

THE INQUIRY INTO HISTORICAL INSTITUTIONAL ABUSE 1922 TO 1995

MODULE 11

**CLOSING WRITTEN SUBMISSIONS FOR
THE HEALTH AND SOCIAL CARE BOARD**

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CONTENTS

1	Introduction	3
2	The Legislative Framework	7
3	HIA 198	10

1. INTRODUCTION

- 1.1 The Inquiry is tasked to investigate historical institutional abuse and examine if there were systemic failings by institutions or the State in their duties towards those children in their care between the years of 1922 - 1995.
- 1.2 In Module 11, the Inquiry has heard evidence in respect to St Joseph's Training School, situate at (and known as) Middletown in County Armagh, which was a training school for girls. St Joseph's was run by the religious order known as the Congregation of the Sisters of St Louis.
- 1.3 The Health and Social Care Board (HSCB) has confined its written submissions to the following:
1. St Joseph's and the Welfare Authorities;
 2. The Legislative Framework; and
 3. HIA 198.
- 1.4 In extracting these issues the HSCB has sought to identify those matters in Module 11 that touch upon their responsibilities and that will further develop themes seen and addressed in earlier Modules. The HSCB does not intend to repeat submissions already made in Module 7 regarding the legislative structure and would respectfully refer the panel to same.
- 1.5 If the Inquiry has any further issues outstanding for the HSCB as a result of evidence heard in this Module, the HSCB will respond accordingly.

BACKGROUND

- 1.6 As described by Ms Smith QC, Senior Counsel to the Inquiry, in the opening of Module 11, the Congregation of the Sisters of St Louis can be traced back to 1979¹. St Joseph's was originally an industrial school and orphanage, dating back to 1881². It was registered as a training school in 1952 after an invitation to do so was extended from the Ministry of Home Affairs after the passage into law of the Children and Young Persons (Northern Ireland) Act 1950.
- 1.7 The panel also heard how St Joseph's was initially housed in one building, with three dormitories, each accommodating 11 or 12 girls according to age. Extensive reconstruction in 1972 changed the accommodation into four individual housing units and a bungalow designed to be an independent training unit³. In later years St Joseph's also had an intensive care, or secure, unit which was designed to provide secure accommodation⁴.
- 1.8 A detailed description of the site was offered to the panel by Ms Smith QC with reference to the 1987 SSI Inspection Report⁵. It was noted that *"St. Joseph's was located about ten miles south-west of Armagh city on the fringe of the village of Middletown."* It occupied *"a large open site and is surrounded by farmland. It stands unobtrusively behind a small wood and is approached by a winding, shrub-lined drive."* The convent itself was a *"three-storeyed convent of the Sisters of St. Louis, which is finished in red brick and roofed with Bangor blue slates."* The report continued: *"Complementing the convent and in juxtaposition to it is the main school/administrative block. In the past this contained dormitory accommodation for the residents, but in recent years the interior was adapted to provide school, office and cooking/dining facilities."* By 1987: *"To the left of*

¹ Transcript Day 183, pg 4, lines 5 - 11

² Transcript Day 183, pg 5, lines 20 - 21

³ Transcript Day 183, pg 9, line 16 to pg 10, line 7

⁴ Transcript Day 183, pg 11, lines 19 - 25

⁵ Transcript Day 183, commencing pg 19 line 5, and SJM 1511

the convent are the two-storeyed houses in which the girls are accommodated. There are two blocks, each comprising of two houses which are linked together by a connecting corridor at ground and first floor levels."

1.9 The names given to the four houses were: La Sallette; Lourdes; Fatima and Banaux. In practice however they were commonly referred to as Houses 1, 2, 3 and 4⁶. A detailed description of the internal accommodation in each unit is located within the inspection report referenced.

1.10 As regards the girls that would have been referred to St Joseph's by a social worker, the HSCB relies on the evidence given in Module 7 by SPT 158 regarding the use of Training Schools by Social Services:

"Q: as far as Social Services were concerned where you had children in children's homes who could no longer be accommodated there up until the Children's Order and the closure of training schools the next step along the road for Social Services was to move that child to a training school.

