

HIA REF: SND 38

Witness Name: **SND 38**

THE INQUIRY INTO HISTORICAL INSTITUTIONAL ABUSE 1922 TO 1995

WITNESS STATEMENT OF **SND 38**

I **SND 38** will say as follows:-

Personal Details

I was born on [REDACTED] and commenced employment at [REDACTED]
[REDACTED] on [REDACTED] 1987.

[REDACTED]

Nazareth House Overview

The principle aims of Nazareth House were:-

“To provide a loving, caring and stable environment in which the physical, emotional, social and spiritual needs of the child are met”

“To assess each child’s needs and to decide how best to help the child through an individual care plan.”

“To ensure that opportunities are provided, within the home and outside it, through relationships with staff and other children, through contact with parents, social workers and friends, for the child to realise his full potential and gain a measure of independence – thus ensuring an early return to the community.”

In broad terms and within the limitations imposed by the building, Nazareth House operated very much like a large family home. Although the actual building was large and had been built at the start of the century, the children's units were self-contained and designed and furnished to be homely, attractive and comfortable.

Unit 1 was located on the first floor of the building and Unit 2 [REDACTED] was located immediately above this on the second floor, connected by a flight of stairs. Each unit generally operated independently of the other although both were overseen by the Officer -in-Charge, who was a nun. A nun was in charge of each unit and they also slept in this unit every night and had their own bedroom at the end of the hallway.

The unit consisted of a straight, main central hallway, approx. 15 metres in length, 3 metres wide, on which all main rooms were located (see diagram).

Eight to ten children, male and female, were normally resident within the unit, with an age range from 5 years to 17 years. The majority of children were resident on a medium to long-term basis and this enabled the establishment and development of good relationships between children and staff and helped provide a stable and homely environment.

Within the group living environment it was necessary to ensure a broad daily structure and routine that functioned in a predictable way for the children, e.g. bedtimes, mealtimes, homework times etc. and the staff team worked to ensure this continuity regardless of the individuals on duty, (this type of structure was often lacking in the children's family home).

Within this secure structure the residential social workers then dealt with the assessed and identified individual needs of each child through a personal care plan.

Daily Life within the unit was generally relaxed but busy with up to ten children of different ages and up to five members of staff interacting and activity was constantly taking place. At any given time from 3pm onwards there was always staff and children around the living room, hallway, dining room and office area.

Child Protection, Safeguards and Inspections

Upon admission every child was appointed a 'keyworker' (residential social worker). This ensured that every child could identify a specific person responsible for his or her care, although all residential staff were responsible for the care of the children.

Every child also had an appointed field social worker from the relevant community social work office. The field social worker visited the child at least once per month

Every child was issued with his or her own personal copy of a Nazareth House booklet explaining about life in residential care. A copy of this booklet was also given to the child's parents.

The booklet covered in a simple, yet comprehensive, manner all issues relating to life in a residential care home and explained the child's rights and responsibilities. This booklet explained to the child how to raise any concerns or worries that they

may have had. The booklet also contained a pre-paid envelope and 'contact card' addressed to the General Manager of Foyle Health & Social Services. Children did not have to detail the nature of their complaint but only had to put their name on the card before posting. A post box was located in Bishop Street close to the home.

An Inspector from The Social Services Inspectorate carried out an annual 3 day inspection of the home. This was a thorough examination of every aspect of the operation of the home and the care provided to the residents. The inspector was present in the unit during different times of the day from early morning to evening.

The inspector also sent a confidential questionnaire (prior to his visit) to every child resident within the unit and this was also sent to all residents who had previously been discharged from the unit. This questionnaire was also sent to the parents of current and past residents.

During the inspection the inspector made himself (herself) available for any child or staff member to speak privately with him. The inspector also spoke privately with a certain number of residents and staff, regardless if they had requested a meeting. He also joined the group during meal times, group meetings, homework time etc.

An individual recording book was kept for each child in the unit and staff on duty recorded in each book on a twice daily basis, morning and evening. All significant aspects of the child's day were recorded. In addition to this a unit log book recorded, on a daily basis, all significant events of the group as a whole. Every child had the facility to view the recordings made by staff in their individual book.

At 2pm every day staff due to finish their shift held a 'hand-over' meeting with staff coming on duty and shared any relevant information and issues and planned the day ahead.

A 'medicine book' was maintained for recording all prescribed medications and the administration of the same.

An 'untoward incident' book recorded any serious incidents such as a child's unauthorised absence, assaults etc. and a copy of all incident reports were sent to the relevant social services office.

A comprehensive case file was kept for each child and this pertained to a personalised care plan for the child. This was maintained, updated and inspected regularly.

Every six months a case review was held for every child. This was chaired by an assistant principle social worker from the relevant community social work office, and was attended by the child's field social worker, residential social worker and team leader. The child's teacher either attended or submitted a school progress report as did any other relevant professionals involved with the child. The child was encouraged to make his own contribution in writing (age appropriate) and was invited into the case review at some point. The child's parents were also invited to attend and also encouraged to submit their own written report.

The Nazareth House also had a voluntary advisory committee and a member of this voluntary committee also visited the unit on a regular unannounced basis for an informal visit / inspection.

Various visitors came to the unit on a daily basis at various times. These included parents and relatives, school friends, field social workers, education tutors, trades men etc.

Typical Daily Staff Duties

On a morning shift (8am to 4pm) 2 members of staff and a nun were on duty to get the children organised for school.

The afternoon shift (2-10pm) had 3 or 4 staff members plus a nun on duty. Since 1989 one staff member was on duty from 3pm to 11pm and then slept overnight in the unit (staff office). This meant that an adult slept at each end of the hallway.

Staff duties in the morning included getting children up in the morning, serving breakfast, ensuring they were properly ready (washed, teeth brushed, correct books, dinner money etc.) and then transporting children to school as required.

Afternoon duties included collecting children from school as required, preparing after-school snacks, helping with homework, taking children to activities or appointments as required. Organising and participating in or supervising outdoor activities in the playgrounds. Assisting at dinner time. Time was allocated throughout the week to ensure keyworkers had individual time to spend with his or her child.

RESPONSE TO HIA 127 STATEMENT TO THE INQUIRY

I have read the statements made by HIA 127 to The Inquiry dated 24th July 2013 and I vehemently deny all allegations made against me in this statement.

BRIEF BACKGROUND INFORMATION

I worked in Nazareth House when HIA 127 was resident there. HIA 127 was a child who presented with many challenging behavioural problems. I was appointed as a 'Keyworker' to HIA 127 and had some success in helping HIA 127 to modify many of his extreme behaviours.

Then reference below to paragraph numbers relates to the paragraph numbers in the witness's statement to the Inquiry.

Paragraph 10

HIA 127 states that there were 'ten to fifteen' residents in Unit 2 of Nazareth House. This is incorrect; there was a maximum of ten residents in Unit 2.

HIA 127 names only four people as employed in Unit 2 as social work staff. This is incorrect as Nazareth House employed a much greater number of social work staff in Unit 2.

Paragraph 12

HIA 127 states that he was punished in the home every day. This is untrue and I deny it. HIA 127 like other residents, would occasionally have received a 'sanction' for misbehaviour which ranged from doing a minor chore to missing out on an activity. All such sanctions were recorded in the child's individual book and also recorded in the unit 'sanction book' which was regularly inspected.

HIA 127 states that his dinner was taken away if he did not finish it on time. This is untrue and I deny it. No child ever had a meal taken away before they had finished it.

HIA 127 states that he was made to do the work of employees. This is untrue and I deny it. A clearly displayed, written kitchen rota ensured that no child was given more than one or two chores per week. Chores related to helping tidy up after the evening meal only, and a member of staff always assisted.

Paragraph 13

HIA 127 states that he developed [REDACTED] when he was nine years old. I believe this is incorrect. My recollection is that HIA 127 developed [REDACTED] around the age of thirteen. It is not true that his doctor advised against taking baths.

HIA 127 states that staff forcefully stripped him naked and put into a freezing cold bath or shower every night of the week. This is untrue and I deny it.

HIA 127 was resident in Nazareth house for [REDACTED] years and using his own reckoning, of the frequency and duration, this mistreatment would have occurred more than one thousand times. The bathroom was located close to the centre of the main hallway and such behaviour would have been heard and witnessed by every resident and member of staff in the unit during this [REDACTED] year period.

HIA 127 was [REDACTED] years of age when I began work at Nazareth House and at that age he would not have required any assistance with bathing or showering from any member of staff. He would have required frequent reminders and encouragement to maintain an acceptable level of personal hygiene but this was never attempted by using physically force as he alleges.

Paragraph 14

HIA 127 states that when he was [REDACTED] years old he had an operation on his [REDACTED] and a nurse examined his wound in the TV room (living room) in front of staff and with about fifteen other residents watching.

HIA 127 was [REDACTED] years old when I started work in Nazareth House in June [REDACTED] so I could not have been present. HIA 127 did not have an operation at any time when I worked in Nazareth House.

HIA 127 stated that up to fifteen residents were present, however the maximum number of residents in Unit 2 was ten.

From my many years employed in Nazareth House, together with my knowledge and experience of all systems, policies and procedures, I am confident that if a medical examination was required it would have taken place in the privacy of the child's bedroom or the visitors room. If HIA 127 was in pain and could not move from the living room, then the other residents would have been asked to leave and the door shut until the nurse had finished.

Paragraph 15

HIA 127 states that I turned his life into a nightmare, this is untrue and I deny it. I was HIA 127 keyworker and we had a good relationship. As part of my role as keyworker I would have occasionally taken HIA 127 out of the unit, usually for a walk into town or to a snooker hall etc. This was done with the full knowledge and approval of management of the home and all such trips were recorded. I did not buy HIA 127 computer games but I would have sometimes taken him to a café for a burger and soft drink as a treat.

Paragraph 16

HIA 127 states that I abused him for years. This is untrue and I deny it. I never ever abused HIA 127

HIA 127 states that I took him out whenever I wanted. This is untrue and I deny it. No staff could leave the unit with a child that he or she was keyworker to unless this period of time was first allocated and scheduled to fit around the other unit duties and activities. Time had to be arranged to accommodate all keyworkers to have individual time with the child.

At a social services case review in [REDACTED] I was asked by the review panel if I would be willing to work with HIA 127 in the structured capacity of a 'befriender' as no foster parents could be found for HIA 127 I agreed that I would do so and HIA 127 was very happy with this arrangement.

The recorded minutes of this case review would be readily available.

This role of 'befriender' involved taking HIA 127 out of the residential unit, on my own time (approx. once a week) and this mainly entailed taking HIA 127 to my family home with the intention of introducing him to a normal family environment or joining him on an activity. HIA 127 thrived during this period and within a year he was successfully introduced to a foster family and within a few months he went to live with them. My role of 'befriender' to HIA 127 is fully documented and every date that he was with me was properly recorded and HIA 127 progress was regularly reviewed. No concerns were ever raised by HIA 127 or anyone else during this period.

Paragraph 17

HIA 127 alleges that I first sexually assaulted him on a single bed, in a mobile home in [REDACTED] during the summer of [REDACTED]. This is untrue and I deny it.

Other children and staff shared the mobile home and because of the compact size it would have been immediately noticeable if a child and a staff member went into a small bedroom together.

HIA 127 states that he ran out of the mobile home and hid away for two hours, returning at 9pm.

If a child had gone missing, from the mobile home, on a holiday, his absence would have been quickly noticed and staff would have carried a search of the caravan park. An unsuccessful search would have resulted in the police being notified, especially when this happened away from home in unfamiliar surroundings. An untoward incident report would have been recorded and the details of HIA 127 absence would also be recorded in the unit books that were brought on holiday.

All members of staff at [REDACTED] stated that HIA 127 did not go missing during the holiday. No recordings from the holiday support HIA 127 claim that he ran away as this is also untrue and I deny it.

Paragraph 18

HIA 127 states that I sexually abused him in his bedroom at Nazareth House, two months after the holiday in [REDACTED]. This is untrue and I deny it.

Following his holiday in [REDACTED] HIA 127 was discharged from Nazareth House and he went to live with foster parents on [REDACTED]. HIA 127 acknowledges this in paragraph 27 of his statement. Since HIA 127 was not resident in Nazareth House in [REDACTED] it would have been impossible for him to be abused in Nazareth House at that time.

Paragraph 19

HIA 127 alleges that during the same week in of [REDACTED] that I abused him the bathroom in Nazareth House whilst applying [REDACTED] cream to his body.

This is untrue and I deny it.

As has been previously established HIA 127 was no longer resident in Nazareth House at this date and the incident could not have happened.

Even when HIA 127 had been resident in the unit, because of his age, he was responsible for applying his own cream, which he kept in his bedroom. If necessary he would have been reminded and encouraged to do so but on no occasion did I ever apply the cream to him.

The bathroom in Nazareth House had a lock on the door and I never ever entered the bathroom when HIA 127 was undressed.

Paragraph 20

HIA 127 states that during [REDACTED] I dragged him from his bedroom in Nazareth House to the bathroom, stripped him naked and threw him

into a bath of cold water. HIA 127 claims he then punched me on the head, got dressed and that I then threw him back into the bath with his clothes on. He alleges that I then left the bathroom after he soaked me but that I returned again, sexually assaulted him before holding both his wrists with just one of my hands, whilst he struggled.

This is untrue and I deny it. As has been previously established HIA 127 was no longer resident in Nazareth House at this date and the incident could not have happened.

At no time in Nazareth House was HIA 127 or any resident, ever thrown into a bath by me or any other member of staff.

If HIA 127 had been dragged from his bedroom, at the end of the hallway, to the bathroom, half way up the hallway, at 9pm at night, this would have been witnessed by many other residents and staff.

HIA 127 does not explain why he would not have locked the bathroom door after I had left as this would have prevented me from returning. HIA 127 does not explain, why after he first got out of the bath he got dressed back into his clothes again and not into his bed clothes, which he indicates were in the bathroom. If these incidents had happened in the bathroom, over the period of time indicated by HIA 127 in the manner alleged by HIA 127 and that I had water thrown over me, this would have been noticed by other residents and staff.

Paragraph 21

HIA 127 states that one day before [REDACTED] I took him from school to my girlfriend's house and sexually assaulted him there before taking him back to Nazareth House.

