill". It might be "Hill".

9 CHAIRMAN: I think we could find that out quite easily.

10 MR AIKEN: Therefore this may be another joint inspection
11 between the Ministry of Home Affairs and the Ministry of
12 Health. You can see they were both said to be very
13 satisfied with the boys.

14 "Anxious that the sisters would build dormitories as
15 more sleeping accommodation was needed. They said they
16 would say so at Stormont and express the hope the
17 congregation would get a grant."

18 You will see the farm did well in that year.

19 You will see another congregational record that
20 seems to relate to the same visit at SND-14254, but it
21 adds a little bit to the story, because it records
22 Dr Simpson and Miss Hill -- can you just -- you can see
23 that there's reference to:

24 "The council met" -- just scroll up, please -- "the
25 council met and voted to pay the bills. Since our last

1 meeting Mother General has granted permission to erect
2 a building for the boys at the cost of £25,000 and also
3 granted permission to transfer £3000 on deposit."

4 If I can ask you just to keep that on a note aside,
5 because this begins a process that sees the change in
6 Termonbacca towards the late '60s, early '70s when we
7 move to the family units. If we scroll down --

8 CHAIRMAN: Just before we leave that, that would suggest,
9 would it not, that the semi-autonomous status of the
10 houses in Derry did not extend to having complete
11 financial freedom of action?

12 MR AIKEN: No. Permission was --

13 CHAIRMAN: They had to get the permission of the Mother
14 General in Hammersmith to engage in substantial capital
15 expenditure.

16 MR AIKEN: Yes.

17 CHAIRMAN: These I take it or this would be the building in
18 1964 perhaps being contemplated that was suggested by
19 the Mother General as being necessary in 1959 --

20 MR AIKEN: Yes.

21 CHAIRMAN: -- and ultimately perhaps produced the new build
22 which started in 1970 and finished in 1972.

23 MR AIKEN: Yes. We are going to see the development of that
24 more when we look at the finance. In this context you
25 will recall the 1964 questionnaire, which also flags up

1 the need of accommodation. Unlike the Bishop Street,
2 which wasn't signalling a need for help, the Termonbacca
3 questionnaire to the Child Welfare Council who visited
4 in this year was signalling that. In fact -- I'm sorry
5 -- the Child Welfare Council visited in '63 and then the
6 questionnaire was sent and completed in January '64.

7 So it begins to join up in terms of what's actually
8 happening on the ground. If we just scroll down so we
9 can see the reference to -- the names I am afraid are --

10 "Since our last meeting we had a visit from", and
11 that is Dr Simpson and Miss Hill, "from Stormont, who
12 were making inquiries about the proposed building."
13 I think it is Dr Simpson, "stressed on the fact of
14 suitable temporary accommodation for the boys."

15 So obviously a discussion is taking place about the
16 new building that might be made and --

17 CHAIRMAN: Just one moment. Yes. This is the entry we see
18 at SND-13946. These are annual inspections in Sister
19 Brenda McCall's statement:

20 "Dr Simpson and Miss Hill paid us a visit on
21 February 4th. Both were very pleased with the boys and
22 most anxious that we would build dormitories, as more
23 sleeping accommodation is needed."

24 MR AIKEN: Yes.

25 CHAIRMAN: That would seem to be what is referred to.

1 MR AIKEN: That record that Sister Brenda is referring to is
2 the one at SND-18258 and then this seems to be in
3 a second book, a further reference to the discussion,
4 but there is more to it on this occasion in this record.
5 The doctor is indicating there has to be suitable
6 temporary accommodation while this is being constructed.

7 CHAIRMAN: The entry that Sister Brenda quoted continues:
8 "Said they would say so at Stormont and hoped we
9 would get a grant."

10 MR AIKEN: Yes.

11 CHAIRMAN: So it is not just the £25,000 but there is clear
12 recognition somewhere on the part of the sisters they
13 are going to have to look elsewhere for the balance.

14 MR AIKEN: Yes. We will see that that happens and a grant
15 is forthcoming.

16 CHAIRMAN: Would this be a convenient point at which to give
17 your audience a break, Mr Aiken?

18 MR AIKEN: Yes. Not just the stenographer on this occasion
19 I note, Chairman.

20 CHAIRMAN: 3 o'clock.

21 (2.50 pm)

22 (Short break)

23 (3.00 pm)

24 MR AIKEN: Chairman, Members of the Panel, to just tie up
25 the reference to the commencement of what becomes

1 a major building project to move the children from
2 Termonbacca into better accommodation the questionnaire
3 that I was referring to, if we could bring up on the
4 screen, please, SND-7808, which is the reference. Just
5 maximise that and go down to the bottom half of the
6 page, please:

7 "Desirable developments. Yes, we badly need
8 sleeping accommodation modernised, more play space, etc,
9 at an estimated cost of £50,000 to replace the old
10 corrugated iron structures. Financial resources are
11 insufficient. It would be assistance to the council if
12 you would give information on the following."

13 The annual running costs are said to be 11,000 and
14 subscriptions from farm:

15 "None save perhaps of the -- save perhaps the value
16 of the farm itself."

17 Well, I haven't looked at the foundation books with
18 an eye as yet to seeing what the farm produced, but it
19 did seem by this time to be profitable, but in any event
20 it is being flagged up that there's to be this building,
21 the modernisation programme at £50,000 and that help
22 would be welcome.

23 We had looked at March '64, Dr Simpson and Miss
24 Hill. I am just going to quickly deal with
25 February 1965. If I can have SND-14257, please. The

1 same two individuals visit again. If we just scroll
2 down -- scroll down, please. That is their names I am
3 afraid blacked out again for reasons unclear to me:

4 "Dr Simpson and Miss Hill paid us a visit. Stayed
5 for three hours discussion the proposed new building
6 and said they had every hope we would get the grant from
7 Stormont."

8 Then a grinding mill was purchased and it moves on
9 to other matters.

10 So again there's another annual visit seems to be
11 taking place, and there isn't reference to one in 1966
12 that we have found, but in the congregational record at
13 SND-14264 we can see the visit of 10th March 1967, and
14 again I am afraid their names have been redacted. Just
15 go down to the bottom of the page, please.

16 "On 10th March we had our usual annual visit from
17 Dr Simpson and Miss Hill, Stormont officials."

18 Perhaps if Mr Montague would just check for me to
19 make sure that's Miss Hill rather than Miss Wright
20 there.

21 Then discussion of the holy rule and it was agreed
22 that the sisters were doing their best.

23 CHAIRMAN: Sorry. Which year is that?

24 MR AIKEN: That's 1967, in March.

25 MR MONTAGUE: It is Miss Hill.

1 MR AIKEN: Miss Hill. So it's Miss Hill and Dr Simpson on
2 10th March, and ...

3 Now an important record perhaps. The cycle is one
4 of the Ministry -- two Ministries coming annually, but
5 if we look at SND-14267, and again it's in light of this
6 particularly unfortunate that we don't have the file
7 that would have shown us. If we just move further down,
8 please, to the entry of 18th November, and it says:

9 "Since we last had our council meeting we requested
10 a visit from the Ministry officials."

11 So that is suggesting that there was a degree of
12 willingness to have the Ministry attend in order to
13 discuss the proposed children's building.

14 Now those who attended under the redactions are
15 Mr~Blackburn, Miss Forrest and Miss Hill. So I am going
16 to assume for now, and we will check, that those are all
17 Ministry of Home Affairs officials, and this --

18 CHAIRMAN: Sorry. The three names again?

19 MR AIKEN: Blackburn.

20 CHAIRMAN: Yes. Miss Forrest and Miss who?

21 MR AIKEN: Miss Forrest and Miss Hill. This next part --

22 CHAIRMAN: If we look at SND-13946 --

23 MR AIKEN: Go to SND-13946.

24 CHAIRMAN: -- Sister Brenda says those three are Ministry of
25 Home Affairs in that extract.

1 MR AIKEN: Yes. The next part is of particular note:

2 "They were very helpful and suggested the erection"
3 -- if we just move down, please -- just stop there --
4 "the erection of two blocks, these to be divided,
5 providing four family group homes, each to accommodate
6 14 or 15 children. Mother General gave permission to
7 trade in the old tractor and purchase a new one at the
8 cost of ..."

9 So there's two aspects to that. One is again the
10 point you mentioned, Chairman, which is the Mother
11 General seems to be in charge of whether -- of the
12 financial decisions that the home is making. So here
13 permission was required to sell the tractor, but of
14 particular interest is, having invited the Ministry, the
15 discussion that's recorded is the Ministry of Home
16 Affairs recommending the construction of premises that
17 are in keeping with what's envisaged in the 1952
18 memorandum.

19 CHAIRMAN: Yes. The note -- page 148 apparently of
20 I suppose the visitation book or the annual record we
21 find in SND-13946. If I just read it all:

22 "Miss Forrest and Miss Hill and Mr Blackburn,
23 Ministry of Home Affairs, Stormont, came on
24 15th November to visit the children and discuss the
25 proposed new building."