*A: That's correct, if the child's behaviour was particularly complex or challenging in the children's home or the foster care home."*⁷

1.11 The SSI Inspection Report of 1987 confirms the complex presentation of girls placed in St Joseph's in the context of considering staffing arrangements:

"From the profile of the girls and their problems, the level of emotional disturbance, the pain and suffering that they have experienced through rejection, sexual abuse and incest, and the fact that some other residential settings had failed them, clearly show that staff have to cope with a wide range

⁶ Transcript Day 183, pg 9, lines 24 - 25

⁷ Transcript Day 148, page 4, lines 7 - 15

of need. The girls can be volatile with emotional outbursts, which occasionally result in physical confrontations between themselves.”⁸

- 1.12 The enquiries undertaken by the HSC Board in preparation for this Module generally offered “*a favourable assessment of the care offered to girls by staff in St Joseph’s*”⁹. It is noted that in opening the Module Ms Smith QC identified that 13 people had spoken to the Inquiry about St Joseph’s with complaints made by 8, and 5 having no complaint to make¹⁰. The outcome of enquiries by the HSCB also corresponds with views that the girls themselves shared with Inspectors, who recorded in 1987:

“Their views were wide-ranging, but a consistent theme emerging was their high regard for the St. Joseph’s staff. Generally they were content with the treatment they received in the school and had no complaints.”¹¹

- 1.13 In 1993, Departmental Inspectors also noted:

“Despite the changes and the trauma, St. Joseph’s has continued to provide child care of a very high quality and the inspectors are pleased to note the maintenance of such standards.”¹²

⁸ SJM 1508, paragraph 3.13

⁹ Statement of Fionnuala McAndrew dated 11 January 2016, SJM 330, paragraph 30

¹⁰ Transcript Day 183, pg 30, lines 17 – 19

¹¹ SJM 1503, paragraph 2.7

¹² SJM 2262

2. THE LEGISLATIVE FRAMEWORK

- 2.1 The HSCB submitted detailed submissions in relation to the statutory framework under the Children and Young Person Act (Northern Ireland) 1968 which governed the placement of children in a Training School in Chapter 2 of the closing written submission to Module 7.
- 2.2 Upon the conclusion of Module 7 the HSCB also offered an analysis of the evidence of SPT 58 in Chapter 3 of the closing written submissions.
- 2.3 The HSCB relies on the submissions already made in Module 7 as equally applicable to St Joseph's, Middletown.
- 2.4 In this respect, it is proposed that in Module 7 there has been further evidence in support of the submission made by the HSCB that their duties and responsibilities towards children would end upon the making of a Training School Order. When considering the proposal for an Intensive Care or Secure Unit, policy documents show that the consent of the [Board] Social Worker to placement of a child in the unit was only required "*in the case of Assessment Children*".¹³ This, it is submitted, is reference to children subject to Place of Safety Orders or Interim Orders for Detention, and thus corresponds with the HSCB submission that the Social Work Departments would not have legal responsibility, or indeed authority, in respect of any child that had been in their care after the making of a Training School Order.
- 2.5 The evidence regarding the manner of referrals from social services in this Module is also consistent with the HSCB submission in Module 7:

"Referrals were made by Social Services either for assessment or for long-term

¹³ SJM 3530

accommodation. Occasionally girls were admitted directly by the Juvenile Court for offending, but as SR234 points out in the statement she has provided to the Inquiry at SJM162, most girls were admitted on Place of Safety Orders. The five-week assessment period could be extended twice before a girl was either discharged or a formal Training School Order was obtained.”¹⁴

- 2.6 As already noted, in Chapter 2 of the HSCB’s submissions in Module 7 the legislative provisions applying were detailed. An emphasis was placed upon the 1968 Act given the circumstances of relevant Applicants in Module 7. In this Module Applicants have also been seen that were admitted to St Joseph’s under the provisions of the 1950 Act. In that respect an overview of provisions was offered in the statement of Fionnuala McAndrew¹⁵.
- 2.7 It is submitted on behalf of the HSCB that the statutory frameworks were broadly similar, so that:
- a. The making of a Training School Order was possible on foot of an application by a Welfare Authority or Social Services that the child was *“in need of care and protection”¹⁶* or was *“in need of care, protection or control”¹⁷*;
 - b. For those children already in the care of a Welfare Authority or Health and Social Services Board, an application could be made with the Court being empowered to making a Training School Order if the child was *“refractory”¹⁸* or *“if desirable in [the child’s] interests to do so”¹⁹*;
 - c. Under both statutory regimes Interim Orders could be made for the detention of the child in the Training School prior to the making of a