This is untrue and I deny it. As has been previously established HIA 127 was no longer resident in Nazareth House at this date and the incident could not have happened.

If when HIA 127 states [REDACTED] he means [REDACTED] then the school would not have been opened.

HIA 127 was in my then girlfriend's house (now my wife) on three short occasions. HIA 127 knew my girlfriend as she was also a social worker in [REDACTED] and they had a good relationship. On the first occasion HIA 127 helped me to cut the grass and my girlfriend was present. On a second occasion HIA 127 was with me when I stopped by briefly to collect some books, my girlfriend was not present. On the third occasion HIA 127 was with me and helped put tiles, which I had previously removed from the bathroom walls, into bags for dumping. My girlfriend was present and HIA 127 carved on the plaster of the wall, SND 38 loves SND 39.

Paragraph 22

HIA 127 states that I sexually assaulted him on an overnight stay at my family home on [REDACTED]

This is untrue and I deny it.

HIA 127 has alleged he was first abused in [REDACTED] HIA 127 overnight was [REDACTED] eight months before the date that he alleges that he was first abused.

HIA 127 received permission to have an overnight stay at my family home on [REDACTED]. At this time I had been a 'befriender' to HIA 127 for approx. six months and he had regular visits to my home during this period. HIA 127 had requested the overnight stay for Christmas and this was approved through his field social worker and the social work office. A record granting permission for this overnight stay would be readily available. This was the only occasion HIA 127 stayed overnight at my home.

HIA 127 states that he slept in a top bunk and I slept on the bottom bunk. This is untrue and I deny it. I slept in a different room from HIA 127

Paragraph 23

HIA 127 states that on two or three occasions I tried to have anal sex with him in his bedroom in Nazareth House but he said no. HIA 127 alleges that he was first abused in summer [REDACTED] so this would have had to occur after this date when he was no longer resident in Nazareth House.

This is untrue and I deny it.

Paragraph 24

HIA 127 states that in [REDACTED] I took him to my girlfriend's house and sexually abused him before taking him back to Nazareth House.

This is untrue and I deny it.

In [REDACTED] HIA 127 was in foster care so I would not have brought him to Nazareth House had I taken him to my girlfriend's house.

At paragraph 21 I have previously explained the occasions and circumstances that HIA 127 was at my girlfriend's home.

Paragraph 25

HIA 127 states that in Nazareth House he was half starved and was hungry for most of the time because he was only allowed five minutes to eat his meals.

This is untrue and I deny it.

The dining room in Nazareth House consisted of three dining tables each with four chairs. These tables were close together (see diagram) and all children and staff ate together in the same dining room and meal times were relaxed and there was always more than enough food for everyone to have second helpings if requested.

Evening meals were cooked fresh in a central kitchen, which also provided meals to the home for the elderly, and brought to the unit in a heated trolley. Dinner was served around 5.30 pm and usually lasted about half an hour. Meals were served by staff and food was never removed from any child before he or she finished eating nor were meal times ever rushed.

During my years in Nazareth House [HIA 127] never complained to me about meals being removed from him nor did he ever complain of being hungry. If [HIA 127] had his meals removed after five minutes, on a daily basis, this would have had to be witnessed by all residents and all staff members.

A selection of fruit was readily and easily available throughout the day from fruit bowls and the kitchenette in the dining room had a fridge which was easily accessible to residents.

In my capacity as [HIA 127] keyworker I was in regular contact with his form teacher, [SND 42] and she was aware of [HIA 127] circumstances and took a special interest in him. Never did [SND 42] ever raise any concerns to me regarding [HIA 127] being hungry at school, which I am confident that she would have done had she been aware of this.

Paragraph 26

I never witnessed [HIA 127] being beaten by any adult in Nazareth House nor did [HIA 127] ever tell me that he was ever hit or beaten. From my knowledge of [HIA 127] I believe he would have made it immediately known if anyone had done so.

I believe this allegation is untrue.

Paragraph 27

[HIA 127] states that he was abused by me in his foster home after he left Nazareth House.

This is untrue and I deny it.

I visited [HIA 127] foster parent's at their home prior to his placement there as part of the introduction and phasing in process. [HIA 127] foster parents had children of their own but this was their first time to foster a child. During the months following his placement I also visited the foster parents and [HIA 127] at their home as part of a support system for [HIA 127] and the foster parents.

At no time was I ever alone with [HIA 127] in his foster home and his foster parents were always present when I visited. [HIA 127] offers no explanation as to how this alleged abuse could have taken place in the foster home without the knowledge of his foster family.

Paragraph 32

HIA 127 states that he informed his after-care social worker that he had been abused by me when he became aware that his younger siblings were being admitted to Nazareth House. This is untrue.

HIA 127 three youngest sisters were admitted to Nazareth House in [REDACTED]

HIA 127 first reported allegations of abuse to his after-care social worker in [REDACTED]. His [REDACTED] younger sisters had already been in Nazareth House for [REDACTED] years at this stage.

HIA 127 states that when he first reported the alleged abuse that the two police men called him a liar. This is untrue and as result the police thoroughly investigated, with the assistance of Social Services and Nazareth House, all of the allegations made by HIA 127. The investigation found not one piece of evidence to corroborate even one of the allegations made by HIA 127. My position was vindicated, the suspension was lifted and I was allowed to return to work.

RESPONSE TO HIA 233 STATEMENT TO THE INQUIRY

I have read the statements made by HIA 233 to The Enquiry dated 25th November 2013 and I vehemently deny all allegations made against me in this statement.

BRIEF BACKGROUND INFORMATION

I worked in Nazareth House when HIA 233 was resident there along with her brothers HIA 127 and SND 283. HIA 233 like her brother HIA 127 was a child who presented with many challenging behavioural problems.

During her time in Nazareth House I had a very good relationship with HIA 233 as did the other residential staff who worked there.

Paragraph 7

HIA 233 states SR 19 fell in love with [REDACTED] whilst on holiday in [REDACTED]. This is untrue.

SR 19 was a nun who worked in unit 1 (HIA 233 was in unit 2). SR 19 did not go to [REDACTED] and did not fall in love with [REDACTED]. The nuns who accompanied the children to a holiday in [REDACTED] were SR 23 (in charge of unit 2) and SR 90 (principle of Nazareth House Primary School) along with members of staff, including myself.

Paragraph 8

HIA 233 states that she was made to walk to school whilst I drove other children who were 'the nuns favourites'.

This is untrue and I deny it. When I drove the minibus I took all children that required transport and no child was ever excluded for any reason.

Paragraph 9

HIA 233 states that [REDACTED] worked in Unit 1. This is incorrect. [REDACTED] worked in the home for the elderly.

Paragraph 10

HIA 233 states she shared a bedroom with eight other girls. This is untrue.

Before children had their own private bedroom (from 1990) residents shared larger bedrooms. Two or three residents shared a large bedroom but never was a bedroom occupied by nine residents as stated by HIA 233

Paragraph 11

HIA 233 states that she was force fed by staff, including myself, at meals times and was also forced to eat her vomit.

This is untrue and I deny it.

As I have previously stated all children ate together, in the dining room, at the same time. I never force fed HIA 233 nor did I assist anyone else to do so. I was present at meal times for many years and never ever did I witness HIA 233 being force fed by anyone. HIA 233 was never made to sit all day at the dining table neither was the same food repeatedly served to HIA 233. All uneaten food was put in a bin and disposed of immediately after the meal was finished.

HIA 233 states that this was witnessed by everyone in the dining room and I believe this would have been the case had it in fact ever happened.

Paragraph 12

HIA 233 states that she had an appendix operation and that I accompanied her to hospital. This is true but HIA 233 never ever told me that she was left to lie overnight on the bathroom floor. I believe this is untrue.

At the hospital I stayed with HIA 233 in the ward until she was ready to go to the theatre. I recall that from arriving in the ward HIA 233 held my hand and did not let go, to such an extent that I had to accompany HIA 233 holding her hand, as her bed was pushed by a porter, from the ward to the door of the operation theatre, where only then was she persuaded to let go.

HIA 233 often reminisced about this many years after the event and she found it very funny.

Paragraph 15

HIA 233 states that the staff at Nazareth House were cruel. This is untrue and I deny it. I worked with many different members of staff, over many years, and I found everyone, without exception, to be exceptionally caring and committed to the children that they cared for.

HIA 233 states that I threw HIA 127 and SND 283 into freezing cold baths and showers.

This is untrue and I deny it. I refer to my response to paragraph 13 of HIA 127 statement.

Paragraph 16

HIA 233 states that I and another member of staff threw her and another girl into a room to beat each other up.

This is untrue and I deny it. I never encouraged any children to fight nor did any other member of staff.

HIA 233 states that I and other members of staff referred to a child, SND 331 as a 'spastic' and 'retard' and that the child was hidden away from visitors.

This is untrue and I deny it.

There was a young child resident in the unit called [REDACTED] This child, because of her young age, was very popular with everyone in the unit. [REDACTED] parents visited the unit frequently.

No child was ever referred to in such derogatory terms by staff nor was any child ever hidden away when visitors called to the unit.

STATEMENT OF TRUTH

I believe that the facts set out in this statement are true.

Signed: **SND 38** _____

Dated this 27th day of February 2014

File 1 no 2

NAZARETH HOUSE

<u>EMPLOYEE</u>	<u>GROSS PAY</u>	<u>NET PAY</u>	<u>DATE COMMENCED</u>	<u>APRIL '90</u>
SND 338	144.00	111.76	01.09.86	Pt.4. H.P. (UQ)
SND 285	140.00	109.07	12.08.85	Pt.4. H.P. (UQ)
SND 243	119.00 122	95.16	19.08.88	Pt.2. H.P. (UQ)
SND 40	144.00	111.76	26.08.85	Pt.5. H.P. (UQ)
	119.00	95.16	19.02.90	Pt.1. Ass.H.P.
SND 284	119.00 122	95.16	06.09.88	Pt.2. H.P. (UQ)
	130.00	102.42	26.03.90	Pt.1. Ass H.P.
SND 194	130.00 (803)	102.42	20.10.89	Pt.1. Ass H.P.
SND 242	122.00	97.14	06.06.88	Pt.2. H.P. (UQ)
SND 38	133.00	103.90	01.06.87	Pt.3. H.P. (UQ)
SND 343	122.00	97.14	30.10.88	Pt. H.P. (UQ)
SND 43	152.00	123.54	17.11.82	Pt.7. H.P. (UQ)
SND 39	140.00	109.07	14.10.85	Pt.4. H.P. (UQ)
SND 342	122.00	97.14	26.09.88	Pt.2. H.P. (UQ)
SND 377	119.00	95.16	17.04.90	Pt.1. Ass H.P.

CIV/10-00011-k/em

STATEMENT OF WITNESSSTATEMENT OF: SISTER **SR 142**

Name

Rank

AGE OF WITNESS (If over 21 enter "over 21"):

OVER 21

To be
completed
when the
statement
has been
written.

I declare that this statement consisting of page, each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence at a preliminary enquiry or at the trial of any person, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated this

day of

19

Gary Crawford

SR 142

SIGNATURE OF MEMBER by whom
statement was recorded or received

SIGNATURE OF WITNESS

I am known as **SR 142** and I was formerly known as **SR 142** when I worked in Nazareth House, Derry from I have been made aware by Detective Inspector Crawford of the allegations made by a former resident of Nazareth House, **HIA 127** against a lay employee **SND 38** I have been made aware of allegations regarding a holiday in and I would state that during those holidays I would find it difficult to believe that two people could have ever found themselves alone due to the number of people about and that during that time I can never recall **HIA 127** ever wanting to lie down during the day or ever running away. No allegations were ever made to me and I would find it difficult to believe that such goings on could have happened in the circumstances I have mentioned. Detective Inspector Crawford has asked me regarding the bathing practices and I would say that it was normal for older children to bathe themselves however **HIA 127** had a medical problem which required applying cream. **SND 38** would have been present during these times to supervise the application of such cream.

Detective Inspector Crawford has also asked me about the practice of

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children leaving the premises in the company of their day worker and
visiting the private homes of their key worker. The reason behind this is
that a number of children had no suitable family they could go to and that
they joined in the family of their worker in order to try and give them as

FORM 38/36

SIGNATURE OF

SR 142

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SND 38 talked through the different allegations and the discrepancies in HIA 127 statements to police.

1. P. Holiday ██████ Uncertain of the dates as he did not have the records with him or did not have access to N.H. records since he was suspended. SND 38 pointed out the discrepancies here. In the first statement HIA 127 had gone to bed in the afternoon. In the second statement it was evening, discrepancies in the description of chalet and SND 38 position during the abuse.

There was no record of HIA 127 running away or missing. SND 38 claims that if HIA 127 was missing, staff would have been aware of this.

Regarding this incident at P. The following year HIA 127 had an option of going on holidays to P. knowing that SND 38 would be on duty there or going with foster parents. HIA 127 chose to go to P. SND 38 posed the question "would HIA 127 have made this decision if he had been abused the previous year at P?"

2. SND 38 stated that one of the allegations claimed that SND 38 dragged SND 38 along the corridor to bathroom with SND 38 screaming. He was alleged to have undressed HIA 127 put him into a cold bath, lifted him out, abused him, got him dressed and put him back in the bath with all his clothes on, while all the time HIA 127 was punching SND 38 and screaming. Staff and residents would have heard the screams because the accommodation was a flat within the N.H. It was compact with bedrooms, bathrooms and living rooms close together.

NOTE: That HIA 127 mother alleged that SND 38 girlfriend put her daughter in a cold bath.

At this stage I brought SND 38 attention around to the policy and procedures which governed residents' visits to the homes of staff.

SND 38 confirmed that it was customary practice at that time for different members of staff to take children to their homes, particularly if they did not have contact with their own parents or relatives. This practice seemingly went on until the allegations were made against SND 38

SND 38 was told by the police that at the initial stages of the investigation that Social Services representatives denied that they knew that HIA 127 was going out with SND 38. He claimed this was not the case, Social Services personnel approved of these visits, they were recorded and he could not take out child without the approval of his supervisor at N.H., or unknown to Social Services. All visits were well documented.