1 Mr White. Miss Forrest was pleased with the plans and
2 said she would take them to Stormont to have them
3 examined and get in touch with us as soon as possible."

4 So --

5 CHAIRMAN: Yes. Scroll down.

6 MR AIKEN: If you just scroll down.

7 CHAIRMAN: You can see you get a phone call from Miss Hill.

8 Again this is set out in full at SND-13946.

9 MR AIKEN: Which is Miss Hill telling -- and we have her
10 down as the Ministry of Home Affairs -- telephoning that
11 the plans were acceptable with a few minor alterations
12 where necessary and they would be sending for Mr White,
13 the architect, very shortly for discussion. So
14 presumably because there was going to be a capital grant
15 flowing ultimately towards this work, then there is
16 interaction between the Ministry and the architect who
17 is going to engage in the construction.

18 CHAIRMAN: Well, in fact, at SND-13946 it begins, and
19 I presume this must be extracted from further down this
20 record:

21 "Mr White went to Stormont where it was decided that
22 it would be necessary to erect a covered way from our
23 kitchen to the new building and to provide a doctor's
24 room in one of the three houses. He is now to draw
25 a more detailed plan and send a copy to the Ministry."

1 Page 1556.

2 MR AIKEN: I think that's a reference we haven't yet found
3 in the material that has been provided to us, but
4 presumably it is somewhere contained in these types of
5 records.

6 So the interaction is going on now over a building
7 project. That's going to see the family style homes
8 constructed, but at the same time we have what I might
9 call the normal annual inspections going on.

10 So in December of 1969, if we look at SND-18265 --
11 just scroll down, please -- you can see the involvement
12 of Miss Black slightly further down, but at the same
13 time:

14 "On 27th November we had a visit from Dr Simpson and
15 Miss Hill from Stormont."

16 There is also a visit from John Hume, MP. Again
17 with each of these there were no doubt at least one
18 report, which unfortunately we don't have.

19 CHAIRMAN: Although the page on the screen isn't numbered,
20 the reference in Sister Brenda's report would suggest
21 this is page 162.

22 MR AIKEN: If we just go up to the top of the page to see if
23 there is a matching -- yes, there is in the top left
24 corner.

25 A further visit is made in 1970 at SND-18266, where

1 it is recorded that:

2 "Dr Simpson and Miss Hill from Stormont were pleased
3 with arrangements for the children under our difficult
4 circumstances."

5 Again one can't say if that's what might have been
6 reflected by the Inspectors in their report, but that is
7 the record from the Sisters as to their understanding of
8 the inspection that had taken place.

9 Then in -- and this is something we will look at in
10 greater detail in due course -- at SND-14327 in
11 February 1971 we have Miss Forrest visiting again.
12 Obviously I should say to the Panel these are the
13 minimum number of visits. These are the visits we find
14 from the foundation books. So we can say with
15 confidence that at least these number of visits took
16 place.

17 There is reference to the Termonbacca Aid Committee
18 and its involvement. Then halfway down:

19 "In February we had a visit from", and again that's
20 Miss Forrest, "from the Ministry of Home Affairs",

21 and you will see and we will look at it in due
22 course:

23 "We received two installments of our grant from the
24 Ministry, 5850 and 3425",

25 at that point, and then there's more in April '72.

1 If we see SND-14333, please -- just scroll --
2 there's another payment at the top, further installment
3 of 4113. Then just slightly further down there is
4 another installment of 2065. So I speculate in the
5 Civil Service way this might have been the release of
6 funds as certain portions of the building project are
7 completed.

8 CHAIRMAN: Stage payments.

9 MR AIKEN: According to the record at SND-14334 we have
10 another visit from Miss Forrest. You will see further
11 references to grant, but Miss Forrest --

12 "We had a visit from Miss Forrest. She was very
13 pleased with the renovations in the nursery and with the
14 new building. The new building is nearly finished now.
15 We be delighted to get into it before winter sets in.
16 The boys were very excited when they saw the new
17 football pitch being started, also the ball alley. They
18 are very keen on games."

19 Reference to what's being done in the meantime.

20 Then we have the annual inspection from -- if we
21 scroll down to the next page -- from Dr Simpson and
22 Miss Hill taking place in November '72. You will see:

23 "Dr Simpson and Miss Hill came to visit and stayed
24 for lunch. They were both very pleased with the new
25 building."

1 Now at SND-14336 in December of '72 Miss Forrest,
2 Mr Poulter and Mr Irvine from the Ministry of Home
3 Affairs visit and it is said that they were very
4 pleased. It is that entry we have just reached:

5 "We were happy to welcome", and the names, if I just
6 give them to you again, Miss Forrest, Mr Poulter and
7 Mr~Irvine, "and they are delighted with the new building
8 and thought it was the best they had seen yet.

9 Mr Irvine promised that we would get a further grant of
10 £12,500 also to help with running costs. He promised to
11 write to the local authorities to ask them to pay 11.50
12 per child per week maintenance for children in their
13 care who were admitted to St. Joseph's."

14 If you just scroll down:

15 "We trust this will get a successful hearing at all
16 the meetings to be held to discuss it."

17 In fact, we can see -- I should just in passing --
18 I~am looking at it more in the final -- if we just
19 scroll up, please, the £12,500 in January 1973, today
20 that would be worth £131,935. So it appears on its face
21 to be a small sum by today's understanding to try to
22 build a building, but by the standards of the day that
23 was £131,000.

24 MS DOHERTY: That was to help with running costs?

25 CHAIRMAN: Well, it is not terribly clear, but if you add up

1 all the figures we see, including the £12,500, it comes
2 to 43,438 --

3 MR AIKEN: Yes.

4 CHAIRMAN: -- although, as Miss Doherty points out, the
5 12500 may, in fact, be a revenue grant.

6 MR AIKEN: I think we will see that.

7 CHAIRMAN: I think somewhere else the Sisters have
8 attributed £45,000 --

9 MR AIKEN: Yes.

10 CHAIRMAN: -- from the Ministry compared to 50,000 which
11 they raised themselves.

12 MR AIKEN: Yes.

13 CHAIRMAN: So it's possibly a capital grant.

14 MR AIKEN: Yes. We will be looking at that in finance, but
15 in passing because of the sum, and the reference to the
16 maintenance payment increasing, we will see the
17 suggestion is it goes up to £11.50. We know by '77 it
18 had gone up to 14 -- from £14 to £30. So it sounds like
19 he may well have succeeded in persuading the maintenance
20 payment to be increased at that point in time.

21 CHAIRMAN: This is a time of very high inflation, as those
22 of us who are old enough to remember sadly do remember.

23 MR AIKEN: The -- I am just going give you for your note
24 SND-14769 shows what the money was in 1977 and that was
25 up from £14 to £30 per week and then that same

1 handwritten record gives you the references for
2 increases thereafter.

3 So during December 1973 -- so we have been looking
4 at '73 for this visit to do with the building, but in
5 December '73 we have Miss Hill from the Ministry of Home
6 Affairs visiting, and if we look at SND-14341, we can
7 see at the December entry:

8 "We had a visit from Miss Hill from the Ministry of
9 Home Affairs. She was very pleased with all she saw and
10 complimented the Sisters on how well kept everything was
11 in the different houses."

12 Now if each of these records are indicative of what
13 the inspectors were telling the Sisters and exactly what
14 was being told is being written down, then there is no
15 reference to, "We have got to sort out the staffing
16 issue. We have got to get more staff. The inspectors
17 are unhappy about how few of us are looking after the
18 children."

19 Now it's a dangerous argument to make from silence,
20 but the record itself does not reflect anything other
21 than positive comment. The Panel are aware that the
22 congregation has accepted that all through this period
23 the staffing of the home was inadequate.

24 Then following the reorganisation of local
25 government in March 1974 at SND-14344 we have

1 Miss Forrest and Mr , now from the Department
2 of Health and Social Services, visiting. So that would
3 be Miss Forrest and Mr They were very
4 pleased with everything and congratulated the Sisters.

5 Then in 1975 -- and this is a record that shows,
6 picking up on the point you were asking about earlier,
7 Chairman, about speaking with the children -- at
8 SND-14346 the visit of April 1975, the congregational
9 record records a visit from Miss Hill. Just at the top:

10 "... from the Social Services Department visited and
11 spent most of the afternoon and early evening with the
12 children. She was pleased with her visit and paid
13 special tribute to the work being carried out by the
14 Sisters."

15 I am afraid the next reference we have is from
16 December 1978.

17 CHAIRMAN: Can I just confirm this in my own mind? It is
18 the position, is it not, that by 1974/'75 the inspection
19 staff from the Ministry of Home Affairs, as it had been,
20 were now with the Department of Health and Social
21 Services, although still technically regarded by the
22 Ministry of Home Affairs or its successor as their
23 staff, but they were now based inside the DHSS?

24 MR AIKEN: Yes, and probably, and we can check and confirm
25 the hierarchy of it, probably within the Social Work

1 Advisory Group at that time, which was set up in around
2 1971 and operated until '76 or '78 when we get the
3 Social Services Inspectorate.

