

## **Closing Submission to the Historical Institutional Abuse Inquiry**

### **Module 11, St. Joseph's Training School**

#### **Congregation of the Sisters of St. Louis**

#### **INTRODUCTION**

1. The Congregation of the Sisters of St Louis (hereinafter "SSL") are grateful to the Inquiry for the manner in which it has approached its consideration of the running of St. Joseph's Training School, Middletown ("St. Joseph's") and for the opportunity to both present written evidence and render oral testimony from several surviving members of SSL, former lay staff and residents.
2. From its earliest days, SSL has been concerned with the care and education of young people. Recognising the inherent dignity of each child, their aim has always been to create an environment in which children might grow towards their full potential, physically, spiritually, mentally and emotionally. The SSL fully supports the work of this Inquiry.

#### **HISTORY**

3. The Inquiry had the benefit of a detailed opening from Senior Counsel to the Inquiry, Christine Smith QC, detailing the history of SSL and the creation of St. Joseph's. This is also found in the witness statement of Sister Canice (SJM 22714). In summary, St Joseph's was created as an Industrial School and Orphanage in 1881. From 1922, it took in only children from Northern Ireland and ran a boarding facility until 1946. Following the introduction of the Children and Young Person Act (NI) 1950, it was registered with the MOHA as a Training School in 1952.
4. We submit that the Inquiry is assisted by the availability of an unbroken documentary record of activity in St Joseph's from that time which appears, from a comparison of evidence from other modules herein, to be particularly wide-ranging, reliable and accessible. We would ask the Inquiry to consider this extensive record-keeping when it comes to consider the core issues before it, to which we will return.

#### **EVOLUTION**

5. Pre 1952 and the registration as a training school, St. Joseph's admitted Catholic girls who were orphans, in need of safe accommodation or referred through the operation of the Court system due to neglect. Records from this period have been furnished to the Inquiry (such as at SJM 1001 and following).
6. The Inquiry will note the manner in which St Joseph's then evolved from the early 1950's and in particular from the mid-1960's. At all times St. Joseph's was dealing with girls from the Catholic community across Northern Ireland placed by reason of specific and documented concerns for their safety and well-being or as a result of criminal activity. We submit that St Joseph's developed a forward-thinking and increasingly specialised approach to caring for those girls who were admitted.
7. It is apparent that this was due to the staff and sisters involved, and in particular (from the mid 60's) due to SSL having embraced the idea of professional social care training. Training skilled staff was proposed (please see correspondence SJM 28221) in 1964/5 and this led directly to the training of sisters and then other lay staff in modern social and child care practice.

8. SR 240 commenced work in 1968, and as [REDACTED] quickly assumed management responsibility. It is clear from all the evidence that she "*moulded*" the character of St Joseph's going forward until its closure in 2000. It is submitted that there was a positive and caring culture at St. Joseph's and that this is demonstrated through a number of sources of evidence. The first hand oral evidence from SR 235, SR 234, Sister Canice and SR 247 demonstrated a culture of care focused on welfare, education, understanding and strenuous efforts being made to promote self-esteem and emotional well-being.
9. SSL does not underestimate the significant challenges faced by young girls admitted to St Joseph's before and after 1952. Many children had to deal with multiple domestic issues which resulted in their admission to the social care system. Before admission to St Joseph's, many girls had to cope with marital discord between parents, neglect, physical and sexual abuse, separation from siblings who were not admitted to the care system, problems with poverty and disrupted education. The witnesses confirmed that the key aim of all staff at St Joseph's was to improve each girl's quality of life and provide each girl with the necessary skills to move out of care either back to their families or when they became adults.
10. Alongside the cultural evolution of St Joseph's, there was a similarly progressive approach to the physical evolution of the school itself. Of importance was the development of the living facilities from an earlier dormitory system to the development of four "houses". In fact, these were two blocks of two semi-detached dwellings within which were bedrooms, a kitchen, a living room, an open fire and bathrooms (SJM 1765). The Inquiry has heard through the evidence of Sister Canice Durkan that it was through the insistence of SR 240 that these living arrangements were constructed. The MoHA blueprint of the time advocated one block with a large central kitchen and sanitary area to be shared communally by all residing there. SR 240 insisted on the construction of 4 smaller house units to mirror, as far as possible, a family home.
11. There was also the construction of a "hostel" on the grounds, another residence designed to prepare the girls for independent living once they left St. Joseph's. The Inquiry has also heard of the purchase and rental of two properties in Belfast on the Glen Road and Falls Road, designed to extend this support for girls out into the community.