I asked SND 38 what were the procedures regarding his visits to HIA 127 in the foster home. SND 38 claims that it was normal practice for residential social workers to be involved in the fostering process to visiting the child in the foster home thus enabling them to settle in. SND 38 said he visited HIA 127 in the foster home but the foster parents were always present.

WESTERN HEALTH AND SOCIAL SERVICES BOARDMinutes of Case Review at Nazareth House on 7/11/89Name:**HIA 127**PRESENT:

Mark McChrystal, S.S.W. - Chair

Sheila Brannigan, S.W.

SR 21 Nazareth House**SR 2** Nazareth House**SND 242** Nazareth House,**SND 38** Nazareth House,**SND 39** Nazareth HouseDISCUSSION:

HIA 127 is doing well in residential care. He appears to have come to terms with his past history to a greater extent than his **SND 38** brother. He presents as a happy child. **HIA 127** as expressed a wish to be fostered. It is hoped that the planned fostering advertisements, which are due to be published later this month, may turn up suitable foster parents. **HIA 127** move into foster care has encouraged **HIA 127**. Moreover, his visits to **SND 38** home has given him a taste of home life. Although on occasions **HIA 127** still regresses into rather childish behaviour, he has considerably more insight than was hitherto the case. In short, **HIA 127** is much more relaxed within himself.

SND 38 has helped **HIA 127** to express much of the anger that was within the child as a consequence of his previous fostering breakdown. **HIA 127** has said, for example, that his previous foster family could take the dog to England with them but not him. This repressed anger inhibited his development. Its resolution has enhanced every aspect of his life. There has been significant improvement in his behaviour within the unit, and he is making every effort at school.

HIA 127 is visited periodically by **HIA 126** and **HIA 113** his sisters. **HIA 127** is somewhat ambivalent about **HIA 126** because he feels that she is doing the same as his mother did by having children at a very young age. Conversely **HIA 113** ability to have a boyfriend with a car, without being encumbered by children, is seen as a good thing by **HIA 127**. He is disappointed on those occasions when she does not call as arranged.

Overall **HIA 127** is making very good progress in care. The therapeutic work that has been done with him, especially by **SND 38** has brought him to the threshold of a new beginning.

STATEMENT OF WITNESS

STATEMENT OF: **SND 453**
Name Rank

AGE OF WITNESS (If over 21 enter "over 21"): **OVER 21**

To be
completed
when the
statement
has been
written.

I declare that this statement consisting of page, each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence at a preliminary enquiry or at the trial of any person, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated this **15th** day of **October** **1996**

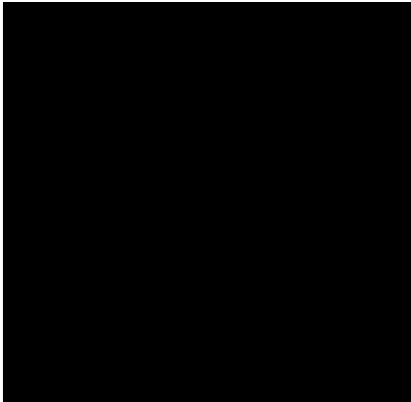
Gary Crawford

SND 453

*SIGNATURE OF MEMBER by whom
statement was ~~recorded~~ or received*

SIGNATURE OF WITNESS

I am a Social Services Inspector and have been employed by the Department of Health and Social Services since 2nd February 1981. Part of my work entails the inspection of statutory and voluntary children's homes. In this regard I was involved in the inspection of Nazareth House Children's Home, Bishop Street, Londonderry on the following dates:



Each inspection involved spending 2 to 3 days in the home making observations, checking statutory records, speaking to management, staff and children and occasionally attending meetings. The aim was to assess the suitability of the environment, the quality of care provided for the children, the management structure and monitoring arrangements, staffing and the standard of professional practice within the home. Following each inspection a report was prepared and issued to the Sisters of Nazareth who

SIGNATURE OF **SND 453**
25

STATEMENT CONTINUATION PAGE

STATEMENT OF:

SND 453

Continuation Page No: 2

are the administering authority for the home. Where the reports carried recommendations there was an expectation that these would be implemented. In the course of an inspection it was my practice to examine the records which are required to be kept under the provisions of Regulation 5(3) of the Children and Young Persons (Voluntary Homes) Regulations (NI) 1975. These are: The admissions/discharges register; the record of events of importance connected with the home; the record of fire practice drills and all fire precautions agreed with the Fire Authority; and menus of the meals provided. In addition it would have been my practice to read some of the children's case files and any other records kept by the home's staff. However, it was the practice to select about 20% of the files and to scan them selectively as I would not have had the time to read them all in full. The children living in Nazareth House were advised in advance that an inspection was to take place. It was my practice to speak to them informally when I was in the home, to eat with them or to take part in an activity e.g. playing snooker or pool. It was also my practice to advise the children that I was available to see any of them individually if they so wished. I have no recollection of speaking to **HIA 127** or of him asking to meet me. Normally I would also speak to the staff of the home. This was confined to those who were on duty while I was undertaking the inspection. Depending on the time available I may have seen some of them individually, spoken to a group of staff or attended a unit staff meeting. It was customary for each staff to act as keyworkers for one or more children. This entailed taking a special interest in their health, education and general welfare. My experience was that each child would have a care plan which was agreed with Social Services and that some of the identified tasks would have been carried out by the keyworker e.g. taking a child to the dentist, helping with school homeworks, shopping for clothes, etc. Keyworkers were also expected to spend some time undertaking individual work with children e.g. counselling them about personal or

FORM 38/36a

SIGNATURE OF

SND 453

26

STATEMENT CONTINUATION PAGE

STATEMENT OF: **SND 453**

Continuation Page No: 3

behavioural matters. This would normally involve speaking to individual children in private during working hours within the home. It would have been regarded as exceptional for a keyworker to meet a child or young person regularly during off duty time and to take them home. If this was the case then I would have expected to find a reference to it in the agreed care plan and a letter of confirmation or minutes of the meeting where it was agreed from Social Services. I would have been concerned if a staff member was befriending a young person from the home to the extent where they spent extensive periods together including overnight stays at the staff members home. If this was the case I would have made enquiries to establish if the staff member had been approved as a befriender/foster parent by Social Services for the particular child. I have no recollection of being told that **SND 38** was befriending **HIA 127**

Certified a true copy of original. *Genelieve Pascal 2/8/2022*

SIGNATURE OF **SND 453**
2.7

STATEMENT OF:

SR 142

Continuation Page No: 2

normal a family background as possible. This was the case regarding

HIA 127

I was aware that **SND 38** took him to his family home,

however the question of taking him to **SND 38** girlfriend's

house **SND 39** of [REDACTED] I never recall being

discussed. I would wish to point out that anytime **HIA 127** came back from these trips he was always in good form and appeared happy. He never made any complaints. The practice then and one which was approved by the

Social Services Board, was that a keyworker could be appointed to care for two or three children. **SND 38** was **HIA 127**'s key worker. The

practice approved by social workers at regular reviews, was that where a

child, such as **HIA 127** could not go home on visits or receive visits from his family, then the key worker was encouraged to take that child to his or her

home, so that the child could experience a stable home environment. All

such visits out were logged in the appropriate record book and that record book along with other relevant documents could form the documentary basis of the periodic case conference conducted by social workers on each child.

I recall that at least two social workers had responsibility for **HIA 127**

during my time there **SND 475** and **SND 478**. They were aware of

this practice and as far as **HIA 127** was concerned they were provided with a

documentary record of each trip out in **SND 38** company. At no time

was any anxiety or concern ever expressed regarding this practice. These

visits did not involve an overnight stay except on one occasion at

[REDACTED] Since this was outside the agreed and approved routine we

contacted **SND 475** sought her permission and she readily gave it. I

would just like to point out that during my time there I found **SND 38**

to be an excellent worker and that his behaviour was beyond reproach.

SR 142**SR 142**

303

At Recd. I found
5. Recordings that
he came back in good
form after these visits.

Certified a true copy of original. agreed and approved

None of these staff were in any way able to corroborate the allegations made by [HIA 127]. Furthermore, in relation to the period when [HIA 127] was on holiday, they said that it was unlikely that the abuse could have taken place in the way that [HIA 127] described because there was virtually no opportunity for any child and member of staff to be alone at any stage. [SR 21] was also interviewed in the presence of Mr Ted Jones, Solicitor for the Nazareth House Order. [SR 21] stated that no allegations were ever made by [HIA 127] during the time that he was in the Unit and that he always appeared happy to her. She said that the visits to [SND 38] home had been discussed with relevant social work staff and had been approved. She stated that both Mr [SND 478] and Mrs [SND 475] had agreed to the visits and have been provided with documentary evidence of the fact that they had taken place. At no stage did [HIA 127] return home distressed from any of these visits. However, [SR 21] did point out that at no stage was there any agreement in relation to [SND 38] taking [HIA 127] to the home of his girlfriend, [SND 39]. [SND 491] said that he would arrange for the relevant Social Workers to be interviewed to see if they had any recollection of such approval being given by Social Services.

Mr [SND 466] and [redacted] up-dated those present on recent developments concerning [HIA 127]. He had been arrested and charged with [redacted] and currently is out on bail. In an effort to refute these allegations, he has produced a paper describing [redacted] and does refer to his problems stemming from what happened to him while he was in Nazareth House.

- WAY FORWARD:**
- 1 [SND 491] to consult with relevant social work staff regarding the issue of approval of the absences from the Unit. Inspector [redacted] to be notified of the outcome.
 - 2 Mr [SND 466] to ascertain the current whereabouts of [redacted] and to advise Inspector [redacted]
 - 3 RUC to interview the following people:-
[SND 38] (regarding interview)
[redacted]
 - 4 Following the completion of these interviews, a report will be prepared by the Care Unit and forwarded to the Director of Public Prosecutions, probably by mid November.

DI [REDACTED] stated that he also interviewed [REDACTED] **SND 39** in relation to [REDACTED] **HIA 127** allegation relating to incidents at [REDACTED] (**SND 39** house). She told DI [REDACTED] that she was aware that [REDACTED] **HIA 127** was taken to her house in [REDACTED] by [REDACTED] **SND 38** and that she can remember being present on a least one occasion. [REDACTED] **SND 39** also recalled threats that [REDACTED] **SND 362** made to her on numerous occasions and said that these threats were witnessed by Mr D. [REDACTED] Nazareth House.

Discussion then took place on the need for corroboration with regards to Mr [REDACTED] **HIA 127** statement. It was agreed Social Services will examine all records in the Nazareth house to ascertain the names of other children who may have shared a room with [REDACTED] **HIA 127** in the past.

Mr [REDACTED] **SND 491** said that a care history will be prepared for the RUC and any information relevant to the investigation that may be on file will be brought to the RUC's attention. It was agreed that when all information is gathered an action plan will be formulated.

Concerned was expressed regarding possible leaks to the press by the [REDACTED] **SND 362** family.

Discussion took place and it was agreed that if the Nazareth House is contacted by the press no information is to be given to them and the Nazareth House should

Person Dialogue

Myself Had you responsibility or did you act as key worker for other children?

SND 38

Yes! The reason I took [HIA 127] was because he was isolated and not allowed home, and this was approved by supervisor and Social Services.

Myself Where did you take him on these visits ?

SND 38

Always to my mother.

Myself Were there any restrictions placed on staff or yourself about where you could take [HIA 127] or other children?

SND 38

No! This was left to the discretion of the individual staff member. Generally they came with us wherever we were going.

Myself What about the visits to your girlfriend's house?

SND 38

I only took him there once from N.H. and that was to cut grass. I took him one other time from foster parents to collect books when I was on a social work course. [SND 39] my girlfriend, was present.

From the records I noticed that [HIA 127] often went on his own to visit [SND 38] parents. He seemed to have a very good relationship with them, these visits are well documented and it is also recorded that [HIA 127] was very upset at the death of [SND 38] father.

Another question posed by [SND 38] when [HIA 127] was re-admitted to H.H. Children's Home after the breakdown of fostering and home. [HIA 127] requested to be transferred to N.H. If he had been abused at N.H. by [SND 38] would he have made that request knowing that [SND 38] was still there?

When [SND 38] took [HIA 127] for an overnight visit to his mother's, he pleaded to be kept for another night, but [SND 38] could not keep him because he had only permission from Social Services for one night. [SND 38] question "If [HIA 127] had been abused by him would he have asked to stay a second night?"

When [HIA 127] was aged 18-20 years old and on his own in a flat after discharge from care, he would phone [SND 38] if he was in difficulties financially or otherwise. [SND 38] and his wife have taken him food parcels for Christmas and such items as electricity meter cards. These visits were never initiated by [SND 38] but in response to [HIA 127] requests for help.

CASE NOTES

DATE	NAME: HIA 127	INITIALS
[REDACTED]	Up early & in good form. Out to school in disgust as we were listening to Vivaldi & he doesn't care much for "opera"!!!	[REDACTED]
[REDACTED]	Home in fine form. Took part in the children's meeting & had a lot to say. Had a call from SND 38 & asked about going out to-morrow along with him. Had to be spoken to as he was a bit high & mucking about with [REDACTED] - Calmed down after a stern warning. Very quiet afterwards. Asked to visit HIA 126 around 9 p.m. but seemed to return very quickly from his visit. Down to bed at 10:00 p.m.	HH 15
[REDACTED]	A very strong odour emitting from HIA 127 bedroom this morning - he is seen unaware of it and begged at suggestion to clean it out - Out to school. Addition to our discomfort!! Went on out with SND 38 after school. Home at 6:30 still stinking. About the unit.	HH 15

CIV/OCT/legan/mmcc

STATEMENT OF WITNESS

STATEMENT OF: **SND 452**
Name Rank

AGE OF WITNESS (If over 21 enter "over 21"): **OVER 21**

To be completed when the statement has been written.