¹⁴ Transcript Day 183, pg 29, line 25 to pg 30, line 8

¹⁵ SJM 325 – 326, paragraphs 8 to 11

¹⁶ HIA 205, Section 63 of the 1950 Act

¹⁷ HIA 359, Section 95 of the 1968 Act

¹⁸ HIA 207, Section 66 of the 1950 Act

¹⁹ HIA 393, Section 143 of the 1960 Act

final Order. In 1950 Interim Orders [being Place of Safety Orders or Interim Orders for Detention] could be of 28 days duration²⁰; while under the 1968 Act Interim Orders were limited in duration to 5 weeks²¹.

- 2.8 The HSCB submits that the evidence also continues to demonstrate that where a child was placed in a Training School by one of their legacy organisations:

*“this usually initially took the form of an assessment period, with the court only being asked to make a Training School Order if the child could not be reintegrated to a community placement, whether family, foster care or a residential Children’s Home. Only where this could not be achieved would a Training School Order be made for the child or young person to remain in an institution like St Joseph’s.”*²²

- 2.9 It is also important, in the HSCB’s analysis, that this process was subject to oversight by, and approval of, a Court as developed in Chapter 3, paragraphs 3.9 to 3.15 of the HSCB’s submissions in Module 7. The Court was equally under a duty to consider the best interests of children brought before it.²³
- 2.10 Fundamental to the issue of responsibility is the legal position under both the 1950 and 1968 Acts that a Training School Order placed the subject child in the care of the managers of the Training School²⁴.

²⁰ HIA 210, Section 70(2) of the 1950 Act

²¹ HIA 361 – 363, Sections 99 – 101 of the 1968 Act

²² Statement of Fionnuala McAndrew, SJM 327, paragraph 15

²³ HIA 193HIA 194 Section 46(1) of the 1950 Act; HIA 331, Section 48 of the 1968 Act

²⁴ HIA 217 section 78 (5) 1950 Act;

3. HIA 198

3.1. HIA 198 gave evidence in relation to her experiences at St Joseph's Training School, Middletown, on Day 185, 10th February 2016. The HSCB wishes to respond to a number of issues raised by her in oral evidence to the Inquiry.

3.2. HIA 198 made a number of complaints regarding her experiences in care against social services directly. Her overarching complaint was one that Social Services ought to have done more:

*"... I feel regarding my care and all Social Services could have done more, you know, and they neglected and failed me and my family, and they should have done more. They could have done more for me. Their failures will come to light and, you know, there actually needs to be a separate inquiry for Social Services, which I don't know is every going to happen. They need investigated."*²⁵

3.3. The HSCB has filed two Response Statements and the panel is respectfully referred to each²⁶. The totality of the evidence from within the statements provided and the extensive Social Work File that has been produced²⁷ demonstrates significant efforts to: keep HIA 198 within her family; secure appropriate placements for her when that was not possible; engage her and her family in services to assist; provide ongoing support and services. This is demonstrated, it is submitted through the following examples:

3.3.1. Regular engagement between the fieldwork Social Worker and her family to look at behaviour management, developing working

²⁵ Day 185, pg 23, lines 11 - 17

²⁶ Module 7: RGL 298; Module 11: SJM 075

²⁷ SJM 11290 - SJM 12239

relationships and individual work with HIA 198 during the early phase of Social Work intervention with her²⁸

- 3.3.2. Planning and reviewing work, both for her individually with Sister [REDACTED], and for her parents with [REDACTED] and Dr McDonald, during her admission to [REDACTED] Children's Home. This was then to continue upon her discharge to the family home;²⁹
- 3.3.3. Follow up with other services, for example HIA 198 was under the clinical review of Dr McCune, Child and Adolescent Psychiatrist³⁰, and was later involved with Michael Barbour, Clinical Psychologist, APRU³¹. A referral for a second psychiatric opinion was also made to Dr McEwan, Young People's Centre³²;
- 3.3.4. Securing a placement at [REDACTED] Young Person's Project;
- 3.4. Unfortunately, the behaviours that HIA 198 exhibited were such that she placed her own life at significant risk. The final analysis was one, therefore, whereby she required admission to Training School.
- 3.5. The Applicant also complained, during the course of questions from the Chairman:

*"Social Services had them records there that they could have passed on, that they should have passed on to people that could have helped me, and they never did that"*³³