## INTERNAL ORGANISATION

12. St Joseph's was run by SSL and funded entirely by the Government. It is not proposed to rehearse these arrangements here, given the detailed statement of Sister Canice Durkan at SJM 22716-7 and the prior evidence of Dr Hilary Harrison in Module 7 and his statement at RGL 4771. Management took the form of sisters and lay staff undertaking specific teaching and caring roles with staff working on rotas and living alongside girls in order to provide "24/7" care.
13. The school had a Board of Management, which met regularly. There are documents, which show meetings of the Board from at least 1950 and its membership required approval by the MoHA and NIO. A Board of Visitors was also in existence and operational from the 1950's.
14. Externally, St Joseph's was subject to inspection annually for the entirety of the period now under consideration. The schools' systems, record-keeping (including the Punishment Book, kept from 1883 until abandonment of corporal punishment in 1969) and facilities were therefore independently scrutinised throughout its life.
15. The Inquiry may regard it as significant that no substantive faults or failings in physical facilities, record-keeping, staff behaviour or (post 1965) training were identified under this scrutiny. We ask the Inquiry to note the consistent positive tone of the inspection reports.

16. In 1954 the concluding commentary is "...the many evidences of interest and attention given to the girls by the staff are reflected in the alert and friendly atmosphere prevailing in the school" (SJM 1272-3). Similar comments appear in almost every annual report.
17. We would submit that of particular significance are the detailed inspection reports of the following years (sampling a small amount of telling information):

**1987** (SJM 1493 et seq.)

"Views of the Children: ..., 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." (SJM1503)

"17.12 The Inspectors conclude that St. Joseph's must be seen, in child care terms, as a centre of excellence." (SJM1547)

**1992** (SJM 1795 et seq.):

"Conclusions: ...It was evident that the young people had been prepared for the visit. They knew who the inspector was, why he was visiting and their right to see him privately to raise any issues or concerns that they had... No matters or complaints were brought to the attention of the Inspector." (SJM 1803)

"23. ...The usual high standards of care observed in previous inspections and regular visits to the School continues. There were no indications that any untoward practices were taking place." (SJM 1804)

**1993** (SJM 1752 et seq.):

We submit the section headed "Basic Principles" (SJM 1758) bears careful consideration by the Inquiry, summarising the ethos and approach underpinning the School's function. On this occasion a detailed questionnaire was submitted to the girls (SJM 1763). We note also:

Parental questionnaire responses (SJM 1771)-

Were you made welcome? 14/0 "Yes"

Were you able to speak to your child in private? "Yes" 14/0

Do you feel your child is well cared for? "Yes" 13, "No" 1 (too easy to abscond)

18. These reports and all other commentary from outside persons and Bodies, speak of the school and the Sisters in positive and indeed glowing terms.

## HOUSE STRUCTURE

19. The Inquiry has heard that the girls were housed in one of four Houses, detailed in Sister Canice's Statement at SJM 22718. All girls were initially admitted to House 1. Allocation to a House, after induction and introduction to the school in House 1 was dependent upon an individual assessment of the girl's needs. We would submit this system itself was indicative of the careful and appropriate treatment of girls and note, save for the single post-1960's complaint of sibling separation (dealt with below) there is no criticism from any source of the operation of this system.
20. We also note and highlight the absence of any substantive complaint to the Inquiry regarding the availability of nutritious food, exercise, recreation facilities, clothing and bedding in the same period. The only complaint made in this period regarding food was from HIA 161, to whom we return below. We refer to the commentary on these important factors as contained in the various contemporaneous documents from the 1950's, including medical and dental records, visits and inspections, Social Care reports, etc.