4 CHAIRMAN: Yes. I think you told us that yesterday. So it
5 is the same person carrying out the inspections, but
6 with a different hat.

7 MR AIKEN: Yes. So we have had under the new auspices both
8 Miss Forrest and Miss Hill but now within the DHSS.

9 In December '78 then we have as a result of the
10 introduction of the DHSS and the Board structure -- at
11 SND-18267 we can see this is Mr and Mr
12 Certainly Mr name has come up among the Western
13 Board working. You will see in December '78:

14 "The newly appointed Director of Social Services of
15 the Western Health and Social Services Board, Mr
16 , and his assistant, Mr also paid us
17 a visit before Christmas. Sisters and children were
18 busy with decorations and the visitors commented on the
19 happy, natural atmosphere which seemed to prevail in the
20 groups.

21 Now joining up a series of dots then, in 1980 -- and
22 there will be more references when we come to look at
23 this in greater detail -- but at SND-15659 by way of
24 just making the point now in the chronology,
25 paragraph 13 of Dr **SND 503** statement on behalf

1 of the Department, she points out that there's a minute
2 of 3rd June 1980 referring to a visit to the home made
3 by the DHSS Social Work Adviser, the Chief Social Work
4 Adviser and the Assistant Chief Social Work Adviser
5 prompted by information passed to the DHSS by the
6 Director of Social Services of the Northern Board,
7 and this is the reference, and his name should be
8 redacted for the transcript, but this is the SND23/SND35
9 incident which was communicated by SR1 to Social
10 Services and then ultimately to the police and which
11 resulted in SND23 not returning to Termonbacca.

12 I think Ms Smith asked Sister Brenda about it
13 yesterday, but we then have, joining up the dots,
14 another example of the visitation record of the
15 congregation coming to inspect the home and no record of
16 this type of serious incident being reported.

17 I am not going to bring it up, but SND23 refers to
18 this incident at paragraph 17 of his statement at
19 SND-15885. Again the inspections seem to be continuing
20 on an annual basis. Whatever material was before the
21 Hughes Inquiry about other homes and the inspection
22 cycles, from what we have seen from the congregational
23 record, despite the missing files, there are basically
24 regular annual inspections taking place, combined
25 Ministry of Health and Ministry of Home Affairs each

1 year throughout the lifetime of Termonbacca, and in
2 September 1981 the Department of Health visit again at
3 SND-14312 and they were carrying out an inspection it is
4 said on the fire equipment and facilities in the
5 children's building and identifying various changes that
6 needed to be made. I am not going to bring them up, but
7 I am going to just give the Panel the references at this
8 stage. The Ministry of Home Affairs was also regularly
9 requiring the Fire Authority for Northern Ireland to
10 visit Termonbacca. There are documents -- I will just
11 give the references for it -- 1952 at SND-6201 through
12 to 9. They are quite lengthy reports. They visit again
13 at '55, '56, '58, '59, '61, '62.

14 CHAIRMAN: Sorry. Just a bit more slowly. '55?

15 MR AIKEN: '55, '56, '58, '59, '61 and '62 and the reference
16 for that is SND-6160. Then we have looked just at one
17 example and I have referred to another in the context of
18 the 1980 incident, but the congregational visitations,
19 we now have been provided with the documents from those.
20 I am not going to bring them up unless there is any
21 particular one the Panel want to see, but I can give you
22 again the references for those. In November 1959 at
23 SND-14396; May '66 at SND-14397 and also at SND-14259
24 and following; then April '69 at SND-14398 and a second
25 reference at SND-14270; in May 1971 at SND-14399; in

1 December '72 at SND-14400; in June '75 -- I am sorry --
2 March '73 at SND-14283; June '75 at SND-14289; March '78
3 at SND-14401 and SND-14299; April '79 at SND-14303;
4 December 1980 at SND-14402 and also at SND-14307; and
5 then there's a final one at September 1981 at SND-14311.

6 Now they are not quite annual, but they are regular,
7 and without doing a disservice -- and Mr Montague can
8 refer to any in his submissions where this
9 characterisation is unfair -- but they are of a warm,
10 positive ilk and in each one as well as commenting on
11 religious life, the linen, they talk about the children
12 only in warm terms. The type of difficulties that
13 appear to have now been accepted which involved
14 reporting to Social Services or police don't ever seem
15 to have been communicated, or if communicated, for
16 whatever reason not recorded, and to complete the suite
17 of inspections that one should have there ought to have
18 been the monthly visitor reports being made to the
19 administering authority, so essentially to Hammersmith
20 by the person properly qualified to comment on the
21 welfare of children on a monthly basis from 1950 right
22 through to 1982.

23 MS DOHERTY: Did any of that ever happen around that period
24 or not?

25 MR AIKEN: No, not in Termonbacca.

1 MS DOHERTY: Thank you.

2 MR AIKEN: We will see when we come to Bishop Street that
3 shortly after Termonbacca closes we get to the 1983
4 major changes to monitoring and part of that was
5 a requirement for a management committee, and with that
6 came a great emphasis on making sure the type of
7 inspections that were to take place under the voluntary
8 regulations were, in fact, taking place, and on repeated
9 occasions we will see the Social Services Inspectorate
10 complaining or identifying and recommending enhancements
11 and improvements.

12 That completes what I want to say about the systems
13 that were to operate in Termonbacca and what we as
14 an Inquiry investigative team have been able to find in
15 terms of evidence of them taking place, and obviously
16 it's a matter for the Panel as to the adequacy of any of
17 those systems, for those that did occur, whether they
18 were sufficient, whether they identified what should
19 have been identified, and hopefully that has been of
20 some assistance in trying to get an overview of what was
21 going on during the period that the evidence from
22 individuals is saying from their experiences particular
23 things that they say went on.

24 I am happy to continue to Bishop Street. If you
25 want to take a short break or continue on, I am entirely

1 comfortable either way.

2 CHAIRMAN: How long do you anticipate it will take to
3 complete Bishop Street?

4 MR AIKEN: Probably at least another hour I would imagine.

5 CHAIRMAN: Yes. We need to complete this today, if
6 possible. We are content to carry on.

7 MR AIKEN: Bishop Street -- and I'm going to -- having given
8 the framework and given some examples for Termonbacca,
9 I~am going to try to do it in briefer terms for the
10 initial period for Bishop Street while giving you the
11 references and then take some specific look at the
12 changes that occurred in the '80s whenever Bishop Street
13 was the only home and how those reports were very
14 different from the sort of report we were looking at.

15 I am not going to pull up the record, but Bishop
16 Street was registered, as we saw, as a voluntary home on
17 14th July 1950. That's at SND-5654.

18 What I want to do is show you a type of form --
19 I was talking about the medical inspectors being in
20 Termonbacca and the suggestion we might have the
21 opportunity for reports from there, which is to be
22 investigated.

23 We can look at SND-13427, please, which is a medical
24 record of January 1952, now this is one I should say --
25 this is from November 1954, but it records the fact

1 there was a previous inspection in January 1952 and it
2 is being carried out under the Education Act. So, if
3 you like, it is an added benefit because there was
4 a school connected to Bishop Street. When I say "added
5 benefit", in terms of the -- another string to the
6 inspection bow, as it were, but if we -- perhaps if you
7 want me to slow down in terms of scrolling, but if we
8 scroll down through, we can see the type of information
9 that's being recorded. So we have got the number of
10 children and those that were inspected. Can we just
11 scroll down further, please? We have a summary of the
12 action to be taken and advice given to parents and
13 guardians. Scroll down, please. Then we have cases or
14 suspected cases of illness. Can we just move down? It
15 looks sanitation, ventilation and lighting, heating,
16 general suitability of the school premises. It looks
17 then in more detail at sanitation, ventilation and
18 lighting, heating. Scroll down, please. Then general
19 observations and the duration of the inspection. So
20 it's an inspection is going on in the school of the
21 pupils but those pupils also lived in the home. Scroll
22 down, please. Then you have the general observations
23 and I am afraid most of the handwriting so far I have
24 translated. That is beyond me, other than there seems
25 to be at the last, "It is very satisfactory" and there

1 is a reference to "excellent accommodation".

2 MS DOHERTY: "... purposes. The physical health of the
3 children very satisfactory."

4 But I can't get:

5 "The school is well endowed" or "well" --

6 CHAIRMAN: "is well conducted".

7 MS DOHERTY: "and excellent accommodation is available."

8 Did it say at the top a priest was the manager in
9 charge?

10 MR AIKEN: I think it does say that, but that may be if
11 there was a board of governors. Can we just scroll back
12 to the first page, please? It is at SND-13427, if that
13 makes it easier. Just stop there, please.

14 MS DOHERTY: That would suggest involvement in the diocese.

15 MR AIKEN: That's maybe something Mr Montague can look into
16 for us as to why.

17 MR MONTAGUE: It is very likely he was the local parish
18 priest and presumably was the chair of the board of
19 governors of the school, but we'll obviously investigate
20 it.