²⁸ SJM 11322

²⁹ SJM 11360

³⁰ SJM 11411

³¹ SJM 11779

³² SJM 11798

³³ Day 185, pg 30, line 23 – pg 31, line 1

- 3.6. It is of core importance in planning for children that relevant information about their background and experiences is shared with other professionals that are involved with the child. The HSCB recognises this and says this principle was upheld by the Social Workers responsible for HIA 198, contrary to her belief. Her experiences and history were detailed both when a referral was made in October [REDACTED] for a potential foster placement³⁴ and upon the initial referral to [REDACTED] Young Person's Project³⁵.
- 3.7. The HSCB fully expects that similar liaison would have been undertaken by the Social Worker in this case with the clinical services HIA 198 was involved with, particularly St Luke's Hospital in respect of which she made the complaint above. It is likely, however, that those endeavouring to work with HIA 198 were attempting to elicit the information from her to assist her therapeutically.
- 3.8. The need for HIA 198 to discuss her feelings was recognized during her placement in [REDACTED] during [REDACTED] when her Care Plan³⁶ identified the need for therapeutic work to assist her "to express herself rather than internalize past experiences, worries and fears". To achieve this the actions identified were: keywork; community meetings; art therapy and the encouragement of creative writing or expression through suitable means. All of these services were in place during this residential placement for her. This also, it is suggested contrasts with the Applicant's complaint:

"I had no specialist care after I disclosed about the abuse, no specialist child care trauma counselling." ³⁷

³⁴ SJM 11470

³⁵ SJM 11494 at 11495

³⁶ SJM 11486

³⁷ Day 185, pg 5, lines 24 – 25

3.9. Another key component for children in care which has been addressed by the HSCB throughout this Inquiry the role of their Social Worker. HIA 198's Social Workers took a key role in liaising with all of the services already outlined above, and took a close interest in her through Social Work visits.

3.10. When responding to Mr Lane on this issue, and whether her Social Worker visited while HIA 198 was placed in St Joseph's Middletown, HIA 198 responded:

"Once or twice, but not – you know, like, the first time, no, there was no – apart from me being put into Middletown in May [REDACTED] to June [REDACTED], I didn't really see SJM 72, and then from the second time there might have been about maybe two to three visits, but that was it..."³⁸

3.11. With the advantage of detailed contemporaneous records, the HSCB would respectfully dispute the Applicant's memory and recollection. HIA 198 had a difficult and unsettled year in [REDACTED] which led to her admission to St Joseph's Training School, Middletown on three separate occasions:

[REDACTED] – for one overnight;

[REDACTED] – for one overnight;

[REDACTED] – on a Place of Safety Order.

On this last admission she remained in St Joseph's Training School until [REDACTED] when she was admitted to the Early Treatment Unit, Craigavon Area Hospital. She also had an admission to the same unit in [REDACTED]

³⁸ Day 185, pg 32, lines 9 – 14

3.12. An analysis of records relating to this period of [REDACTED] demonstrates continued liaison by the Social Worker with the professionals working with HIA 198 and with HIA 198 herself. It is also clear that the Social worker kept in communication with HIA 198 through direct visits, outings and the use of telephone calls.

3.13. A chronology of visits has been identified thus:

- [REDACTED] The Social Worker accompanied HIA 198 on her admission to St Joseph's;
- [REDACTED] HIA 198 had returned to [REDACTED] and the Social Worker took her shopping for her birthday³⁹
- [REDACTED] The Social Worker visited her at [REDACTED]⁴⁰
- [REDACTED] The Social Worker visited her at [REDACTED]⁴¹
- [REDACTED] The Social Worker visited her in Early Treatment Unit, Craigavon Area Hospital⁴²
- [REDACTED]⁹⁴ The Social Worker visited her at [REDACTED]⁴³
- [REDACTED] The Social Worker would have admitted HIA 198 to St Joseph's Training School;
- [REDACTED] The Social Worker visited her at St Joseph's⁴⁴
- [REDACTED] The Social Worker telephoned her at St Joseph's⁴⁵
- [REDACTED] The Social Worker visited her at St Joseph's⁴⁶
- 6 [REDACTED] The Social Worker took her to a medical appointment with her mother⁴⁷
- [REDACTED] The Social Worker telephoned her at St Joseph's⁴⁸