I declare that this statement consisting of page, each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence at a preliminary enquiry or at the trial of any person, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated this 22nd day of October 1996

Gary Crawford

SND 452

SIGNATURE OF MEMBER by whom statement was recorded or received

SIGNATURE OF WITNESS

Certified a true copy of original. *C. J. O'Connell*

I am the above named person and I reside at [redacted] I am the mother of **SND 38** who is employed as a social worker at Nazareth House, L'derry. During [redacted] I was aware that my son **SND 38** was the 'key' worker for a young man **HIA 127**. This involved **SND 38** taking him out of the home and letting him participate with a normal family. I was happy that **SND 38** brought him to my home in order that he would have a normal environment. I have been asked by D/Insp Crawford to recall the events that took place during [redacted] when **HIA 127** stayed at my house. I can recall the events vividly. Permission had to be asked from Social Services and permission was given for **HIA 127** to stay one evening Christmas Eve. **HIA 127** stayed in one room with bunk beds and my youngest son [redacted] stayed in the same room as **HIA 127** **SND 38** had a room of his own. During the night I checked on **HIA 127** several times as he had a heavy cold however he was alright. The next day **HIA 127** was in excellent form he appeared to love every minute of it. **HIA 127** seemed to have a lovely day and he begged me to stay another evening however he had only permission for that one night and he had to return to Nazareth House. **HIA 127** was very disappointed in having to return to Nazareth House. I would like to point that during that visit and one other visit **HIA 127** was very happy and at no time did he make any allegations to me nor I never sensed he was anything but content.

SIGNATURE OF **SND 452**
14

DECEMBERSIGNIFICANT DATES

- Social worker visited
- Principle social worker visited unit, met HIA 127
- Social worker visited with Christmas present
- Spent Christmas at keyworker's home

FAMILY CONTACT

- 8th DEC - HIA 113 visited - 16th DEC HIA 113 Phoned
- 19th DEC - HIA 113 + boyfriend visited with Christmas present
- 23rd DEC - HIA 126 visited with Christmas present
- 29th DEC - HIA 113 and HIA 126 visited

MEDICAL TREATMENT

- No noticeable decline in HIA 127 although the infection on his scalp appeared to be clearing up by the end of the month.

RELATIONSHIP WITH STAFF

- HIA 127 had a very good month with no serious disagreements with staff. HIA 127 was very pleased when he got permission to stay overnight at his keyworker's home from [REDACTED]. During this period he adapted excellently to family life.

RELATIONSHIP WITH CHILDREN

- HIA 127 relationships within the unit remain stable.

SCHOOL

- After an inquiry from HIA 127 keyworker to his English teacher regarding HIA 127 English ability he was tested to ascertain his level with reading, comprehension and spelling and was found to be behind his chronological age regarding these skills. It was recommended that HIA 127 takes part in a paired reading scheme to increase levels of

of his key-workers.

SND 39

Spending a few days at the home of his key-worker.

SND 39

HIA 127 returned in the evening after his stay at his keyworkers. Was in very good form and played with his t.v. game.

SND 43

Spent most of his time indoors playing t.v. games. Was a delight to be with, coaching, jokes and not being babyish. Had a late night due to this.

SND 43

Another good day for HIA 127. Played with his t.v. game but was very generous in sharing the playing with the other children. Spent some time playing football and riding his bike.

SND 38

Was in good form throughout the day and enjoyed the pantomime (Wizard of Oz) during the day. Spent part of the afternoon in town with his sisters HIA 126 and HIA 113.

SND 38

HIA 127 had a great day. HIA 113 then went with HIA 127 spent the remainder of the day playing his Abani and Balmer. His behaviour was good.

SND 343

1 **A. It was normal.**

2 Q. You thought it was normal?

3 **A. Yes.**

4 Q. At what point did you take a different view about it?

5 **A. I was about [REDACTED] and I found out what he was doing was**
6 **wrong.**

7 Q. How did you come to -- what was it about being [REDACTED]? What
8 did you find out that --

9 **A. I learned about the birds and bees through friends when**
10 **I was about [REDACTED]**

11 Q. Now if we look at SND-15222, please, this is a record of
12 a police officer recording what you initially told him
13 about two weeks before you made your own police
14 statement in August of 1996, but you said that SND would
15 have built up your trust by taking you out and buying
16 you things.

17 **A. Yes.**

18 Q. What did he buy you?

19 **A. I remember when I went to his home that Christmas he**
20 **bought me the Atari, a computer game system.**

21 Q. That's an Atari. That's A-T-A-R-I.

22 **A. A-T-R -- A-R --**

23 Q. One of the old --

24 **A. Yes, way back in the day.**

25 Q. He bought you that for Christmas?

1 **A. Yes.**

2 Q. What else did he buy you? Can you remember?

3 **A. He would have given me anything I wanted. Money,**
4 **clothes, whatever.**

5 Q. If we look at SND-5460, this is an interview that
6 a social worker conducted with you on 6th August. This
7 would have been about six days before you made your
8 lengthy police statement that the Panel have had
9 an opportunity to see.

10 If we just scroll further down, please, you told
11 **SND 465** that SND38 would give you money, £5 to £10,
12 and this continued when you left care:

13 "... as he remembers going to Nazareth House and
14 asking for money."

15 Did you go back and ask for money at times?

16 **A. Not that I can remember, no.**

17 Q. Well, that's what is recorded as you saying at the time
18 to **SND 465** . You don't recollect that now?

19 **A. Not now.**

20 Q. In as far as , SND-10397, now this would
21 have been -- you are about and about to --
22 I think the first page of this form -- if we just go up
23 to the page before, please. Keep going up so we get to
24 the start of the form so that the Panel can see what it
25 relates to. Just to the next page. Just go on up

SND 465 INTERVIEW WITH **HIA 127** AND **SND 363**

MONDAY 5th AUGUST 1996

SND 465 began by saying that **HIA 127** had been in care from the age of [REDACTED]. She said that **HIA 127** recalled a holiday in [REDACTED] with staff from Nazareth House. He told her he was only there once while at Nazareth House and this was when he was around [REDACTED] years old. He said that they were staying in a chalet type mobile home with wheels and that there were several children staying there. **HIA 127** said that **SND 38** and **SND 343** also stayed there. He told her that he remembers going to bed because he was not feeling well, this happened during the day. He said that **SND 38** came in and lay beside him on top of the bed clothes, **SND 38** put his hands under the bed clothes feeling Mr **HIA 127**'s penis, no-one said anything. **HIA 127** said he did not know what to do, **SND 38** left about 10 minutes later. **HIA 127** then recounted an incident which happened 2 months after that when he said that **SND 38** administered cream to **HIA 127**'s body for his [REDACTED]. He said he was standing naked and **SND 38** started to masturbate him, then took his own penis out of his trousers and started to masturbate himself. **SND 465** said that **SND 362** then recounted to her the sexual abuse allegations made in his statement to DC [REDACTED]. He told her that at one time **SND 38** tried to bugger him but that he would not let him. He told Mrs **SND 465** that **SND 38** would give him money, £5 to £10, and that this continued when he left care as he remembers going to the Nazareth House and asking for money and **SND 38** gave him £10.

Mrs **SND 465** then said that she spoke with **SND 363** and she said that she was only going with **HIA 127** a few weeks (March/April 1995) when **HIA 127** told her that he was abused by a member of staff in the Nazareth House. She indicated that this was the first time that she had heard some of the incidents that **HIA 127** had related to Mrs **SND 465**. She also told Mrs **SND 465** that they were both having

parts. **HIA 127** woke up and **SND 38** walked out of the room, no conversation took place between either party.

RESPONSE

SND 38 said he could remember going to [REDACTED] for holidays and **SND 343** and **SR 142** being there too. He said it was possible that he may have been in **HIA 127** room at some stage but said there was certainly no impropriety on his part.

DI [REDACTED] asked **SR 2** would it be possible for her to ascertain the whereabouts of the above mentioned **SR 142** and **SND 343** **SR 2** **SR 2** agreed to do this.

2. **HIA 127** alleged that on an occasion when he did not want to take a bath, **SND 38** stripped him naked and put him in a cold bath. **HIA 127** said that on taking him out of the bath **SND 38** "touched him up".

RESPONSE

SND 38 said that no-one was ever forced to wash and added that **HIA 127** had an acute hygiene problem and denied ever touching him up in relation to that incident. He acknowledged that he may have been in the bathroom.

3. 2/3 months after the second incident **HIA 127** alleges that **SND 38** took him to a house at [REDACTED] in his [REDACTED] where he said he started to touch him, opened his school uniform and put his hand inside his trousers.

RESPONSE

SND 38 said that **HIA 127** had no immediate family and that he took on a befriender relationship with him.

Confidential - Strategy Discussion - 6.8.96

allegations. **HIA 127** confirmed that he had spoken in some detail to the RUC and would be prepared to detail the allegations to a social worker from the Trust.

SND 474 then met with [REDACTED] Chief Executive and **SND 465** APSW and it was agreed that **SND 465** would conduct a detailed interview with Mr **HIA 127** re. the allegations. **SND 474** agreed to make the necessary arrangements.

D/C [REDACTED] said that he had interviewed **HIA 127** on the [REDACTED] 1996 of which he had prepared a statement. Copies of same were circulated to those present.

DI [REDACTED] INTERVIEW ON [REDACTED] 1996 WITH **SND 38**

DI [REDACTED] said that he discussed with **SND 38** his relationship with **HIA 127**. **HIA 127** told DI [REDACTED] that he was **HIA 127** key worker for a period of [REDACTED] years and that he had got on well with **HIA 127** and there were no problems with him. He also said that **HIA 127** was a disruptive and difficult child. DI [REDACTED] said that **SND 38** had pointed out to him **HIA 127** family background and he mentioned the problems Social Services have had with **HIA 127** mother which he believed is behind the allegations.

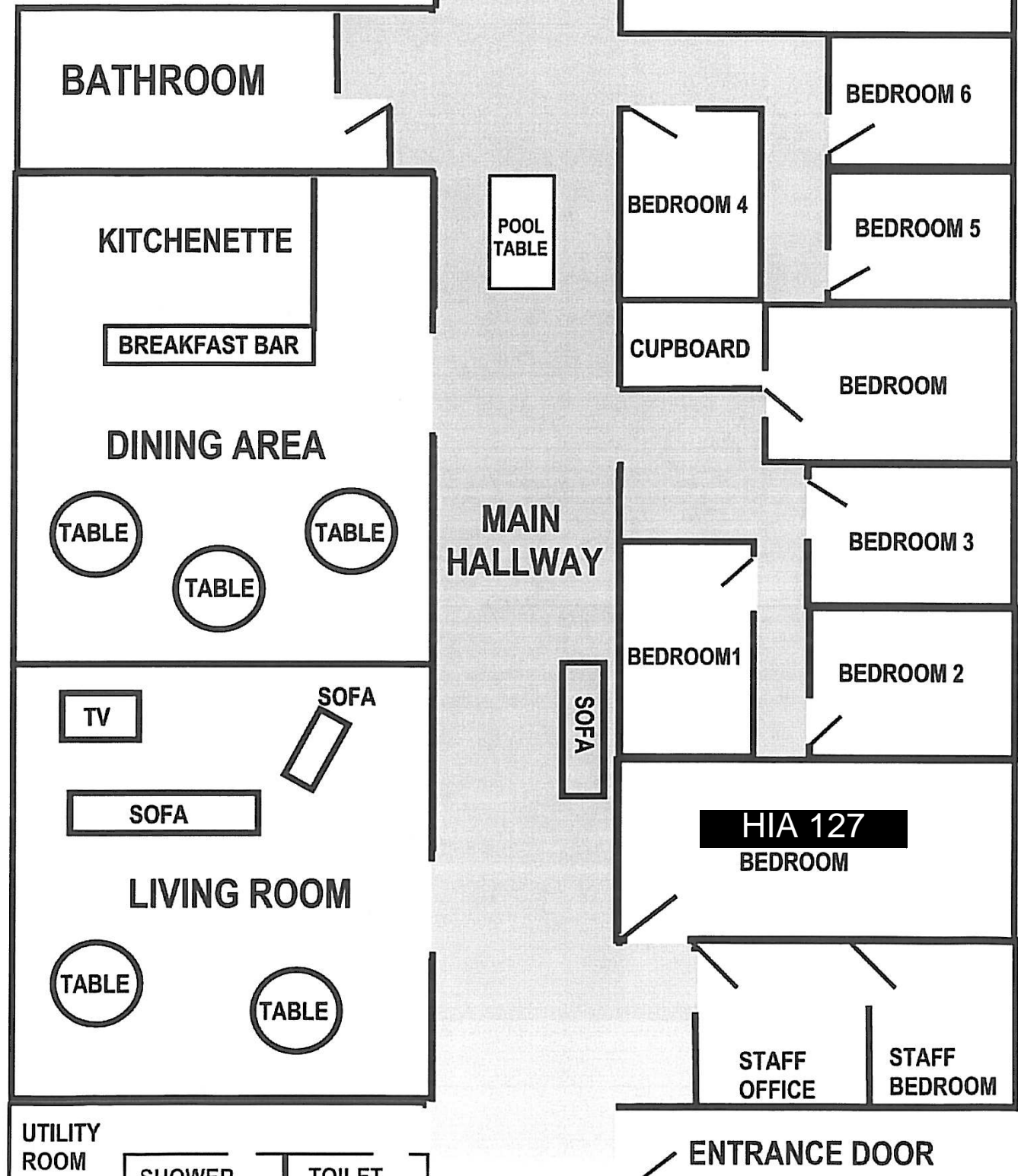
DI [REDACTED] summarised the allegations (of which there were 5) and **SND 38** responses as follows:-