21 MR AIKEN: Then we are not going to look at it, but Miss
22 Forrest visited in April '53. That's at HIA-1464 in the
23 HIA bundle. In June 1954 -- again I am just giving you
24 the reference -- the first Child Welfare Council visited
25 at HIA-2239. We are looking at the November '54 medical

1 inspection under the Education Act and we know that Miss
2 Forrest visited in March 1955.

3 I am going to just briefly show the memo, because it
4 indicates the degree of interaction unfortunately we are
5 not seeing because of the missing files, but it gives
6 a flavour at SND-9221. This is a memo which happens to
7 have been in the fire file, fire inspection file:

8 "When I was at Nazareth House last week, Mother
9 was very distressed."

10 In fact, it may not be Mother My
11 apologies. I'm not sure of the reference.

12 "... very distressed at the latest Fire Authority
13 report, which she showed me. She said it gives the
14 impression nothing has been done when, in fact, she
15 spent £600 on enlarging the gate to let fire engines in
16 and rewiring and emergency lighting. I don't know if we
17 have got the report but I made the following notes on
18 the spot."

19 Various recommendations were noted down:

20 "She is not happy about putting up big exit signs.
21 She says it is not homely and I agree. This is the
22 children's home and they know their way out all right.
23 The Fire Authority may not know there is a nun on night
24 duty dosing on the couch with an alarm clock making
25 rounds at 11.00 pm, 1.00 pm and before 4.00 am. This is

1 usually regarded as a good fire precaution in itself.

2 I am sending this to you without waiting for the
3 report as I am going on leave."

4 So that was Kathleen Forrest. That led -- and
5 I just want to quickly show you this chain of
6 correspondence, because it indicates in fairness to the
7 Ministry that matters were pursued where we've got
8 documents to allow us to look at. The exchange of
9 correspondence between the Ministry of Home Affairs, the
10 Fire Authority, the Mother Superior. At SND-9219 we
11 have the Ministry picking this issue up. They have now
12 got the report and you will see:

13 "It is further learned from the Children's Inspector
14 that additional fire precautions have been effected or
15 are being effected as follows."

16 If you just scroll down, please, and to the next
17 page.

18 is also picking up in the
19 suggestion that the Reverend Mother made to the
20 Children's Inspector about the provision of a key for
21 each responsible member of staff and that the Ministry
22 trusts she will endeavour to deal with the Fire
23 Authority issues.

24 On the same date at SND-9218, if we just go up,
25 please, to SND-9218, we have writing to the

1 Fire Authority, drawing attention to the various
2 inspections that have been carried out -- you will see
3 that they are listed -- and raising the issues that the
4 Reverend Mother has raised, including not putting up
5 signs so as not to have the place feeling other than
6 homely and asking for the views.

7 On 9th August 1955 at SND-9217 -- just go up to the
8 next page, please -- we have Sister **SR 95** writing
9 to saying about the expense of making these
10 changes that the Fire Authority have required and asking
11 at the end for a grant to be allowed towards the
12 expenses to be met:

13 "... and to enable us to carry on the work which we
14 are quite willing to have done."

15 Just in passing -- I am not going to bring it up --
16 but there is another -- this is interspersed by the
17 exchange over these changes and the fire changes go on
18 into 1957, and on 23rd August 1957 **SR 95**
19 writes about the various changes that have been made.
20 Fire issues will be dealt with.

21 Then on 15th October 1957 at SND-9212 we can see the
22 reference to:

23 "... in which you state part of the working fire
24 precautions which had not then been carried out would be
25 commenced without delay and request you will be good

1 enough to state whether the work has been completed and
2 the accounts paid."

3 Then there's reference to the grant being paid to
4 cover the cost of the fire precautions.

5 You will see also, and we will look at it in the
6 finance context, expenditure on a play hall that's being
7 met or met in a proportion, and looking for in Civil
8 Service fashion the receipts to vouch the money that has
9 been granted.

10 I am not going to bring it up, but during this
11 period in March 1957 there is another medical inspection
12 and that's in the same detailed format, SND-13737 to
13 SND-13741.

14 We then have the actual inspection report for
15 October 1960 at SND-9211. Now this seems to be -- if we
16 just scroll down so we can try and work out the author.
17 So it seems to be Miss Wright and that may be one of the
18 doctors or it may be someone else, but you will see it
19 refers to:

20 "Sister showed us over the premises."

21 So it is definitely more than one person is carrying
22 out the inspection, but if we scroll up, and just before
23 we look at this document in detail, you will recall the
24 evidence of SND463 and how she described cruelty of
25 SR24 and SR139. "SR24" is SR24. So it's SR24 who is

1 showing the Inspector round during this inspection.
2 This is 1960. So "SR9" I think is SR9. Perhaps
3 Mr Montague will turn that page up for me and assist and
4 just roll over it to make sure I am right about that,
5 but SR24 is SR24.

6 "The Reverend Mother had just left for her annual
7 vacation. There were 139 children in residence, four
8 under two years of age, 32 in the nursery group, 11 were
9 at school, 98 of school age and five over school age.
10 Five girls are the financial responsibility of the
11 Welfare Authority."

12 So you can see of that 139 in 1960 there's less than
13 5%. It is perhaps between 3 and 4 perhaps.

14 "The children under two years of age were accepted
15 by Reverend Mother as an emergency measure as they are
16 members of families accommodated in other sections of
17 the home. While we think Reverend Mother had probably
18 little option at the time in accepting the children,
19 this home is not suitable for the care of children under
20 two years of age. When we discussed this with SR24, she
21 said they hoped to be in a position to discharge those
22 children quite soon. The majority of the children in
23 residence attend the primary school in the home. Two
24 girls attend Thornhill and one Londonderry Technical
25 School. One girl obtained her junior certificate

1 examination at June.

2 Two residents are the responsibility of the Special
3 Care Authority. We think it is imperative that those
4 individuals be removed. She still has to be kept in the
5 nursery group and it is obvious that her presence is
6 detrimental to the welfare of the other children in the
7 home."

8 In fact, I think that's a specific name of one of
9 the two special care children.

10 "The children appear to be in good health and well
11 cared for apart from one girl confined to bed, who
12 struck me as being singularly apathetic and
13 unresponsive. We were assured she had already been
14 examined by the medical officer, who was keeping her
15 under observation.

16 SR24 showed us over the premises, which were in good
17 order, pleasantly decorated throughout. A new school
18 meals kitchen in the servery is being erected adjacent
19 to the dining room. Reverend Mother General during her
20 visit to the home last year had recommended the dividing
21 of the older girls into three groups. One sitting room
22 has already been furnished in a room formerly used as
23 a classroom and it is proposed to build two further
24 sitting rooms between the new meals kitchen and the
25 school. The sitting room already provided is pleasantly

1 decorated and furnished and is equipped with television
2 and radio. We think the provision of two similar rooms
3 will be of great benefit to the children. Work has
4 commenced on the building of the new chapel. We
5 inspected the statutory record. We were concerned that
6 fire drill is not being carried out. Sister said she
7 was awaiting directions regarding this from the local
8 fire officer. We advised her to contact him immediately
9 regarding this matter, and we intend to make a further
10 enquiry about this within the next few weeks. The
11 events of importance book shows that the girls have
12 enjoyed numerous outings and films during the year.
13 Sister" -- and I think "SR9" is SR9 -- it was -- I am
14 grateful to Mr Montague -- "also informed us it had been
15 possible to arrange for all girls of school age to spend
16 their holidays with private families. Although this is
17 a large institution, improvements continue to be carried
18 out to make it as homely as possible for the children in
19 residence."

20 Now arising from that report there is no reference
21 to the fact that the voluntary visitor monthly
22 inspections are not being carried out. The congregation
23 has accepted before the Inquiry that the staffing was
24 inadequate, but there is no reference to that in the
25 inspection and it is not in the recorded record of it.

1 Just for the note I was referring to SR24. SND463's
2 statement for her is at SND-18050. The reference to
3 show she is there in 1960 is at SND-6293 and she left in
4 '62 and the reference is at SND-6294.

5 We also have the inspection report from the
6 following year in 1961. That's at SND-9210, please. It
7 follows a similar, if not slightly shorter, pattern.
8 Again there is two inspectors. They visit on 25th July.

9 "65 children in residence, plus 74 girls who had
10 been placed in foster homes for the summer holidays."

11 Again we are at the 139 mark. Reference is made to
12 seeing the children:

13 "We saw 32 children in the nursery group, 28 from 2
14 to 5 and four from 1 to 2, all attractive, lively
15 children enjoying an excellent variety of play
16 material."

17 I am not sure why that doesn't have a designation,
18 but:

19 "Sister ... the nursery nurse trained in Bristol,
20 who is in charge of this group has an excellent way with
21 the children."

22 That may be SR14 if I am -- or SR3 possibly.

23 Mr Montague will help me with that.

24 "The dormitories and dining room for this group have
25 been most attractively decorated and there are now three

1 groups of approximately ten children in each.

2 A wardrobe has been provided for each child.

3 SR9 showed us over the building. The school meals
4 kitchen and servery has just been completed and work on
5 the new chapel is in progress."