## LEGISLATION and OVERSIGHT

21. As previously stated, we do not intend to rehearse the framework within which St. Joseph's operated. We would wish to observe that, in this framework, it has not been asserted that the School breached any duty or obligation to the relevant authorities. Nor is it asserted that any person(s) acting on behalf of same ever expressed a view that there was any such breach.

## SPECIFIC ALLEGATIONS

### 6. 1 GENERAL

22. The aim of the Inquiry is to consider *whether "there were systemic failings by institutions or the state in their duties towards children in their care"*. We are aware that the Inquiry will take into account the nature and extent of allegations made about each core participant in considering whether they lend weight 'for' or 'against' any findings of failure. In that regard we wish to make the following general observations:

#### Culture

23. We ask the Inquiry to consider whether, in light of the culture of St Joseph's as set out in the evidence of the witnesses it is more or less likely that mistreatment, as alleged, would have taken place. The Inquiry is familiar with the nature of the difficulties previously endured by the girls living at St. Joseph's. It has been observed that for many girls over the years the School was a "last resort", many having come from other problematic family environments or unsafe domestic situations or other care facilities, who were unable to cope with their behaviour.

24. This is not an argument that abusive treatment is unlikely to occur in such circumstances, *per se*, but rather that in this instance, given the staff in place and the culture prevalent at St. Joseph's it is unlikely to have occurred there.

25. The dominant figure in the last thirty years of the existence of the School, SR 240, clearly shaped the care and treatment of the girls at the school. Recognised by the award of an OBE in 1993 for "Services to Young People", every contemporaneous document speaks to a person who provided the highest and most appropriate care available.

26. Apart from two individuals, to whom we will return, no one witnessed any ill-treatment or abuse by her of any girl and indeed the Inquiry has taken evidence from other girls to the contrary. This is quite apart from the evidence of the Sisters themselves to the Inquiry and the comments about her care and management reported in the Inspections and other documentation before the Inquiry.

27. This should raise a further question: apart from weakening the likelihood that she would behave as alleged, does it not also weaken the likelihood that she would have tolerated the alleged mistreatment of girls by her staff or fellow Sisters?

28. The evidence which has been provided strongly indicates that St Joseph's was an environment in which children in their care did receive adequate food, clothing, accommodation and medical attention. There is evidence before the Inquiry that girls who were admitted to St Joseph's were for the first time in their troubled lives free from emotional, physical or sexual abuse and neglect.

### NUMBER

29. The Inquiry is asked to consider the number of complainants. We will address their individual complaints below but would ask the Inquiry to consider the very small number involved. There are before the Inquiry eight, from the estimated 1500 girls to have passed through St. Josephs.

Of these two predate the “modern” St. Josephs (HIA 249 & HIA 178) but allowing for their inclusion this amounts to less than 1% of all residents. We submit this itself weakens both the individual complaints and, more importantly for the Inquiry's purposes, the likelihood of there having been systemic failures or practices.

30. Of significance is the lack of consistency in the allegations. For example, only one complaint is made against SR 250, SR 252, SR 249, SR 241, SR 235, SR 243, SR 260, SR 247 and SR 238. Two individuals complain about physical abuse by S240 and SR 244 (HIA 176 & HIA 376) and these are not consistent with each other. The Inquiry may regard the lack of a “pattern” of consistent abuse as relevant.
31. Having regard to the complaints themselves we would ask the Inquiry to note that, leaving aside HIA 176 and HIA 376 there is only one allegation of any physical abuse post-dating 1970.