³⁹ SJM 11763
⁴⁰ SJM 11761
⁴¹ SJM 11759
⁴² SJM 11756
⁴³ SJM 11753
⁴⁴ SJM 11751
⁴⁵ SJM 11748
⁴⁶ SJM 11748
⁴⁷ SJM 11746
⁴⁸ SJM 11743

██████████ The Social Worker visited her at St Joseph's⁴⁹

██████████ The Social Worker visited her at St Joseph's⁵⁰

3.14. Thus over this period of 4 months, there were 14 interactions between the Social Worker at HIA 198. During the first 8 weeks of her placement in St Joseph's Training School, the records available demonstrate that HIA 198's Social Worker saw her on 5 separate occasions and spoke to her by telephone on 2 further dates.

3.15. In her exchange with Mr Lane, HIA 198 continued by describing visits to her in hospital thus:

*"There was none while I was in the Psychiatric Unit or anything. I was just put in there, put with ill people and basically left to get on with it again."*⁵¹

3.16. The chronology detailed above already demonstrates that HIA 198 was visited by her Social Worker during an admission in ██████████. HIA 198 was again admitted to hospital after absconding in ██████████. After the Social Worker visited on ██████████ HIA left St Joseph's that day. She was located by the police the following day, and the Social Worker went to see her at the Police Station⁵². Given HIA 198's history the Social Worker insisted on a hospital admission, so she was taken to Daisy Hill Hospital, Newry. The Social Worker records that she left the hospital that night at 10.30pm when HIA 198 had settled⁵³. The Social Worker returned to the hospital the following day ██████████ ██████████) to transport HIA 198 to Armagh, where the Sisters had agreed to meet to transport HIA 198 the remainder of the journey to

⁴⁹ SJM 11741

⁵⁰ SJM 11739

⁵¹ Day 185, pg 32, lines 16 - 18

⁵² SJM 11723

⁵³ SJM 11738 – she was not located until lunchtime thus the reference to 10.30 must be 10.30pm – see also 11723

Middletown. Unfortunately at the handover HIA 198 absconded again⁵⁴.

3.17. The HSCB would submit that the records and chronology above directly challenge HIA 198's own recollections and perceptions. Contrary to her complaint, it is submitted that HIA 198's Social Worker kept close involvement with her, with an endeavor at all times to achieve the best for her.

3.18. The records also show the HIA 198 sought out the help on occasion. An example coincides with another complaint made in her oral evidence:

"The time in [REDACTED], like, I had no specialist help and all that there. Then I was indecently assaulted in [REDACTED]. I felt that I could only protect myself. Social Services didn't protect me. The care home staff didn't protect me..."⁵⁵

3.19. In [REDACTED] the Applicant was living in the community with her family, having left [REDACTED] Young Person's Project in December [REDACTED]. While she referenced [REDACTED] in the above statement, the panel is reminded that her first admission to [REDACTED] was some months later on [REDACTED].

3.20. On [REDACTED] HIA 198 telephoned the Social Worker from a telephone box and asked her to come meet with her. The Social Worker immediately did so.⁵⁶ The record of this meeting⁵⁷ outlines that HIA 198 alleged to police in Newry on [REDACTED] that she had been interfered with by an older gentleman. The record also clearly records that her mother would not co-operate with Social Services and

⁵⁴ SJM 11723

⁵⁵ Day 185, pg 8, line 25 - pg 9, line 4

⁵⁶ SJM 11578

⁵⁷ SJM 11576

that was the explanation for why Joint Protocol procedures for a joint investigation between police and social services had been delayed. HIA 198 herself is recorded by the Social Worker as having suggested:

“receiving her into care and thus frightening [her mother] into co-operating and giving permission for HIA 198 to be interviewed”⁵⁸

3.21. It is recognised that this latter incident is beyond the terms of reference of this Inquiry, however the HSCB considers it important to draw the contemporaneous evidence to the panel’s attention to demonstrate both: that the Applicant’s linkage of same to her residential care experience in [REDACTED] is inaccurate due to timing; to outline the commitment that was shown to HIA 198 throughout her care experience, including time in various residential placements, from her fieldwork Social Worker.

3.22. The HSCB in this part of the submission, strives to demonstrate that the elements of HIA 198’s evidence which were strongly critical of Social Services are a distorted representation of what can be substantiated through contemporaneous records.

⁵⁸ SJM 11577