6 I think Bishop Daly referred to the new chapel being
7 effectively a donation from somebody in the community.

8 "The 34 older girls are healthy and well cared for.
9 Many of these children were being placed in holiday
10 foster homes for the month of August.

11 Again we inspected the statutory records. Fire
12 drill is now being carried out. The girls continue to
13 enjoy a wide variety of leisure activities, although
14 inevitably a large institution. Every effort is being
15 made to make Nazareth House as homely as possible for
16 the girls in residence."

17 So again the same points arise. What was done with
18 that record within the Ministry unfortunately we cannot
19 say.

20 MR MONTAGUE: For the record it's Sister .

21 MR AIKEN: So she was a nursery nurse trained and looking
22 after the nursery children.

23 I am not going to look at the documents because of
24 time, but as we saw with Termonbacca, the Ministry are
25 having the Fire Authority regularly involved. In 1962

1 and '63 there is a lengthy pursuing of matters in
2 fairness to the Ministry, where the Fire Authority was
3 making -- inspecting. So I will just give the
4 references as I go and I am going to deal with this
5 briefly.

6 At SND-9206 Fire Authority have inspected in
7 December '61. The Ministry write to the Reverend Mother
8 Superior in January '62 about the report. That's at
9 SND-9205. A chaser letter is written in April '62 at
10 SND-9204. SR9 writes back on 23rd May '62 indicating
11 the report previously sent had been mislaid by the
12 architect who they had given it to and looking for
13 another copy. That's at SND-9202. Another letter is
14 then sent on 13th August '62 at SND-9200 indicating work
15 was slow and they will notify the Ministry once it is
16 complete. The Ministry wrote back on 15th August of '62
17 at SND-9199 encouraging faster progress. SR9 wrote back
18 on 28th September, '62 to confirm that the work was
19 being completed that day. That's at SND-9197. On 4th
20 October the Ministry tasked the Fire Authority to
21 reinspect. That's at SND-9196. The Fire Authority did
22 that on 19th October -- that's at SND-9194 -- and
23 informed the Ministry on 30th October, SND-9193.

24 On 2nd November then the Ministry wrote to the
25 congregation enclosing the report and pointing out the

1 further things that still needed to be done after the
2 Fire Authority's recent visit. That's at SND-9192. By
3 1st January 1963 there was confirmation from the
4 congregation the outstanding works were completed.
5 That's at SND-9191, and the Ministry asked the Fire
6 Authority to inspect again. They did that on 8th
7 January '63 at SND-9190 and the Fire Authority confirmed
8 that all works had been carried out.

9 So it is an exchange that shows from --
10 unfortunately we are missing the files that might have
11 showed similar dialogue over inspection type matters,
12 but it shows from a fire inspection report -- file that
13 we have when there was an issue over the fire
14 precautions not being adequate, there is a following-up
15 from the Ministry and a pursuit of the issues until they
16 were satisfactorily dealt with.

17 Now I wonder whether to complete this -- and I am
18 keen to do this this evening, if you will tolerate it --
19 there are a series of SWAG and what become Social
20 Service Inspectorate reports that I want to briefly look
21 at the main points of. I wonder if you want to take
22 a few minutes.

23 CHAIRMAN: I am wondering if we should give our stenographer
24 a few minutes.

25 MR AIKEN: Yes.

1 (4.10 pm)

2 (Short break)

3 (4.19 pm)

4 MR AIKEN: Chairman, Members of the Panel, this is the
5 graveyard shift. So if you can stick with me for the
6 last portion. As I have indicated, when we were talking
7 generally about inspection, there is a watershed in 1983
8 after Kincora and the Sheridan Report and we looked at
9 yesterday briefly, Dr **SND 503** pointing out between 1980
10 and 1984 the Social Work Advisory Group which was set up
11 in and around 1980/'81, conducted a detailed inspection
12 of every home, both statutory and voluntary, and the
13 Bishop Street version was in March 1983. That's at
14 SND-9976, and I should make it clear that all of these
15 reports that follow are very detailed documents and I am
16 not going to go through the detail of them. What I am
17 going to do on a number of occasions is highlight three
18 particular portions. One relates to monitoring
19 arrangements. The other relates -- relates to the
20 compliance with the voluntary home regulations, and the
21 third is the recommendations, so you can see where
22 matters were being reported over and over again.

23 So the conclusion I just want to go to is at
24 SND-10001. There is a detailed report that leads to
25 this point. It is 23 pages. If you just maximise that

1 for me, please, it says:

2 "Nazareth House is unique in a number of respects,
3 not least that all the senior staff hold full-time posts
4 in two professional settings. One-fifth of the
5 residents are not in the care of the boards. The
6 advisers noted that this group of young people excel in
7 all that they undertake.

8 "The standard of physical care is high. The
9 children appear to be settled and a relaxed atmosphere
10 prevails in the home. Young people who were
11 interviewed" -- so that's very much part of this process
12 from this point on -- "spoke highly of the standard of
13 care they were receiving and it was evident that their
14 relationship with the staff was supportive and enabling.

15 Some board social workers do not provide the level
16 of supervision that's normally expected, nor do they
17 furnish adequate documentation in support of admissions
18 or at subsequent reviews. To this extent they fail to
19 make a contribution to the evolvement of a social work
20 service."

21 Now I should say, as with both the board and
22 congregation, they do not necessarily always accept the
23 recommendations that are put forward, and I am not going
24 to take you through the debate that sometimes ensues
25 after these reports are issued, but I suppose on one

1 view they could be said to be a catalyst for change in
2 that regard, but some senior staff react to requests for
3 service from the boards. They appear to make few
4 demands for information, consultation or support. They
5 should do more to raise the level of expectation by
6 insisting that minimum standards of support and
7 supervision are achieved and that documentation and
8 written information are furnished when they should be.
9 Equally management staff and the board should ensure
10 that the standards of practice of their social workers
11 improve."

12 Then it is noted that:

13 "The type of service required by boards is changing
14 and the Order should enter into consultation with the
15 Western Board to consider the longer term future of the
16 home."

17 Just scroll down, please:

18 "Change in the type of service provided will
19 inevitably incur higher costs and the point has been
20 made that the level of recoupment by the home is too
21 low.

22 It is hoped that the various recommendations and
23 observations made in this report are of assistance to
24 the Department of Health and to the Order."

25 If we just move down, please, to SND-10003, a set of

1 recommendations are provided and the summary is then set
2 out here. I am not going to read all of those out, but
3 the -- just scroll down a little further. So in general
4 terms a lot of the types of matters that the Social Work
5 Advisory Group would expect to be happening need to be
6 improved. I may be wrong, and Mr O'Reilly may correct
7 me if tomorrow I try to make this point to Miss
8 **SND 503**, but my recollection is -- and I have not
9 flagged it up, so I am hoping my recollection is right
10 -- that this report does not deal with the fact that the
11 voluntary visitor system isn't really working yet and we
12 will see that develops over the next number of reports.

13 That's 1983. **SND 503** said on behalf of the
14 Department that the intention was that when this new
15 system began, there should be annual inspections. They
16 don't work she points out, and the next one we have is
17 1986. That's at **SND-10004**. We see the 1986 report. If
18 we can go through very quickly, please, to **SND-10009** so
19 we can see the visiting aspect being addressed. If you
20 just maximise the left side of the page for me, please.
21 Just blow that up. That's it. Just the first
22 section will be fine for now. Paragraph 4. Yes. Just
23 there. Thank you.

24 "Voluntary visitors.

25 The Sisters of Nazareth are the administering

1 authority for the home and they are represented by the
2 Superior General and her advisers, who are based in
3 London. However, there is a Regional Superior for
4 Ireland, who is the external visitor to the home, and
5 she has been calling monthly since October 1985."

6 Now if I can say this, the congregation accepted
7 that or indicated as far as it was concerned it had not
8 been carrying out the voluntary visitor inspections
9 required by the regulations, and in fairness to it
10 that's an admission that goes too far in that the
11 congregation appear from at least 1985 to have made
12 a start to doing the inspections required by regulation
13 4. We will see as we move through the reports that it
14 doesn't always work smoothly, but this is certainly the
15 commencement of it. So the acceptance that at no stage
16 did the Order comply with that regulation is too far.
17 It seems to have been complied with in Bishop Street at
18 least but during certain periods from '85 onwards.

19 You can see that there is also the start of in
20 June 1985 two local people were invited by the Order to
21 visit the children's home on a voluntary basis. They
22 have provided two quarterly reports covering periods
23 October to December '85 and then January to March '86.
24 These indicate regular visits were made to the home and
25 satisfaction as to the condition, atmosphere and

1 relationships found there, the care and treatment of the
2 children. Those are signed and dated by the Regional
3 Superior and the voluntary visitors. So while the
4 system isn't being set up in the way the regulations
5 envisaged, which was the voluntary visitors to do
6 monthly visits, the Regional Superior is now visiting
7 more often and the voluntary visitors at least have
8 begun, whether on a quarterly basis and perhaps more
9 often.