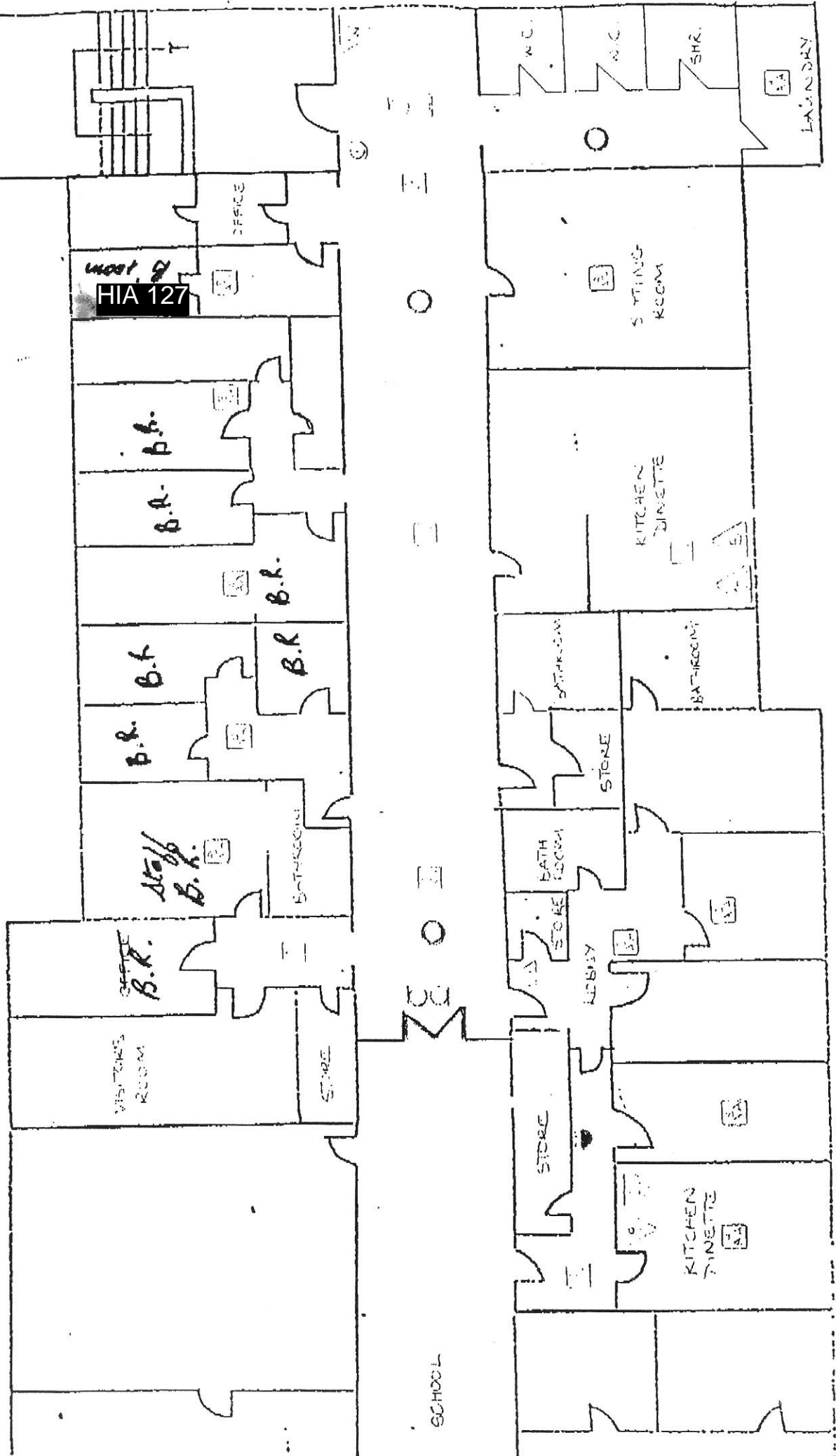
1. When **HIA 127** was [REDACTED] years of age (in [REDACTED] **HIA 127** went to [REDACTED] on a summer holiday where the children were staying in chalets. **SND 38** drove the mini-bus to [REDACTED] **SND 343** and **SR 142** also accompanied the children. **HIA 127** said that he was asleep in his bed during the day, **SND 38** had come into the room, he lay on the bed next to **HIA 127**. **SND 38** put his hand inside the bedclothes and touched around his private

PLAN OF UNIT 2 1990 circa

Bedrooms 1, 2 & 3 were originally
one large bedroom

Bedrooms 4, 5 & 6 were originally
one large bedroom





SECOND FLOOR

CONFIDENTIALWm
W.C./10/19(a)WESTERN HEALTH AND SOCIAL SERVICES BOARDLONDONDERRY, LIMAVADY AND STRABANE UNIT OF MANAGEMENTCHILDREN AND YOUNG PERSON'S (BOARDING-OUT) REGULATIONSREVIEW OF HEALTH AND WELL-BEING OF BOARDED-OUT CHILD

16.10.90 - At home

DATE AND PLACE OF REVIEW:

DATE OF LAST REVIEW:

1. Child's Name: **HIA 127** D.O.B. **[REDACTED]** Religion: R.C.
 Legal Status: F.P.O.
 Date of Admission to Care: **[REDACTED]**
 Reason for Admission/Continuance in Care: Inability of mother to resume care.

 Date of Foster Placement: **[REDACTED]**
 Type of Foster Placement (Long/Short Term): Long Term

2. Foster Parents

(a) Foster Mother:

Name **SND 46** Age **[REDACTED]** Religion R.C.
 Occupation Housewife

(b) Foster Father:

Name **SND 45** Age **[REDACTED]** Religion R.C.
 Occupation Forklift Driver and Storeman

Address **[REDACTED]**
 Derry Tel. No **[REDACTED]**

Other Members of Household (Names and Ages):

[REDACTED]

3. Pen Picture (and/or attach recent photograph) of Child:

HIA 127 is a tall **[REDACTED]** lad of slim build. He is quite easy going,
 a bit of a dreamer.

Boarded-Out Review - HIA 127

cont'd.

own children. There were some initial difficulties - HIA 127 reluctance to come home in time, his tendency to give cheeky answers when challenged, and to lie. However, these difficulties have been confronted by SND 45 and SND 46 and have lessened considerably. SND 475 notes that HIA 127 has become noticeably more relaxed and confident in recent weeks, and less defensive. The other major problem came when the SND 45, SND 46 discovered that he had been making telephone calls on one of the 'sex lines' which are commonly advertised. When challenged he immediately admitted that he had made the calls. His admission had been very encouraging to both foster-parents. Arrangements have been made for the SND 45, SND 46 to be compensated for the costs.

The review discussed HIA 127 background, and his previous experience in foster-care, in some detail. SND 46 is very keen that he should be able to maintain active contact with his brother and sister, and is prepared to facilitate this as much as possible. She expresses some concern, however, about contact with HIA 127 mother - because of her inconsistency in the past, and because of the real fear that her motive in contacting the foster-home directly would be destructive. Both these fears are substantiated by this department's experience of SND 362. Should she turn up, SND 45 and SND 46 should immediately contact the Social Services Department (including the emergency service). In principle, SND 362 should arrange any access visits through negotiation with SND 475.

The issue which is causing the greatest problem for SND 45 and SND 46 at present is the role of SND 38. HIA 127 houseparent from Nazareth House, in the management of the placement. SND 38 whose relationship with HIA 127 is a positive and important one, is managing a behaviour modification programme, involving the use of a detailed, daily, file. Whilst the SND 45, SND 46 value SND 38 commitment to HIA 127 and to the placement, they feel that it is too intensive, that they were not fully consulted about setting it up, and that it represents something of an intrusion into the routines of their home. It was established in the course of the review that this form of support was not planned when HIA 127 was discharged from residential care, and that SND 475 should discuss the issue directly with SND 38 with a view to (a) appraising him of the way SND 45 and SND 46 are feeling (b) reducing the extent of his involvement.

Overall, this placement, though still in its very early stages, has settled well. SND 45 and SND 46 have been able to negotiate HIA 127 initial phase of testing them out, with tolerance and patience, and he is beginning to respond by gradually learning to adapt to them, and to the routines of their family. They are very pleased with the progress to date, and have been able to use the support of their Social Worker very effectively.

RECOMMENDATIONS

1. There are no access arrangements for SND 362. The onus is on SND 362 to contact Social Services if she wishes to arrange to see her son. The foster-parents should contact Social Services immediately if she makes any attempt to contact HIA 127 directly.
2. Contact between HIA 127 and members of his family should be made as appropriate, through consultation between HIA 127 the Social Worker and the foster-parents.
3. Social Worker to contact SND 38 directly, in order to resolve the problems arising from the intensity of her continued support to HIA 127.

Date: [REDACTED]

Sigend. 93. [REDACTED]

SND 466

ASSISTANT PRINCIPAL SOCIAL WORKER

3. ADMISSIONS

C.E.T. 22.11.91

(a) **HIA 127** — DOB: **[REDACTED]** — **SND 475** SWDate of Admission: **[REDACTED]**

Legal Status:

F.P.O.

Residential Worker:

SND 476

R.S.W.

ADMISSION CASE CONFERENCE

Attended by:

SND 475

SW., Strabane

SR 142

Nazareth House

HIA 127 was admitted to Harberton House on the **[REDACTED]** under an existing F.P.O.

HIA 127 returned home from foster-care in **[REDACTED]** after ten months in foster care. It is thought he sabotaged the placement once his brother had returned home. The home situation appeared to be alright until the **[REDACTED]** when **SND 197** (sister) made

allegations of sexual abuse by **SND 274** (cohabitee of his mother). The routine at home fell apart with the removal of the cohabitee following the allegations; an investigation is ongoing.

HIA 127 became more difficult for his mother and appeared to be jealous of his younger siblings. It is felt that his behaviour was not really difficult, but his mother favoured **SND 283** and the younger children.

On Wednesday, **[REDACTED]**, **HIA 127** came to his Social Worker and alleged he had been beaten by his brother, **SND 283**. **HIA 127** was marked and asked to be removed from the home. **HIA 127** is confused and upset by this week's events.

School - is a big problem. **HIA 127** has not been attending.

REVIEW FORM

NAME

: HIA 127

LEGAL STATUS : Fit Persons Order

[illegible]

The following are some of my thoughts that I would like to make
known to all those at my review:

1. I am in residential care because: it did not work out at home in [REDACTED]
- 2/ My thoughts about being residential care are: I like being here because it is a lot better than home
3. The problems that I have at home are: There are a few problems with (1) school (2) My older brother [REDACTED] (3) my mother and father are always fighting.
- 4/ I want to live: in Harborton house.
5. There were problems with school because: I did not go to school in [REDACTED] I didn't want to.
6. I get angry when I: am annoyed with other people or called names.
7. When I am angry I: hit who ever it is making me angry.
8. If my hopes for the future, could come true, those hopes would be: to get my own flat and work in the swimming pool.
9. The people I find easiest to talk to are: My dear group and my social worker and [REDACTED]
10. Those people can help me by: Sorting out some of my problems.

SND 38

1 be 1989.

2 **A. It should be [REDACTED].**

3 Q. Because it's [REDACTED] that the fifth incident
4 that you describe at [REDACTED] at SND38's mother's house
5 is -- you only spent [REDACTED] with them once --

6 **A. Yes.**

7 Q. -- and that was in [REDACTED]

8 **A. That's correct.**

9 Q. Now the first incident that you describe, if we go back
10 to SND-5052, up to this point -- so if the dates are
11 right, we're now talking about [REDACTED] --
12 [REDACTED] -- up to this point what had your relationship
13 been like with SND38?

14 **A. It was good, normal. He was my best friend.**

15 Q. Your best friend?

16 **A. He would have been my best friend.**

17 Q. Right. Why do you say that?

18 **A. Because he was. He was probably my only friend.**

19 Q. You describe then being in this chalet type building and
20 having gone to bed slightly early. The Inquiry Panel
21 have had an opportunity to read what you say occurred
22 and what you've similarly described in your police
23 statement. You say that he came in and put his hand
24 down under the covers and down your trousers.

25 **A. That's correct.**

NAME **HIA 127**

STAFF
INITIALS

Up and about at midday, had lunch + went to [redacted] until 4pm. **HIA 127** around with upon return. Out to driving range with [redacted] & **SND 38** this evening. Burger & chips on the way home for supper. Played table tennis with [redacted] before going to bed. Form = good.

cl.m

P.m. Went out with **SND 38** for the p.m. To return at 9pm. Watched the film until 10pm & settled to bed.

HH 15

Up at 10am. Had a brief visit from S. Worker. About the unit, visited his sister - returned at 5.30pm for dinner. Back from his sister's house in time for dinner about the unit all evening - watched T.V. from time to time at 10pm.

HH 8

1.30 am. **HIA 127** was standing in his room with his shell suit bottoms on. [redacted] asked, what was happening? **HIA 127** said he was sick and couldn't sleep. He was unable to offer any reason for having his shell bottoms on. [redacted] told him to get into his bed and get some sleep.

A.m.

up around 10am. - Said he is not feeling too well. Form picked up a bit. out to his sister's **HIA 126** until 5pm. [redacted] visited this pm after dinner. The boys went to the cinema - **HIA 127** to return on the last bus. Didn't return until 11.10pm & arrived in a taxi. Said he & [redacted] had visited **HIA 127** poster parents after the cinema! Warned about doing his own thing & sent straight to bed. Still wandering around fully clothed at 11.45pm. Settled after midnite.

up & about at 10am in pleasant humour. Kept himself amused ¹⁸⁸ until dinner time no bother with him at all. A10.

DATE

NAME

HIA 127

and 7pm.

HIA 127

up & about the Unit. Keeping a low profile - playing football in playroom - seemed to be egging on [redacted] & annoying younger children. Watched Video this evening. Persuaded Staff about the 2nd Video. Was told it would go on at 9:30pm. At 9:30pm was in the playroom & did not come out to watch Video - Was told he could go on down at 10pm as usual. HIA 127 thought I was joking & was taken aback when he learnt I wasn't. Went down under protest but went anyway. Watched Rainman on the portable - I took it from him at 11:30pm he was claiming it wasn't over but I reckon HIA 127 was trying to pull a fast one because Rainman had just started on another TV channel, Was told to settle & eventually did.

HIA 127

lying on until 11:15am - awakened & got up only because he had [redacted] (this [redacted]) out to his sister HIA 126 for lunch. Returned at tea time, form good, out to mess this evening. Down to bed after he had some supper.

up early along with others 6:30pm. - Took the news that his T.V. was not working very well. About the belt until when he went to his Sisters for lunch. Returned at 7:30pm and watched "Batman" Settled to bed not bothered.

11pm. He was around with [redacted] playing various football games. Watched T.V. for remainder of the evening. Down to bed at 10:20pm to view "Greenies" on his portable.