### **TIMING**

32. It may be regarded as of relevance that the said complainants have come forward decades after the alleged wrongdoing.

### **OVERSIGHT**

33. All the girls at St. Joseph's since the 1950's had access to outside parties e.g. Social Workers, etc. It may be regarded as of some significance that at no point is there any contemporaneous record of any of the girls, including the Inquiry witnesses, making any report to anyone in authority (or anyone else) of any mistreatment by any member of the School staff or Sister.
34. Likewise, despite thorough inspections in later years involving the Inspectors remaining on site for extended periods and employing confidential interviews and the use of questionnaires issued to residents and parents, there was never any suggestion to the Authorities of abuse at St. Josephs.
35. In short, for the entirety of its existence the School and its staff had an entirely “clean” bill of health. This despite the fact that the girls at St. Joseph's were amongst the most carefully monitored and protected by Social Services. It is submitted that it is in fact very unlikely that all alleged instances of abuse could have gone undetected, especially in the last thirty years of operation.
36. Many other core participants have faced questions and criticism that they failed to act upon numerous warnings or complaints of physical and sexual abuse. Various witnesses have criticised other core participants for failing to act on numerous missed opportunities by the care institution and the state to stop abuse. No such allegation has been made in relation to St Joseph's. The Inquiry must taken into account, in the interests of fairness, that the SSL should not be subject to criticism when there was absolutely no evidence or knowledge of failings in child care between 1922 and 1995.

### **PURPOSE**

37. The purpose of St. Joseph's clearly understood by the staff and management, was to provide a place of safety for these girls to “care and nurture” for them and try and prepare them for a return to normal life. To behave as alleged would be anathema, not only to the Order itself, but to the entire aim of the School. Recollections of events by the applicants are also inconsistent with the contemporaneous documents which are available.

### **SPECIFIC COMPLAINANTS**

38. Turning to the complainants, we would wish to make the following observations.

39. HIA 178/HIA 249 Time Period: as noted the Sisters are hampered in addressing these allegations, not having any surviving Sisters who were working there at the times alleged. It is noted that many of the complaints amount to behaviour which, in that less enlightened time, would not have been viewed as abusive. We would also observe that the recollections are of events very distant in time and that the complainants were very young children when the incidents occurred.

40. HIA 249: We ask the Inquiry to note the statement from SR 235 (SJM 220001).

We note the presence of a documentary record of her placement in St. Joseph's and her progress through, including the award of qualifications for singing and elocution as well as a record of her medical treatment while there (SJM 1333).

The Inquiry may reflect upon the bond between her younger sister and the Sisters, evidenced by her wish to be buried in the graveyard at Middletown (Hearing Evidence ("HE") day 184, page 123).

It is also recorded that during her residency there was only one cane present for purposes of punishment, kept in the Head Sister's office. (HE 184/128)

41. HIA 178: Arrived in [REDACTED]

We note that she admits to remembering a Television in her later years, which would be up [REDACTED] (HE 184/101).

Her allegation regarding the removal or replacement of clothing for inspections is unsupported by any other evidence or witness (HE 184/86).

The documentary record challenges her recollection of not receiving any medical care for an orthopaedic condition she had (SJM 22963).

The records also show continued support for her when she progressed in the Good Shepherd Convent in Belfast (HE 184/96).

42. HIA 203: It is submitted that her evidence was quite vague and contradictory in areas which may concern the Inquiry.

We ask that consideration be given to her assertion of a strict work/prayer/bed lifestyle contradicted by the contemporary records of activities in the evening and her admissions of concerts, etc. taking place (HE 184/16).

She did not allege physical abuse in her oral evidence against the Head Sister rather being shouted at and a degree of strictness, which we submit was not unusual in the [REDACTED]'s (HE 184/14).