10 If we look at chapter 6 in the report on monitoring
11 at SND-10011, these are the new arrangements that we
12 were talking about that were put in place. If you just
13 blow up that chapter 6 for me, please. Yes. Just
14 there. Thank you. We looked at the circular this
15 morning, the monitoring of residential child care
16 services, and:

17 "At the time the Order maintained four children's
18 homes and the proposed monitoring system applied to all.
19 However, it was more of an empirical statement of the
20 situation pertaining to the home headed by the main
21 elements of the monitoring system. It is unclear who
22 was to be responsible. It was decided by the Department
23 to accept the monitoring arrangements and defer
24 discussion on them until the first monitoring statement
25 was provided by the administering authority for the

1 home. It has now received it and a meeting will be
2 arranged between representatives of the Department and
3 the Sisters to discuss it."

4 It seems the Department were unhappy with the idea
5 of how it was to be completed and then that changed in
6 subsequent years. So that's 1986, and I am not going to
7 look at the recommendations, but in June 1987

8 , who is now an Inspector within the Social
9 Services Inspectorate -- so SWAG comes to an end about
10 '86/'87 and we get the Social Services Inspectorate
11 within the DHSS -- and at SND-9588, please, we have his
12 inspection over a two-day period.

13 If we just scroll down, please, to the next page, we
14 can see him indicating the period that he's there. Just
15 scroll down, please. These reports tend to follow this
16 type of format for a number of years. If we can go
17 through, please, to SND-9596 and just increase the size:

18 "The Sisters of Nazareth are the administering
19 authority."

20 So the same history is set out, and then reference
21 is made:

22 "From the records held in the home it would appear
23 that Mother Regional didn't visit during July, August
24 and December '86 and in April '87. It is clear she had
25 called on several occasions during the twelve months

1 prior to the inspection. Nevertheless the regulation
2 does require the home to be visited at least once in
3 every month. The children's homes are also visited
4 regularly by two voluntary visitors at the invitation of
5 the Sisters and they provide quarterly reports on a pro
6 forma."

7 We have got some of those that we will briefly look
8 at. If we just scroll down, please, you can see the
9 types of matters that they would cover.

10 "The voluntary visitors are each associated with
11 a particular unit within the children's home so that
12 they may become known by the children and staff. One
13 visitor made four quarterly reports in the year prior to
14 the inspection. The second visitor had only recently
15 been appointed and made one report. Nevertheless the
16 introduction of this method of monitoring the standard
17 of care is to be encouraged."

18 The monitoring arrangements disclosed then at
19 chapter 6 at SND-9600 the setting up -- just maximise
20 that, please, for me. Again the reference is made to
21 the circular from which it emanates, but:

22 "This was received and conditionally accepted" --
23 this was the monitoring statement they referred to in
24 the last report -- "pending receipt of their first
25 monitoring statement in respect of the various

1 children's homes. At a meeting held subsequently it was
2 established that Mother Regional, the voluntary visitors
3 appointed by her and officer in charge of Nazareth House
4 were to carry out the monitoring activity in relation to
5 the children's home. There were initial difficulties
6 relating to the standards to be used, but these were
7 resolved and in August '86 a guide for inspection and
8 monitoring of children's homes was issued to voluntary
9 organisations involved in residential child care.

10 Following receipt of the monitoring statement of
11 Nazareth House, the Department expressed its
12 satisfaction with the system and it was decided joint
13 meetings with the sisters need not be held annually
14 unless a further monitoring statement raised some issue
15 of concern."

16 The monitoring statement is there with the report
17 and can be looked at.

18 The recommendations in chapter 9 at SND-9603 show
19 the type of matters that are being recommended. You
20 will see at 9.4 -- just scroll down a little, please --
21 9.3 and 9.4 the encouragement to get the monthly
22 visiting right is being reported on.

23 Mr O'Brien inspects again in October '88 at
24 SND-9613. It is an eleven page report and again
25 chapter 4 deals with the compliance with the

1 regulations. If we just move quickly through to
2 SND-9619, please, you will see he talks about
3 compliance, and in the history part, just the second
4 part of the first paragraph:

5 "Records held in the home indicate Regional Superior
6 visits monthly from September '87 to June '88. However,
7 from July '88 she was assigned to other duties in
8 London. Her replacement wasn't expected to take office
9 until October. In effect this means that an official
10 visit wouldn't have been made to the home during the
11 months of July, August and September. It is recommended
12 monthly visits are resumed as soon as possible."

13 Then reference is made to the voluntary visitors --
14 just scroll down, please -- and the subjects that their
15 inspections cover. One visitor has made three reports.
16 The other has made two reports. Copies were made
17 available of those to the Inspector.

18 If we just move through, please, to 9624, we can see
19 the recommendations. He refers again to:

20 "There is good cooperation now between the Western
21 Board and the voluntary home, and TL4, the Assistant
22 Principal Social Worker" -- I think that's TL4 -- "has
23 regular contact with the senior staff with whom he
24 liaises in respect of admission/discharges. He also
25 visits the home to chair reviews of children from the

1 Londonderry, Limavady and Strabane unit of management
2 and offers support and guidance to the Sisters as
3 required."

4 So that's in accordance with what TL4 was explaining
5 his recollection was.

6 "The Board has assisted with staff development and
7 training and its financial arrangements with the home
8 are on a sound footing."

9 If we just scroll down, again the problem with the
10 voluntary visitor issue begins.

11 Now in March 1989 there is a very different type of
12 Social Service Inspectorate report, which I am just
13 going to show you the first page of. It is the
14 admissions of children to care inspection at
15 SND-65... -- sorry -- SND-9652. My apologies.
16 SND-9652. Just scroll down, please. You can see from
17 the index the type of issues that are being carried out.
18 It's an examination across the five units of management.
19 It looks at -- including payments. It is 59 pages of
20 a report and I am not going to open any more of it than
21 drawing its existence to the attention of the Panel, and
22 if there's any particular point that any of the core
23 participants have, they will no doubt raise that with
24 you, but in November 1989 -- and this is a particular
25 report that I highlight for reasons that will become

1 clear -- Mr O'Brien attends again at SND-9625. So by
2 now we have annual reports. We have been flagging up
3 issues on a regular basis and this is his report for
4 1989. It's a 17 page report. If we look at chapter 6
5 at SND-9636, we can see now the changes that have been
6 made to the management system.

7 "The Regional Superior for Ireland has invited
8 a group of persons to form a management committee and
9 they held an inaugural meeting on 16th February 1990."

10 So we now have a management committee sitting in
11 Bishop Street:

12 "They are mainly an advisory and consultative group.
13 They agreed to undertake the responsibility for visiting
14 the home as required by regulation 4.2 of the Voluntary
15 Home Regulations and members were rostered to visit both
16 flats, to inspect the records held there and report on
17 their visits in writing. The inspector found that
18 management committee members had visited the children's
19 home, initialled the records, filled a report out on the
20 following dates."

21 You have got May, June, July -- there is a few
22 missing -- but October, November. You know, reference
23 is made again to the fact that these are supposed to be
24 carried out.

25 It is recommended the frequency of visiting is

1 increased to the standard required by the regulations,
2 but to deal with the deficiencies that have been pointed
3 out repeatedly a change is brought to have a management
4 committee and to have monthly inspections carried out by
5 those who are on the committee.

6 Now this record at chapter 8, SND-9641, SND-9641 --
7 could we just -- each of the report has a complaints
8 section which deals with complaints. Just stop there,
9 please. This record brings together a number of matters
10 that the Inquiry has already heard some evidence about
11 from oral witnesses. There are two complaint books
12 held, one in each flat. He recommended there should
13 just be one. The management committee don't agree. In
14 any event:

15 "A boy in flat 1 had complained to his social worker
16 that he was assaulted on 1st July 1989 by a member of
17 staff. This complaint was thoroughly investigated by
18 the Western Board. It was concluded that the boy's
19 allegation could not be substantiated. Therefore no
20 further action was taken."

21 Now if I can just pause to note this was
22 post-Kincora, post the introduction of the complaints
23 system that was being advertised effectively from
24 1985/1986. Whatever the rights and wrongs of his
25 complaint, it shows a willingness on his part to report

1 to the Social Services what he claims happened to him.
2 It shows the matter being investigated and then it being
3 communicated to the annual inspector, who then writes
4 about it in his report.

5 So compared to some of the matters this Inquiry has
6 had to look at which involve incidents which, if true,
7 never saw the light of day, this is a very different
8 context that we are about to look at, and the next
9 entry:

10 "There were two complaints made in flat 2 on
11 9th February 1989 and 24th November 1989. Both involved
12 the head of unit."

13 Now Mr Montague is going check out for me who the
14 head of unit is, but it can only be one of two people it
15 seems, and I just want to show you who they are before
16 we look any further. If we look at SND-9650, please,
17 you can see that the head of one unit is SR2 and the
18 head of the other unit I believe, if we have the --
19 Mr Montague can maybe help me -- I believe it is SR21.
20 So **SR 142** possibly, but I will check that.