HIA 127

27/12/71 sleeping late this a.m. - Needed some capitaling in order to make his bed and tidy room. This afternoon managed to get some aerosol breath freshener in his eye - obviously very sore - I checked with Casualty as to how we could relieve his agony - all they could suggest was to irrigate his eye with cold water which we duly did, and it eventually relieved the pain. Went out with [redacted] and to return at about

CASE NOTES

DATE	NAME:	INITIALS
	HIA 127	

HIA 127 was up and out to school on his bike.

HH 8

A.m.

HIA 127 returned from school at 4.30pm got stopped for taking so long to arrive home but apparently he was out at the pool at the complex after school - In good form this evening - had some school work typed up for him & obviously very proud of it as he was showing it off to all the staff off on his bike at 7.30pm to return at 9.30pm - Back a Time & settled at 10p.m.

rc

HH 15

Up & out to school - no bother HIA 127 is going to SND 38 after school and will return at 9.30pm.

HIA 127 returned (along with SND 38) around 9.50p.m.. the reason they were late, was to do with the R.V.C. dropping them (for no reason). HIA 127 settled down to bed after supper.

HH 8

A.m.

Very Slow to get organized for school this morning - managed to get off to school by 8.17a.m.

HH 8

CASE NOTES

DATE	NAME: HIA 127	INITIALS
[REDACTED]	Up early & in good form. Out to school in disgust as we were listening to Vivaldi & he doesn't care much for "opera"!!!	[REDACTED]
[REDACTED]	Home in fine form. Took part in the children's meeting & had a lot to say! Had a call from SND 38 & asked about going out to-morrow along with him. Had to be spoken to as he was a bit high & mucking about with [REDACTED] - Calmed down after a stern warning. Very quiet afterwards. Asked to visit HIA 126 around 9 p.m. but seemed to return very quickly from his visit. Down to bed at 10:00 p.m.	HH 15
[REDACTED]	A very strong odour emitting from HIA 127 bedroom this morning - he is seen unaware of it and begged at suggestion to clean it out - Out to school. Addition to our discomfort!! Went on out with SND 38 after school. Home at 6:30 still stinking. About the unit.	HH 15

3. **HIA 127** **D.O.B** [REDACTED]

Date of Admission	Date of Discharge/ Transfer	Placement	Discharged/ Transferred To
[REDACTED]	[REDACTED]	Termonbacca	Home
		Termonbacca	Home
		Termonbacca	Home
		Termonbacca	Foster Care
		Foster Care SND 36	Harberton House
		Harberton House	Foster Care
		Foster Care SND 36	Harberton House
		Harberton House Nazareth House	Nazareth House / Foster Care
		Foster Care SND 45	Home
		Home	Nazareth House
		Nazareth House	Home
		Home	Nazareth House
		Nazareth House	St. Patrick's Training School
		St. Patrick's Training School	Relatives/Friends
[REDACTED]	[REDACTED]	Relatives/Friends	Aged-Out of Care

FORM NO. 6

CHILDREN AND YOUNG PERSONS ACT (NORTHERN IRELAND) 1968
(Section 99)

Authority to Remove to Place of Safety

Petty Sessions District of

County (Borough) of

*Before a Magistrates' Court acting for the said Petty

Sessions District and County (Borough).

To MARK M. CRYSTAL of WESTERN HEALTH + SOCIAL SERVICES BOARD

By virtue of the provisions of Section 99 of the Children and Young Persons Act (Northern Ireland) 1968 you are hereby authorised to take

HIA 127

TRAINING School a place of safety.

HIA 127

of WARREN HOUSE, BISHOP ST. LONDONDERRY

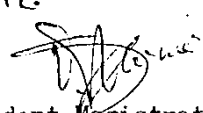
a child (or young person under the age of seventeen years) in respect of whom an offence mentioned in Schedule 1 to the Children and Young Persons Act (Northern Ireland) 1968 has been, or is believed to have been, committed, that is to say (state particulars of offence)

(or who is about to be brought before the Juvenile Court or other magistrates' Court sitting at _____ on the _____ day of 19 __, in accordance with the provisions of Section (94) (96) (97) of the Children and Young Persons Act (Northern Ireland) 1968).

The said child (or young person) may be detained in the said place of safety for a period of not longer than

(specify period not in any case to exceed that specified in Section 100(2) of the Children and Young Persons Act (Northern Ireland) 1968) before being brought before the Court.

Dated this 12th day of November 1992.


Resident Magistrate
(or Justice of the Peace).

*Strike out when application is made to a Justice not sitting as a Court.

ST. PATRICK'S TRAINING SCHOOL,
GLEN ROAD,
BELFAST
BT11 8BX.
TEL: 0232 301123

Dear **SND 38**

How are you
doing? OH I am fine myself.
I am in court on Tuesday
in Derry (BISHOP STREET). I will
try my hardest to get out
just for a few minutes to see
you OK.

Did you hear about my
mother, **SND 274** and **SND 274**
kicked down our front door and
beat her up, she is now living
with **HIA 126** and **SND 357**

SND 356 and **SND 358**
are, guess where? Nazareth
house. you might know all
of this already but I have
no more news to tell you
yet. Tell your mother I ^{was} ~~was~~
asking for her. I have to go
now so have a happy Christmas
Love **HIA 127**

Mr

SND 38



READY TO COPE ALONE?

This questionnaire is intended to help you to make good plans for living independently. It looks rather long, but that is because there are so many important things to be considered. It is worth taking some time and trouble over the questions. They will help you to think about what it will be like to manage your own affairs, what you need to know or find out about and what may still have to be done in order to make sure that you have a good chance of making a success of your life.

Try to answer all the questions but don't hesitate to ask for help if you need it. There may be some questions which you can't answer yet. (For example, you may not yet know how much money you will have or what your rent will be.) If you don't know the answer, just put a question mark to remind yourself that this is something that you will want to ask about.

Fill in the blank spaces or put a ring round the words that best describe your situation or your plans:

HIA 127

Your name

Your age now

I Practical Arrangements**Accommodation**

- 1 Where do you plan to live after you leave your present home?

BALLYMACGROGY / BOLT.

- 2a If you will be living in a flat or bedsit, is the furniture and equipment adequate?

☒ Yes 1
☐ No 2

- 2b Think about cooking, cleaning and heating arrangements. Will you have enough bedding, china, pots and pans? How about a radio or TV?

☒ Yes 1
☐ No 2

If no, what else do you need?

Money

- 1a How much money will you have each week? £ 35.00

Ready to cope alone? 10

3 What are your weaker points?

- Budgeting money.

Signature

HIA 127

Date

VII What Next?

There will probably be quite a lot of things that still need to be done. It is important to make a plan and decide what you will do yourself and what your social worker or other adults will do for you or with you. Use the questionnaire to make a list for discussion with your social worker and also at your next review. Try to cover all the topics: accommodation, money, education and employment, health, family and friends, personal resources. Write down what has to be done, who will do it and when.

Good luck.

3 Is there at least one adult (in addition to your social worker), who you feel you could go to for help, advice and support if a problem comes up?

Yes 1
No 2

4 (If you come from a minority ethnic group.) Do you have good friends at present who share the same culture/first language/religion as you?

Yes 1
No 2

5 Do you have at least one friend with whom you can keep in touch after you move?

SND 38

Yes 1
No 2

6 Do you belong to any club, team, church or other organisation?

Yes 1
No 2

If no, would you like to?

Be friends from Exeter.

Yes 1
No 2

7 Will you be living in a neighbourhood that you know well?

*(1) Area of choice.
(2) BQ (No)*

Yes 1
No 2

8 Will you be living near people of the same ethnic group/first language/religion as you?

Yes 1
No 2

VI Personal Strengths and Resources

1 a Do you have detailed knowledge of your family background and your own life history?

Yes 1
No 2

b Do you know who will be able to help you to get more information if you want it?

Yes 1
No 2

2 a Have you decided what to say about your life so far if officials ask questions or when you have to fill in the personal details on forms?

Yes 1
No 2

b Would it help to discuss this with somebody?

Yes 1
No 2

3 a Do you have a hobby or special interest?

Hice. etc.

Yes 1
No 2

b If yes, do you have the equipment you need for it?

Yes 1
No 2

4 Have you thought about how you are going to spend your spare time?

TV.

Be friends. ?

Yes 1
No 2

RESTRICTED (when complete)**Statement of Witness**Statement of: **SND 96**Age of Witness: Over 18 (if over 18 insert 'over 18')

I declare that this statement consisting of 3 pages, each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence at a preliminary enquiry or at the trial of any person, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature of Witness: **SND 96** Date: 30th June' 11

Service/Staff # if police/staff

Signature witnessed by: _____
(Appropriate Adult)Signature of Member: Vincent Gillen 20855 Date: 30/06/11by whom statement was
recorded or received

Service/Staff # if police/staff

I entered Nazareth House in [REDACTED], I was 6 years old. My parents had parental care for me at this time but on the [REDACTED] I entered Nazareth House on a full time basis. Between [REDACTED] and [REDACTED] was not a regular resident and stayed at home with my mum. Whilst I was in Nazareth House **SND 38** who worked there would have been my team leader. He would have had a huge input to my daily routine; he would have been consulted about any disciplinary matters regarding me, been involved in arranging access to my parents or matters involving my every day life. From the start of [REDACTED] I had a good relationship with **SND 38**. This relationship changed following the disclosure of the Creggan Investigation, this was a Police investigation in which I was a victim of sexual abuse. I was [REDACTED] years of age at that time. Prior to this disclosure of this investigation I was never alone with **SND 38**. I remember it started when **SND 97**, who was also a resident, absconded from Nazareth House. On **SND 97**'s return I believe **SND 38** overheard me speaking to **SND 97**, **SND 97** and I were talking about what he did whilst he absconded. Following this **SND 38** spoke with me, the unusual thing at this time was that he spoke to me on a one to one with no-one else present. I recall his office in Nazareth House was in a remote area away from where any of us ever needed to be. At this time he questioned me about **SND 97** and what he had got up to when he absconded. **SND 97** had

Certified a true copy of an original signed document

Signature of witness:

SND 96Signature witnessed by:
(Appropriate Adult)

RESTRICTED (when complete)

Continuation of Statement of:

Page 2 of 3

told me that whilst he had ran away he had been with a grown man by the name of **SND 98** from the Fountain. **SND 97** had admitted to me of having sexual intercourse with **SND 98** and others. **SND 97** was [redacted] years of age at this time. **SND 38** was asking me questions like, "Tell me what happened with **SND 97** tell me in your own words what he told you, did **SND 97** say he had a big penis, did that make your dicky tickle". I was [redacted] years of age at this time. I remember thinking does he think I'm "queer". I clamed up telling him I know nothing more. He asked me things like, "Did **SND 97** perform oral sex", I remember asking him what he meant as I didn't know what he was on about at that time. I do remember him explaining what oral sex was about. I clearly recall he described it involving two men engaging in sex. Sessions like I have explained above happened on many occasions following this night, maybe once or twice a week, similar conversations with very inappropriate chat. It was **SND 38** who introduced me to masturbation. A word I didn't understand at that time. He didn't do anything physically on me, but he described graphically how to masturbate. **SND 38** would have been a very touchy feely person. He would have hugged me, put his arms around me and behaved the same with all the other children within Nazareth House. He would have behaved like this publically. **SND 38** **SND 38** would have often spoken to me about the abuse I suffered in the Creggan Investigation; at that time I thought he was counselling me. He would ask me things like, "Did he put his cock in your ass", very inappropriate language to use with a child of [redacted] years. Although **SND 38** never touched me he would have rubbed his own penis over his clothing whilst asking me these questions. I was aware and could see he was aroused at this time. These incidents went on until my 6 monthly reviews in [redacted] During this review nothing that **SND 38** **SND 38** had spoke to me about was mentioned. This surprised me as I was in the belief of what we talked about was counselling me for. Around a time in [redacted] I was aware of **SND 38**

Certified a true copy of an original signed document

Signature of witness:	SND 96
Signature witnessed by: (Appropriate Adult)	

RESTRICTED (when complete)

Continuation of Statement of:

Page 3 of 3

and my friend **SND 97** fondling and kissing each other. **SND 97** had admitted this to me.

SND 97 appeared to me to enjoy it. I later informed **SR 2** of this in 1997. **SND 97** will

not make any complaint or speak to the authorities about this. I would have had no dealings

with **SND 38** from

Certified a true copy of an original signed document

Signature of witness:	SND 96
Signature witnessed by: (Appropriate Adult)	

PERSON INTERVIEWED:

SND 38

Tape Number and

Tape Times:

SND 38

Is, he's asking this, or I'm asking this to **SND 96** regarding **SND 97** or regarding the person who is allegedly done something?

D/C Gillen

I think what he's saying, what he is alleging is, him and **SND 97** are having a conversation, **SND 97** had absconded from Nazareth House, on his return **SND 97** was telling him about what he got up to when he was out of Nazareth House, allegedly he was saying that he had sexual intercourse with persons whilst he had absconded from Nazareth House, so you heard the conversation they were having on the return so you were questioning him, he is saying here, you were asking him to tell you what **SND 97** had told him about the sexual intercourse he had when he was out, you were asking, did **SND 97** say that this person who he was having sexual intercourse, did he have a big penis?

SND 38

Right,

D/C Gillen

And did that make your dickey tickle, I think he was referring that, did he get any sort of sexual,

SND 38

Did **SND 97** get any

D/C Gillen

No did he, as being **SND 96** did this excite **SND 96**?

He would say you started asking him things like, "Did **SND 97** perform oral sex", You can see the line he is going down here, very inappropriate chat.

SND 38

Yes

D/C Gillen

He would say himself very inappropriate chat, you can see like yourself in a position that your in, he remembers asking you what you meant as he didn't know what you were on about at that time. He does remember you explaining what oral sex was about. He states "I clearly recall you described it involving two men engaging in sex". **SND 96** states sessions like what I have just explained happened on many occasions following that night, maybe once or twice a week, similar conversations with very inappropriate chat. He states that you introduced him to masturbation. A word he didn't understand at that time. Although you didn't do anything physically on him, he states you described graphically how to masturbate. He describes you as a very touchy feely person. How you would have hugged him, put yours arms around him, how you would have behaved the same with all the other children within Nazareth House. He stated how you would have often spoken to him about the abuse he suffered in the Creggan Investigation, because he would say he was a victim of the investigation. At that time he thought you were counselling him. You would ask him things like, "Did he put his cock in your ass", and **SND 96** would say very inappropriate language to use with a child of **SND 96**. He would say that you never touched him but, you would have rubbed your own penis over your own clothing whilst asking him these questions. **SND 96** states he was aware and could see you were aroused at that time.