21 MR MONTAGUE: That's correct.

22 MR AIKEN: But if we go back -- **SR 142** . You have
23 heard evidence from both of them. Mr Montague is going
24 to check out for us which it is. My suspicion is that
25 it is the top one because of my recollection over the

1 evidence of SND38 about him being elevated to take over
2 when SR2 moved to the vacant -- to become head of unit
3 overall, but we will confirm that that's the position,
4 but if we go back, please, to SND-9641 and just look at
5 paragraph 8.3, two complaints:

6 "In the former case three children complained to
7 their social workers that they had been slapped
8 following disorderly behaviour in the flat. This was
9 substantiated following investigation by the deputy
10 officer in charge and the staff member involved was
11 advised that her action was not acceptable."

12 Now I just want to pause there. No records relating
13 to this have been produced. Who the three individuals
14 are, the investigative team, we do not know, and when we
15 look on a little further, I will say something more
16 about that:

17 "In the second case a boy complained that he had
18 been 'tapped' on the head and this appears to have been
19 confirmed by subsequent inquiries."

20 So this is another individual nine months later, but
21 the same person doing the thing complained of.

22 "Following this incident the Principal Social Worker
23 Londonderry, Limavaday and Strabane wrote to the home."

24 Now no letter of that kind has been produced from
25 the Board. So that's something Ms Smith will have to

1 look into, but a letter was apparently written pointing
2 out that such action contravened the Western Board's
3 policy, which states that corporal punishment should not
4 be used on children in the Board's care.

5 "He also offered the services of his Assistant
6 Principal Social Worker to assist with an in-house
7 training course on the control and handling of children
8 and it is recommended that this offer should be taken up
9 by the management of the home."

10 Now I know that Mr Lane raised the issue of TL4's
11 presence in Bishop Street appearing from the material
12 produced to accelerate in terms of frequency in
13 January 1990. Well, he's the Assistant Principal Social
14 Worker, and arising from this event, which we did not
15 know about until now, he it seems is offered up to the
16 home to engage in in-house training. So while the
17 record indicates from previous reports there is
18 reference to him and his involvement on a regular basis,
19 there is an explanation in this record as to why that
20 frequency would have become much more extensive.

21 There are obviously a number of parties that are
22 going to need to look at these incidents and give us
23 further material relating to them, but it seems that
24 that offer of help was taken up. TL4 did attend very
25 regularly.

1 There are a number of points that I should bring out
2 from this. The first is that whatever the incidents
3 that are being described, they were not considered
4 serious enough to warrant the congregation taking action
5 in terms of the officer in charge knows that it's
6 happened and the person in charge of the unit was not
7 suspended. So whatever it was it was not considered
8 sufficient to justify that type of action. Speaking to
9 the person was regarded as sufficient. It was reported
10 to Social Services, and in that context whatever these
11 matters are, the Social Services appear not to have
12 considered it necessary to do more than writing to the
13 congregation to say, "This isn't acceptable" and in
14 addition did something positive to assist it not
15 happening again, which was to offer up TL4 to go in and
16 engage in training on how to control and handle
17 children.

18 You will recall from his and other Western Board
19 witnesses describing how at this point in time the
20 residents of child care facilities were becoming more
21 and more -- they were more difficult cases to deal with
22 than for a short-term unwanted children who were simply
23 being given into voluntary homes.

24 The last point that I'd draw out from it is these
25 matters are brought to the attention of the Department

1 Inspector, who is able to write about them in this
2 report, and he does not consider any further action is
3 necessary beyond that which he has documented in the
4 report.

5 So while we want to resolve our information gap, it
6 perhaps puts in context whatever this is that's being
7 highlighted. Perhaps if we can identify the letter,
8 identify who the children are and then obtain their
9 files, we can get a fuller picture of what exactly this
10 was that occurred.

11 I am not going to bring it up, but the management
12 committee -- and this shows the functioning of the new
13 system -- the management committee met on 17th May 1990
14 and looked at the findings from this report. The
15 reference for that is at SND-8815. They didn't agree
16 with all of them. For instance, they felt it was better
17 to keep two separate visitor books for the two separate
18 units, because they felt that reflected the purpose.
19 You had smaller units. They weren't to be, you know,
20 one big unit. That may well be an entirely justified
21 position.

22 The Social Services Inspectorate then inspects again
23 in September 1990 at SND-9714. Unless you want me to,
24 I am not going to go through these documents other than
25 to say this is where they are. December 1990, SND-9714.

1 They follow a similar pattern to the previous reports.
2 What I will show you by way of example from 1990 at
3 SND-9738, please, is the extent -- there is a series of
4 appendices to these reports and one of the subjects
5 that's covered is the training that's being engaged in
6 by the staff. You can see the extent of that training
7 in this Appendix 2 to the report. Just scroll down,
8 please. So to the extent that one can take the length
9 of the list as indicative of the extent of the training,
10 then there is a lot. What is in the courses I cannot
11 say and as to their worth, but there certainly is
12 a considerable number and a significant number of
13 individuals involved in the various courses that seem to
14 be available.

15 If we just turn to the recommendations briefly at
16 SND-9724, please, you can see this is in a different
17 style from the previous report, but you can see:

18 "The Inspector was impressed by the improvement made
19 to the living quarters ... Good standard of physical
20 care is provided. The majority of staff are untrained,
21 but three of them have been seconded to certificate in
22 social services training. Excellent cooperation between
23 the home and Social Services staff."

24 Scroll down, please. You can see TL4 is being
25 referred to as:

1 "Has been very supportive. Management rely on his
2 advice and judgment particularly in relation to
3 admissions to the home."

4 Just scroll down, please. There is a series of
5 recommendations that are made. Keep going.

6 In November 1991 at SND-9743, please, there is
7 another similar report. Reference to the regulations
8 and compliance is at SND-9756. The monitoring
9 arrangements are at SND-9760. By way of example the
10 type of detailed monitoring statement that was being
11 required and being completed covers nine pages. If we
12 just look at SND-9763, please, so aims and objective.
13 Just scroll quickly down through this appendix to the
14 report. Accommodation. So you have to set out -- keep
15 going please. Various flats. The adequacy of staffing
16 is being examined, the training arrangements, staff
17 supervision, the admissions and discharges. Keep going,
18 please. The age range of the children, their length,
19 total -- position on discharge, planned admissions,
20 emergency admissions, statutory visits, fieldwork staff,
21 record-keeping, control and discipline, untoward events,
22 the complaints procedure, adequacy of arrangements for
23 fire precautions. Religious observance only receives
24 eight lines towards the end.

25 So it might be said, and it is not a matter for me

1 but for those who know about these things, that the
2 extent of the type of analysis that's now being done of
3 how the home operates both by the home itself and those
4 examining the home is very different from the
5 1950s/'60s/'70s that we were looking at earlier. So the
6 post-Kincora changes are very substantial and the
7 resource involvement in that we will see more perhaps
8 tomorrow or in future days, that to create this type of
9 rigour was very expensive.

10 You can see again at SND-9773 -- if we just scroll
11 down so most of the courses appear on the page -- again,
12 you know, a significant amount of courses going on. You
13 can see in '91 there is training on sexual issues. SR21
14 is attending that. Sexual awareness workshop. SR2 is
15 doing that in June and September 1990. So again to the
16 extent that a long list is indicative, there is a lot of
17 courses being attended.

18 In November 1992 a different Inspector, Ms Reynolds,
19 inspects at SND-9775. She spent it seems according to
20 the report one week in the home. Just scroll down,
21 please. It is okay. That's a summary. It is a lengthy
22 report, beyond 31 pages plus appendices. Just scroll
23 down, please. Keep going. You see the summary of the
24 report.

25 "In November 1992 an Inspector spent approximately

1 one week" -- now I presume that means across that month
2 visits to the accumulative total of one week were taking
3 place -- "interviewing staff, examining records.
4 Children's views were sought in conversation about
5 completion of questionnaire. Views of parents and past
6 residents were also elicited by the use of
7 questionnaires."

8 She says -- if we just move down, she makes here
9 findings about policy, premises, staffing, children,
10 care, food, health, education, safety, files and
11 records, monitoring. If we just stop there:

12 "The home is monitored in accordance with the
13 Children and Young Person (Voluntary Homes) Regulations.
14 Voluntary visitors visit the home on a monthly basis and
15 sign all the statutory records. A report is made of
16 each visit.

17 In general children are seen monthly by the Board."

18 So by this point the system seems -- that was
19 envisaged under the legislation from a very long time
20 before, 1950, appears not to be working.

21 The following recommendations are then made and they
22 are of a very different ilk from the 1983
23 recommendations that we saw in the first Social Work
24 Advisory Group report. Again at SND-9824 you can see
25 the extent of the training that's now being engaged in.

1 We have another long list of courses and participants on
2 them.

3 MR MONTAGUE: Before my learned friend leaves the document I
4 would respectfully ask the Panel to look at SND-9803 and
5 paragraph 10.5, if that's convenient.

6 MR AIKEN: I think if I can summarise the point I think
7 Mr Montague to be making, this is the Inspector
8 summarising the financial disadvantage that a voluntary
9 home operator in the Western Board on one view is facing
10 based on these statistics.

11 CHAIRMAN: Well, presumably -- I think I am right in saying
12 there are no other voluntary homes that we are concerned
13 with in the Western Board. So -- I mean, that's not to
14 say there aren't other homes, but I think the only
15 voluntary homes we are concerned with are these homes.
16 300 -- well, gone up to £343, but it is basically 60% of
17 what was being paid out as an average cost per resident
18 in the statutory sector in the Northern board. By the
19 time you get across to County Antrim and so on it is
20 £644 per week per resident average cost and only either
21 318 or 343, depending when the comparison is made, for
22 homes in the Western Board, which would principally be
23 Nazareth House at this stage.

24 MR AIKEN: Yes. The one point so that I keep the balance --

25 CHAIRMAN: I am not sure we have heard of any other

1 voluntary home in the Western Board.

2 MR AIKEN: By this point I don't believe there is another.

3 CHAIRMAN: Yes.

4 MR AIKEN: But the point that I would accept might be made
5 by the Board and something Ms Smith can take up in
6 submissions is because these are voluntary homes,
7 therefore when the capitation fee is being worked out
8 the way the model was set up, you took account of what
9 income the voluntary home had. So if I can describe it
10 this way, if the voluntary home raised no money on its
11 own, then the maintenance fee calculation figure would
12 give you a much higher figure. If the voluntary home
13 almost paid for itself, then the maintenance fee
14 capitation figure will give you a much lower one. Now
15 that's not and I am not suggesting this means this is
16 adequate or inadequate. That's not a matter for me.
17 I~am simply drawing the point that I am in balance from
18 the documents I have seen. The capitation fee from the
19 means by which it is calculated takes account of that
20 analysis, accurate or otherwise, of the underlying
21 funding position of the voluntary home.

22 CHAIRMAN: Well, I can appreciate that a detailed analysis
23 of the basis upon which the capital charge is worked out
24 would have to take into account not just what Nazareth
25 House raised or had available to it but also the

1 services provided free of charge by the nuns who worked
2 there.

3 MR AIKEN: Yes.

4 CHAIRMAN: That assumes that the staffing levels in both are
5 the same. So no doubt my earlier comment about getting
6 care on the cheap is what Mr Montague has in mind.

7 MR AIKEN: That's absolutely right. I imagine Ms Smith will
8 want to in due course address that to the Panel.

9 CHAIRMAN: Because here we have somebody saying in -- which
10 year is this?

11 MR MONTAGUE: 1992.

12 CHAIRMAN: 1992 -- staffing levels are unacceptably low.

13 MR AIKEN: Yes.

14 CHAIRMAN: It is a pretty familiar refrain over --

15 MR AIKEN: Yes.

16 CHAIRMAN: -- very nearly 40 years by now.

17 MR AIKEN: Yes. Lest I, given my -- the inquisitorial role,
18 and being these two gentlemen on either side of me on
19 the subject, what I will say is you will recall that
20 just at this point we have a suite of documents within
21 the Board between them and Nazareth House over the night
22 staffing and the extra funding that is sought and
23 ultimately obtained, but in due course the Board will
24 have to answer for it.

25 CHAIRMAN: Which SR2 and her colleagues paid for themselves

1 before they got a guarantee they would get the money
2 from the Board to pay for it.

3 MR AIKEN: I think I will quit while I am behind, Chairman,
4 and move on, if Mr Montague doesn't have any more pages
5 he is going to show me.

6 MR MONTAGUE: No. Thank you very much.

7 MR AIKEN: The -- that's the 1992 report, and in
8 December 1993 we have a similar version at SND-9830.
9 Can I just mark that? It is chapter 10, because we can
10 look and see if a similar comment is made. If we just
11 scroll down, please, to the index. Just stop there.
12 Yes. If we go -- if you can just show me -- scroll up
13 to the top of the page for a moment. Right. If you
14 move through for me to SND-9858. Just scroll on
15 further. Just scroll further down, please. Keep going.
16 Keep going. Keep going further. Next page. Just
17 scroll down to see if there's a "Conclusions" section
18 that we can see. Can you just go up slightly please?

19 "The home managers have made considerable progress
20 in meeting this standard since the last inspection.
21 Staffing numbers have improved, given the needs of the
22 residents group. The adequacy of staffing levels
23 requires to be kept under review. Any concerns noted
24 regarding the appropriateness of staffing levels, given
25 the needs of the children, should be brought to the

1 attention of the Western Board, who is the corporate
2 parent. The only concern which the Inspector would
3 raise is the work load of the team leaders who are
4 responsible for manning the roster and managing the
5 team. As staffing levels increase, the duties of the
6 team leaders should be reviewed."

7 So it looks as if substantial change has taken place
8 between one report and the next in terms of this
9 particular issue. We can't see from here whether the
10 Inspector takes the same view over the capitation, and
11 that's something we can look at and come back to, but
12 the recommendations that arise are at SND-9832, please.
13 A short summary report is provided at the start. If we
14 just scroll down, so the reports are now characterised
15 in terms of rights, which is different phraseology from
16 what we have seen in the past. It seems the staffing
17 issue has been improved from that summary and then the
18 recommendations are set out.

19 Again the type of issues that are being -- the type
20 of detailed issues that are being flagged up,
21 recommendations are of a very different ilk from those
22 in the early to mid '80s when these type of detailed
23 inspections begin.

24 In December 1994 there is a very detailed report at
25 SND-9340. Again the recommendations are at SND-9357.

1 So again the type of matters being addressed are
2 very different from the start of the Bishop Street
3 journey, if I can put it that way, and perhaps the type
4 of matters you would expect to find in a home that's
5 being run -- it's a matter for the Panel ultimately --
6 but a home that's being run in a proper way. These are
7 the type of issues you might expect to see in
8 a voluntary home as opposed to the more significant
9 problems we were seeing in the early '80s being
10 reflected, which had existed in the period that was
11 prior.

12 There is one at November 1995 which I am simply
13 going to give you the reference of at SND-9221.

14 What I want to say, if I can try to find a short way
15 to do this across two pages of material, equally there
16 is the Bishop Street congregational visits. What
17 I propose to do rather than read out those records now
18 is I will supply the Panel and the core participants
19 with a note of those references and the date right
20 through from 1959 through to 1992. They appear to
21 happen every two to three years.

22 Then we have been given records that show -- and
23 I will just show you one example at SND-8285. This is
24 the monthly voluntary visitor reports that were
25 commenced in and around this period of time to try and

1 deal with some of the repeat recommendations that were
2 being made. You can see the person who is coming into
3 the home to carry this out has got to complete this
4 record.

5 So if you just scroll down through, statistical
6 information, staff. Various members are out on courses.
7 Observations on the care or discipline, general
8 impressions on the operation of the unit. Again we have
9 been given records that show not necessarily in
10 a complete way but between -- during 1990 both units
11 being regularly inspected. We have similar records from
12 '92 and similar records from '95. It is not complete,
13 but it indicates a very different type of activity than
14 that which existed pre this period of 1990 and indeed
15 pre-1982 and again --

16 CHAIRMAN: I see there is a reference there to the number of
17 unqualified staff --

18 MR AIKEN: Yes.

19 CHAIRMAN: -- leading to steps to be taken to ensure that
20 a high standard of care is maintained.

21 MR AIKEN: Yes. It's a problem that seems to never have
22 gone away and it may be that has never gone away from
23 both statutory and voluntary homes even to this point,
24 but again I will supply the Panel and the core
25 participants with a record of those entries rather than

1 taking you to them now.

2 What I want to do just in closing this section off
3 is show you paragraph 75 of what **SND 503** had to say
4 on behalf of the Department at SND-15681. We will
5 see -- you can see various similar references replete
6 through the inspection reports themselves, but:

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

12 Chairman, Members of the Panel, that's all. It's
13 been a whistle-stop tour. No doubt others for reasons
14 of their own work will point out matters that I have
15 left out or covered insufficiently, and no doubt those
16 can be addressed to you in submissions, but hopefully
17 that gives a context to hearing **SND 503** give
18 evidence on behalf of the Department and allow her
19 evidence to be focused, because she is going to have to
20 or someone from the Department is going to have to
21 repeatedly deal with particular homes at particular
22 times and best that's done in some sort of context so
23 that the questioning is focused rather than spending
24 hours working through pages to finally get to
25 a question. So hopefully that will have been of some

1 use.

2 CHAIRMAN: Thank you very much indeed. That's very helpful.

3 Well, it's been a long day for everyone. Can we manage

4 10 o'clock tomorrow with **SND 503** ?

5 MR O'REILLY: I am afraid not. I have arranged to meet her

6 at a certain time and Mr Aiken indicated he would

7 require over an hour with her.

8 CHAIRMAN: Yes. Very well.

9 MR O'REILLY: Mr Aiken estimates as best as he can her

10 evidence will be complete by lunchtime.

11 CHAIRMAN: Thank you very much. We are reassured by that.

12 Very well. 10.30 tomorrow.

13 (5.17 pm)

14 (Hearing adjourned until 10.30 tomorrow morning)

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