SND 38

Is that the end of it or

D/C Gillen

That would be a synopsis of his statement, so if we take it on the bases that you were a social worker, that you were a person of thrust, a person you know within that environment, I would say that what he is describing goes beyond inappropriateness.,

Well that's, you know that would be assuming that what he said is correct.

D/C Gillen

I'm not assuming I'm just saying

SND 38

Well if I can just summarise, what he has said there is a complete and utter untruth, lie fabrication, what ever term you want to give it. It never happened, didn't even, I wouldn't even have considered making any sexual innuendo towards him in the way he describes. I wouldn't have asked him any of the type the things he said. If I had a spoke to any child about that there is no way under the sun would I have ever used the type of behaviour he is alleging, its untrue. Whether I take it point by point or what ever, the whole thing, it didn't happen. Now if he did abscond with **SND 97** fair enough, he may have been spoken to, what I'm saying is I don't recall it, but even if he had a been, and I would have spoke to lots of children about lots

PERSON INTERVIEWED:

SND 38

Tape Number and
Tape Times:

D/C Gillen

Is there any reason why you think he would come forward now to Police after so many years and make this allegation?

SND 38

Well from my side of the fence right, because I know, you don't know factually, but I know factually its untrue, and it didn't happen, I know it didn't happen so he must have an alternative motive for doing it, no funny after, coincidence being, after I spoke to you on the phone the time I got the letter from you, and you mentioned **SND 96**'s name, between getting the letter and actually speaking with you, I kept saying, who does it refer to right, I was going through my head who would have been there **SND 96** couldn't think of it, but I got through to you anyway and you said it was **SND 96** but just maybe a couple of hours after that I was watching the news and it came up about the Stormont approving the historical investigations and into child abuse and to children's homes and institutions, and what ever and there's a hundred and seventy, maybe the wrong number Crown Cases being investigated and the week prior to that I had heard some guy from Termonbacca in Derry being on the radio saying they had been approached by I don't know if it's a solicitor or Barrister or what ever, trying to trawl to get people to make a claims for obviously the legal system wanted to pursue and draw people into it, so I don't know if he has been approached as an ex resident or he's aware of this compensation culture and he thinks, there has been big pay outs in the Republic there is likely to be big pay outs in the North, I don't know, something's his motivation causer it didn't happen. And I can say it didn't happen now I know you can't say it didn't happen so I know there is a motivation there.

18:54

Interview Terminated.

departing to visit **SND 97** and I sent a pair of 'no tie' shoe laces, which I had got on a recent holiday. Despite what is implied by **SR 2** there was nothing sinister in this. That same afternoon **SND 97** phoned me and sounded angry, he said he was returning the gift but did not say why. Later when **SND 97** returned he reported that the reason **SND 97** was angry with myself was that **SND 97** had received through the post, some time earlier, correspondence from either an individual or organisation, offering advice about being homosexual. **SND 97** had wrongly assumed that I had past on his name, because I was aware of his sexuality, and had betrayed his confidence. Despite **SR 2** now stating that I had concealed this from her, that is not true, and recordings in the unit should prove this.

I can prove that a few months before her interview with **SND 97** in December 1997, **SR 2** had told members of staff during October, not to attend a planned visit to my home because in addition to my involvement in **SND 97** I had also abused **SND 97**. She also told staff that my home was on round the clock surveillance by the garda. By November 1997, **SR 2** was still showing determination to get proof that I had abused **SND 97** but my now she was involving children within the unit to assist her. A member of staff happened to be present on an occasion when **SND 96** a resident in Unit 1, approached her to say that the only incident that he had been able to recall was that on one occasion, **SND 38** had 'tickled' **SND 97**.

SR 2 also sought help from **SND 97** by having a meeting, when she was anxious to find out what he might know. However, **SND 97** had only positive comments to make about me, much to **SR 2** disappointment. I believe that minutes of this meeting are contained within **SND 97** file.

It can be seen from my letter to **SR 2** dated 7th November 1997, in which I attempt to invoke the grievance procedure, that I wish to raise this matter, (point number 5), and was therefore aware at that stage what was taking place and by now **SR 2** had expanded her

(D). **SND 384** was frequently in the [REDACTED] home where she was well aware of all allegations being made by **SND 202**

(E). Four adult and reliable witnesses made statements in which they all stated with absolute certainty that I was never alone with **SND 384** nor did I leave the house with her, on the occasion that I was alleged to have abused her in Buncrana.

SND 470 states that *'it has to be of concern that more than one child makes an independent allegation against a particular adult'*, it therefore must also logically follow that if the allegations, made against myself, were not in fact *'independent'*, that **SND 470** would accept that it would *not be of concern*.

SND 470 refers to *'opportunities'* that I had to abuse these children. She refers to contact I had with **SND 97** through my work, yet nowhere does **SND 97** make an allegation that I abused him, this comes solely from **SR 2** own mind. **SND 97** makes an allegation to suggest that I may have abused **SND 99** but nowhere does **SND 99** make this allegation. Therefore the fact that I had *'opportunities'* to abuse **SND 97** does not mean anything when one considers the fact that **SND 97** states that I did not abuse him

SND 470 states that myself and my wife were *'very friendly'* with the **SND 384** family and assumes this is how I had contact with **SND 202**. Once again these are wrongful assumptions by **SND 470**. The **SND 384** were neighbours and not close friends. The **SND 384** had never been in our home and we had never been in their home. My wife had occasionally discussed her pregnancy with [REDACTED] when they met outside. I never had any contact with **SND 202**

SND 386 and **SND 384** visited us together on only one occasion, that being at our home in [REDACTED] following the [REDACTED]. Fortunately at this time we were also being visited by friends and a neighbour, all of whom, as stated earlier, were able to state

PART 1 C.A.R.E 7

FOR COURT PURPOSES ONLY SS

R. V. 2

EXHIBIT NO.

PART 2 FOR RUC USE ONLY	
DESCRIPTION OF ITEM	
Letter Seized from	
[REDACTED]	
IDENTIFICATION MARK	SS2
AS REFERRED TO IN MY STATEMENT	
SIGNATURE	DATE
[Signature]	3.9.97

PART 3 for Registry use ONLY

CASE REF NO.	
UNIQUE NO.	

Attestation of the Registrar of the Court of Appeal
I hereby certify that the above is a true and correct copy of the original document as submitted to me for registration.
Registrar of the Court of Appeal
[Signature]

10 [REDACTED] good bye I will
allway love you and
will watch over you.
the reason I did not like
[REDACTED] was he did
do thing to kids I was there
when he did it to them + me
I put letter for [REDACTED] in
nanny house water side in d
[REDACTED] to to him. Please
[REDACTED]

leaving us for a while as **SND 97** was very upset. **SND 97** continued, "I would not be in the mess that I'm in if you had kept me, you could have made me do as I was told". **SND 97** talked freely of his suicide attempts wanting to end his life and how frightened he became when he had attempted to do so and how he always went for help. After some discussion I asked **SND 97** that in the future if he felt down or wanted to harm himself did he feel he could ring me. He responded he would.

Eventually when **SND 97** settled and became more at ease, I reminded **SND 97** that this was the first time I had seen him since he left on 21st October 1996 although I have spoken to him on a few occasions on the phone. I then went on to ask **SND 97** if he could tell me why he got so upset and angry on the occasion when **SND 38** had visited him on the 15th July and delivered a gift to him which **SND 38** (Acting Team Leader who is currently on precautionary suspension) had sent up. **SND 97** responded very angrily, "I hate him!" I questioned why, had **SND 38** said or done something to him. His response was "I would not let him touch me", but **SND 97** went on to say, "I know it happened to others". I asked how did he know, "Has somebody said something to you". He said, "I don't want to talk about it", at this point he was crying again. I then went on to say if you or another child is hurting because of something that was said or done I would like to know so that I could help or do something about it. **SND 97** looked at me and said, "It was **SND 99**". I asked "Did **SND 99** tell you something". He said, "No", quite angrily. "I saw him, I went into his office, he was sitting on his swivel chair, **SND 99** was standing in front of him. **SND 99** trousers were opened and partly down. It was the office next to the visitor's room. **SND 38** told me to wait outside for 5 minutes". **SND 97** stated that, "When **SND 99** came out his face was red and he would not look at me".

At this point **SND 97** and **SND 43** (RSW) re-entered the room and our conversation ended.

I did not pressure **SND 97** disclosure further as I felt it would not be appropriate due to joint protocol procedures. Having given **SND 97** my reassurance to help I felt it was appropriate to pass this information to the relevant personnel.

Ms **SND 97** (RSW) contacted Prince's Gardens Children's Home as soon as **SND 97** arrived in the unit to make arrangements to collect him. She also informed the RUE. Due to the severe weather conditions and the difficulty in contacting off duty staff, I requested that Mr **SND 97** (PSW) the duty Social Worker, would contact me. At approximately 11 00 pm I spoke to **SND 97** and suggested keeping

- (v) Involvement in case conference involving other professionals in relation to Child Protection Procedures.
 - (vi) Knowledge of steps/actions taken by RUC against perpetrators.
 - (vii) Knowledge of planned interviews with alleged perpetrators.
- B) **SND 38** knowledge that **SND 99** had photographs of abusers and abused young people.
- (i) **SND 38** confirmed he had seen the corner of these photographs which he described as home developed, black and white and A5 size.
 - (ii) **SND 38** was requested to obtain the photographs, but his stance was "he could not invade the child's privacy" and that he would ask **SND 99** to hand them over. The final outcome was despite Inspector [redacted] intervention, **SND 99** disclosed to **SND 38** that he had disposed of the photographs.
- C Details of an incident reported by **SND 525** (RSW) involving **SND 99** which came to light at a later stage. (See attached report). A
- D In August 1996, **HIA 127** (ex-resident) made a serious allegation against **SND 38** which was investigated by the RUC. [redacted] was appointed on behalf of the Sisters of Nazareth to examine all evidence available. **SR 10** conclusion was as follows: (See attached report). B
- Due to the conclusions of this investigation, it was agreed that **SND 38** would be re-instated. At this time due to my knowledge of the history of the **HIA 127** family and in particular previous threats and allegations that [redacted] had made towards Social Services, it was easy to conclude that [redacted] could be behind her sons allegations.
- E (i) **SND 38** returned to work on [redacted] 1997. On [redacted] 1997 [redacted] (resident) went to visit his brother **SND 97** in Prince's Gardens Childrens Unit, Larne. On his return [redacted] complained that **SND 97** had ruined his visit. When asked for clarification [redacted] informed me that **SND 38** "out of goodness" had sent a gift with him for **SND 97**. When he gave it to **SND 97** **SND 97** became angry and abusive and got on the phone to **SND 97** and was very abusive. This phone call was confirmed by staff who were on duty at Prince's Gardens.

(ii) The above information [SND 38] did not share with me, however at a later date I raised the issue with him and [SND 38] casually dismissed it as [SND 97] being [SND 97]. Despite me querying what triggered [SND 97] anger, [SND 38] persisted to be dismissive.

On 1st December 1997, [SND 97] absconded from Prince's Gardens and eventually arrived at Nazareth House. During this time he made disclosures to myself. (See detailed report attached). C.

With hindsight, when I consider the number of incidents that have come to light and [SND 38] involvement, either in a management or investigative role or allegations against him, it would now give me great cause for concern if [SND 38] was to return to work with children.

Yours sincerely

SR 2

Officer In Charge

Enc

be conducting a disclosure interview and would be engaging in a question and answer session with **SND 97** in relationship to myself.

If one was to take **SR 2** reports at face value regarding her interview with **SND 97** it might appear that there was no other intention of bringing up my name, other than to casually ask about the gift which **SND 97** returned. Fortunately I am not so naive and am well aware of what had already taken place behind the scenes during the previous months.

A short time after my second suspension, following the allegations by **SND 384** and following the media hype about **SR 2** came to her own conclusion that I in fact must be guilty of child abuse. It therefore followed that I must have abused residents of Nazareth House. A few weeks earlier **SND 97** had returned a small gift which I had sent to him through his brother **SR 2** although there was a very simple explanation for this, **SR 2** chose to ignore this in favour of her own theory i.e that I must have in fact abused **SND 97**. The reason I know this was because she was quite willing to share her theory with staff.

Prior to my suspension re: **HIA 127** I had a good and trusting relationship with **SND 97**. He was a very troubled and confused child but when in the right frame of mind, was prepared to work closely with myself. He had alleged numerous accounts of sexual abuse against many different individuals, was a regular absconder, got involved in petty crime and inappropriate sexual conduct with peers. He had confided in me, despite his young age, that he believed he was 'gay' and feared that he had AID's, he also had a tendency to dress and portray himself as a girl. These problems and worries he shared with me, all of which are fully documented.

Knowing **SND 97** as I do, I have no doubt that following my suspension and his subsequent awareness of the allegation of sexual abuse made against myself, he would have been very confused. I never had the opportunity to explain my departure to **SND 97** and by the time I was reinstated, he had been moved to **SR 2**. Shortly after returning to work I met **SR 2** as he was

REPORT OF **SR 2** (NAZARETH HOUSE)DETAILS

On 1st December 1997, **SND 97** had absconded from Prince's Gardens, Children's Home. On the 3rd December, I received a telephone call from staff in Prince's Gardens advising me that **SND 97** had been admitted to hospital on the night of 2nd December. He had presented himself having allegedly overdosed. (Staff did not identify which hospital.)

When [REDACTED] (RSW - Prince's Gardens) arrived at the hospital to collect **SND 97** on the 3rd December **SND 97** went to the toilet but he left the hospital unknown to staff. (I was not aware it was Altnagelvin Hospital.) At approximately 4 00 pm **SND 97** was sighted by a member of staff from Nazareth House coming over Craigavon Bridge in the company of a 15 year old resident from Nazareth House.

SND 495 (Senior Social Worker) and [REDACTED] (Social Worker) were in Nazareth House at the time of the phone call as they were meeting with **SND 97** brother. [REDACTED] alerted the RUC, Strand Road.

It was assumed that both young people may be on their way to Nazareth, however at 4 15 pm when they had not arrived **SND 242** (Acting Team Leader) went out in search of them but returned without success. Shortly afterwards the 15 year old girl returned and disclosed that **SND 97** had gone to [REDACTED] looking for [REDACTED] who is a resident in Harberton House. [REDACTED] was not at school. [REDACTED] was informed by [REDACTED] that **SND 97** had asked if he would meet him at 6 30 pm in [REDACTED] - this I checked out with **SND 495** who approved.

For support for [REDACTED] I advised that a member of staff should accompany him. [REDACTED] and **SND 97** had only briefly met up when **SND 97** saw [REDACTED] (RSW) and he simply ran off. [REDACTED] later went out again on his own and returned to Nazareth at approximately 9 30 pm with **SND 97**. On my return to the Unit, I was informed that **SND 97** was in [REDACTED] room. When I entered the room, [REDACTED] and **SND 97** were sitting and engaged in conversation. **SND 97** spontaneously jumped up and approached me, he threw his arm around my neck and sobbed sorely, repeatedly he said, "You shouldn't have sent me away - you should have kept me". I attempted to explain to **SND 97** it was not a case of sending him away, he was putting himself in grave danger every time he had ran away from the unit. At this point I asked [REDACTED] would he mind

leaving us for a while as **SND 97** was very upset. **SND 97** continued, "I would not be in the mess that I'm in if you had kept me, you could have made me do as I was told". **SND 97** talked freely of his suicide attempts wanting to end his life and how frightened he became when he had attempted to do so and how he always went for help. After some discussion I asked **SND 97** that in the future if he felt down or wanted to harm himself did he feel he could ring me. He responded he would.

Eventually when **SND 97** settled and became more at ease, I reminded **SND 97** that this was the first time I had seen him since he left on 21st October 1996 although I have spoken to him on a few occasions on the phone. I then went on to ask **SND 97** if he could tell me why he got so upset and angry on the occasion when **SND 38** had visited him on the 15th July and delivered a gift to him which **SND 38** (Acting Team Leader who is currently on precautionary suspension) had sent up. **SND 97** responded very angrily, "I hate him!" I questioned why, had **SND 38** said or done something to him. His response was "I would not let him touch me", but **SND 97** went on to say, "I know it happened to others". I asked how did he know, "Has somebody said something to you". He said, "I don't want to talk about it", at this point he was crying again. I then went on to say if you or another child is hurting because of something that was said or done I would like to know so that I could help or do something about it. **SND 97** looked at me and said, "It was **SND 99**". I asked "Did **SND 99** tell you something". He said, "No", quite angrily. "I saw him, I went into his office, he was sitting on his swivel chair, **SND 99** was standing in front of him. **SND 99** trousers were opened and partly down. It was the office next to the visitor's room. **SND 38** told me to wait outside for 5 minutes". **SND 97** stated that, "When **SND 99** came out his face was red and he would not look at me".

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RE: **SND 99**(2.3.5.)

SND 470 states that **SND 99** has made no 'direct' accusations 'to date' against myself, which gives the obvious inference that he may have made indirect accusations or is likely to do so in the future. Would it have been too difficult to have simply stated the truth of the matter i.e. **SND 99** **SND 99** has made **no** accusations against **SND 38** I am not however surprised by this little subtlety as it is clearly influenced by a letter from **SR 2** (5-12-98), where she uses the exact same expression to infer the exact same thing.

SND 470 makes reference to **SR 2** report of 8 December 1998, in which **SR 2** summarises her reservations about me returning to work. These reservations listed are in fact an account of duties which I carried out in the past and done so in the highest professional manner, following all recognised and established procedures and thoroughly recorded and shared all aspects of my work with the appropriate people.

What **SR 2** lists as reservations should in fact be a list of the high standards set by myself in my work. Never before were these roles of mine called into question and I challenge **SR 2** to produce one shred of evidence to substantiate her suggestions that I deliberately impeded a police investigation by misusing my authority, as suggested, to assist alleged perpetrators.

I find these remarks by **SR 2** highly offensive and libellous and yet indicative of my claims that **SR 2** has engaged in a self appointed mission, aimed at proving her warped theory that I am a child abuser, regardless of what methods she has to use.

Unfortunately, **SND 470** accepts, at face value, the misinformation given to her by **SR 2** and also swallows the blatant lie that I refused a request to seize photographs from **SND 99**

SND 470 comments briefly on a report included by **SR 2** regarding an incident in which **SND 99** **SND 99** shares a concern that he has about his penis. This is in turn shared with a member of staff

REPORT OF **SND 525** (SOCIAL WORKER, NAZARETH HOUSE)

12th January 1998

Incident involving **SND 99**

Date of Birth **SND 99**

Date of admission **SND 99**

Date of discharge **SND 99**

During the period **SND 99** a former resident was disclosing alleged sexual abuse upon his person, I was approached by **SND 38** who informed me that **SND 99** had some concerns about the shape of the top of his penis. **SND 38** asked if I would mind checking this out. **SND 38** was aware of my former role as a nurse and **SND 38** I discussed with **SND 38** the appropriateness of this and my perceived role within the residential setting. We agreed that **SND 38** should check this issue out with **SR 2** prior to any action. **SR 2** recommended that no action be taken as it would not be appropriate.

I addressed this issue with **SND 99** and explained to him that it would not be appropriate for me to examine him. However, I reassured him and stated he could have a medical examination to check concerns he had.

Signed: **SND 525**
Residential Social Worker

cc: Mr **SND 525** Constable RUC
Mr **SND 525** Solicitor
Mr **SND 491** Director of Social Care
Mrs **SND 501** Manager, Registration Unit

**Department of the Director of Public Prosecutions**

Royal Courts of Justice Belfast BT1 1NX
Belfast 542444

PO BOX 410

RUC Ref: G61/381/96

DPP Ref: 5698/96

Subject: ALLEGED INDECENT ASSAULT ON [REDACTED] HIA 127 DOB [REDACTED] BY A
SOCIAL WORKER AT LONDONDERRY
R -v- [REDACTED] SND 38

Chief Constable

DIRECTION

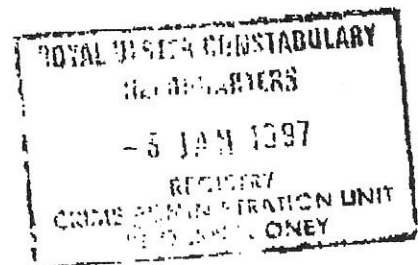
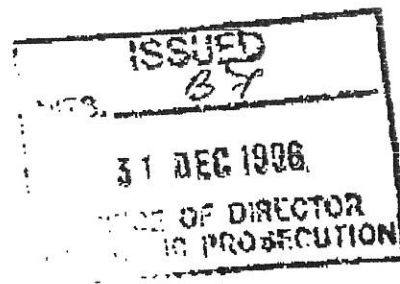
I do not consider the available evidence sufficient to sustain a reasonable prospect of conviction in this case.

I direct no prosecution.

The complaint investigation file is returned herewith.

M K MATTHEWS - Ext 546125
Northern Circuit
for Director of Public Prosecutions

31st December 1996



SND 38 also referred to Sex Abuse allegations brought up by HIA 127 youngest sisters against [redacted] and to contrast how this was dealt with against his own case. In [redacted] case there was no suspension from office, no police involvement (Check Record - 01/04/96).

SND 38 continued with the history of Sex Abuse and allegations in this family and the difficulties staff from the different agencies, including Social Services, were having or did have with the family. HIA 127 mother had spent five years in prison for stabbing a member of Social Services staff.

SND 38 claims that it was HIA 127 mother who first made the allegations against SND 38. Initially HIA 127 would not sign the statements. SND 362 did not like SND 38. I suggested maybe she resented him being allowed to take her son home for visits and this was forbidden to her. Maybe she was jealous that he was able to look after her son and she was not allowed. SND 38 agreed this may be so, but also she was alright with SND 39 but when she found out that she was going to marry SND 38 she turned her anger on her and accused her of using cold baths for her daughter.

Other statements by SND 38

HIA 127 sister SND 357 confided in another child that HIA 127 had contacted her by phone stating that the allegations against SND 38 were all lies but that he was going to get £10,000. HIA 127 girlfriend was also brought up in care and was sexually abused. SND 38 felt that she may be behind the financial claim. SND 38 thinks that the Catholic Church or N.H. have been approached for compensation.

HIA 127 mother at a Review for her younger children (September 1996), said to everybody present that she had dismissed the allegations as lies.

I asked SND 38 who chaired this meeting? He thinks maybe TL 4 but he was not definite. (It may be helpful to have the minutes of this meeting).

Sunday 11/05/97 - I contacted [redacted] about the above statement and she confirmed that HIA 127 mother made this statement "that the allegations against SND 38 were lies."

SND 359, aged about [redacted] years old, an ex-resident of N.H. was approached by HIA 127 to back up his allegations against SND 38. She came to N.H. to report that it was all lies. SND 38 had been this girl's key worker when she was in care. (Speak to SND 359. Discovered that SND 359 was interviewed by the R.U.C.

Ireland had determined that no further action be taken. (This was confirmed in a document of 25 September 1998).

[7] It is clear that the plaintiff was never interviewed by the RUC in relation to the allegations made by the [REDACTED] year old in Northern Ireland. Contrary to what he believed, however a file was sent to the Director of Public Prosecutions in Northern Ireland with reference to the [REDACTED] year old girl albeit no further action was taken against him.

[8] **SND 38** gave evidence that the allegation involving the [REDACTED] old girl in [REDACTED] was that he had sexually abused the child at his home although he was not sure what was alleged to have been done. The child was the daughter of a couple who had visited him in [REDACTED] at a time when he was present with his wife. The allegation involving the [REDACTED] year old girl, who was apparently an [REDACTED] of the [REDACTED] year old, was that whilst in the company of some other men he had taken this girl away and abused her. **SND 38** said that the [REDACTED] year old's father had given the names of up to forty people who apparently had abused her as part of a large circle of abusers.

[9] [REDACTED] who appeared on behalf of the plaintiff with [REDACTED] placed great stead on certain memoranda and letters which were put before this court. It is necessary for me to outline them in some detail. On 7 April 1998, **SR 2** **SR 2** of the employers wrote to the sub-divisional commander of the RUC Strand Road in Londonderry in the aftermath of a telephone conversation she had had with Detective Inspector [REDACTED], CID, Strand Road in relation to the plaintiff. That letter recorded that the plaintiff was presently suspended from employment on full pay since [REDACTED] 1997 due to the allegations of a sexual nature which were currently being investigated by the police. The letter concluded:

"As you can appreciate the difficulties of **SND 38** returning to a child care setting, we are therefore anxious to clarify where things are at with your department so that we as employers can decide on appropriate action without compromising your investigation.

I would appreciate an early response and any information which you are in a position to share with us."

[20] There is appended to that memorandum, dated 23 September 1998, a written handwritten hand note from R White ACC to the head of C2 in the following terms:

“Approval is given for Detective Inspector McAuley Care N & L Divisions to release the necessary information to **SND 38** employers. A written record of the details disclosed should be recorded on this file for future reference.”

[21] The next recorded note or memorandum surfaces on an undated note in my papers (but which I was told was dated 20 October 1998) from EW Anderson A/ACC Crime to the solicitor acting on behalf of the Sisters of Nazareth purporting to reply to their letter of 7 April 2008 couched in the following terms, inter alia:

‘I can confirm to you that an exhaustive investigation has been conducted by the Royal Ulster Constabulary and the Garda Siochana arising out of complaints against **SND 38** and others.

Although the Director of Public Prosecutions, both here in Northern Ireland and in the Republic of Ireland have (on the basis of evidence available) directed no prosecution, I have to inform you that as a result of the above investigations the view of the RUC is that **SND 38** is not a fit person to continue in employment as a social worker because of our paramount concern for the safety and welfare of children’.”

[22] Thereafter the plaintiff was dismissed on 30 March 1999 by his employer. Two disciplinary procedures were invoked by the employer. It was the plaintiff’s case that his solicitor was given a bundle of papers and on 29 January 1999 informed that there was to be a panel meeting within the next day or two. His solicitor successfully submitted that extra time needed to be given and so the panel hearing was convened within two weeks. After the hearing he was informed on 30 March 1999 that he was dismissed.

[23] The plaintiff then proceeded to take proceedings against his employer for unfair dismissal. On 10 December 2001 that claim was settled in a written agreement on the basis that his applications be dismissed. Terms of the written settlement included the following:

95

NOVEMBER

Tuesday 21

Evening of

General Observation

Interaction: [redacted] the evening was extremely positive. [redacted] and [redacted] cancelled access S-15. [redacted] and [redacted] accompanied [redacted] out for a walk in (line), while [redacted] went out with SW. [redacted] for [redacted] group. Meeting was held this evening by SR 2 for both units, regarding the ongoing investigation regarding a member of [redacted] unit. Information was given out. The group settled to watch a movie before bed.

Entry to unit 1, Day Book 30/10/97

Morning Observations

Thurs 30/10/97

[redacted] rose in pleasant mood. [redacted] and [redacted] spent the morning in [redacted] and [redacted] SND 347 [redacted] [redacted] was quite cheeky when informed the [redacted] & [redacted] here was an incident with [redacted] S.I.R. At times the [redacted] if some group members [redacted] from [redacted] to [redacted] [redacted] did respond to staff requests. After lunch [redacted] SND 347 [redacted] went out with [redacted] of her friends.

General Observations

Thurs 30-10-97

Group interaction was very positive this afternoon and this evening, the children enjoyed a trip to the pool this evening and after tea the children participated in a group meeting. There was an incident involving [redacted] this afternoon, see individual book for details. Tonight the children watched a film on T.V before settling to bed.

Morning Observations

Friday 31-10-97

Night staff reported a quiet night & all beds were dry. Most of the young people rose early. Karen/Suzanne [redacted] and [redacted] accompanied staff to town. Michael left to spend the day at home and [redacted] went to the yard. S.I.R. [redacted] SND 347 [redacted] left after dinner to visit [redacted] and baby [redacted] [redacted] was a really pleasant and quiet morning.

December

Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31