She did refer to being caned and the Inquiry will note that this was recorded in the Record of Punishment at the time. She alleges an assault on that occasion by another Sister. If this occurred, on her own account, it was a single act in a situation where, (and we stress this is noted for context rather than excusing the assault) she was being rebellious and shouting (HE 184 Paragraph 23).

Her working in the laundry is consistent with her being beyond school age at that time. She denied a culture of physical abuse by the Sisters (HE 184/29).

She confirmed being assisted with housing following her subsequent release from prison (HE 184/33) and accepted, when shown the records, that she had received education (Elocution & Piano).

She also confirmed there being no difficulty in seeing her younger sister while in St. Joseph's, which may be significant given allegations made regarding later issues with HIA 176 and HIA 376.

She conceded letter writing to her family was not prevented (HE 184/46). Correspondence from a Borstal in England shows that correspondence from her sent to a sibling was being passed on (HE 184/41).

Her negative account of leaving the School and a lack of support is contradicted by the documentary record at (H 184/50-52).

43. HIA 161: In her book "Suffer the Little Children" this complainant gives an account which is not consistent with her statement and oral evidence, omitting details in either. We would draw attention to the following inconsistencies: █

"girl in bath": witnessed on arrival. She did not actually see this take place, but asserted orally to have seen scratches on her back, a detail that is not in her statement (SJM 010 Paragraph 31)

She then asserted to the Inquiry at length about the practice of girls being dragged from their beds and washed in a similar manner (HE 184/143). This allegation was absent from her statement and book.

Similarly, no mention was made of a practice of having to sleep with your arms crossed, leading to her being beaten awake by SR 238 (HE 184/148).

No mention had previously been made of nuns tolerating girls fighting depending on "who was fighting" (HE 184/147)

Why would bedsheets need to be tied together to escape when there is no suggestion of the girls being locked into their dormitories? (SJM 010)

No reference to a punishment of "lines" for absconding was made in her statement (HE 184/158)

No prior reference to interference with her relationship with a boyfriend and the interception and retention of presents (HE 184/170)

Her overall picture of a violent atmosphere with girls fighting over a wide variety of causes is mentioned in neither her statement nor the contemporaneous records of the school.

At (HE 184/175) she describes SR 237 as asserting the girls "must have the devil in us" and punishment by being made to stand "for hours". No mention of this arises in her statement or contemporary punishment records.

Indeed, it appears there was no physical punishment being applied at the time. At (HE 184/177) she gave an account of being force-fed while being "held down by a couple of nuns." Again, this has not previously been alleged.

The Inquiry may consider whether such a series of extreme events are likely to have taken place and not been recalled until February 2016.

44. HIA 198: This Applicant's complaints centred around a lack of appropriate medical/social care intervention for her difficulties.

Of note in the context of the Inquiry's remit we would submit that it is telling that she

confirms having witnessed no physical abuse (HE 185/21)

Similarly, she accepts that she presented St Josephs with difficulties in terms of her behaviour and there is a note, written by her, referring to the docking of "marks" for her bad behaviour (HE 185/11-12)

The Inquiry has heard from SR 247 who has denied the allegation by the Applicant that she had struck her across the face (HE 185/15).

Her allegation of a reward system involving cigarettes in the context of absconding girls is uncorroborated (HE 185/16)

Her description of the facilities in the Intensive Care Unit is not corroborated and is contrary to the descriptions of the physical arrangement of the Unit as found in the Inspection Reports.

Her placement in the Unit was recorded and detailed throughout and indeed SR 234 noted her concerns over the length of time she was allocated to the Unit and she elevated these concerns to the appropriate authorities.

It is quite clear that the facility was used very sparingly in relation to the Applicant and, it is submitted, the sole purpose was the protection of this individual from herself. (HIA198 MH5)

45. HIA 176 & HIA 376: These Applicants between them make a wide variety of allegations against several Sisters and Lay staff.
46. We ask the Inquiry to consider that their complaints against these staff are supported by no one but each other. There was also an extensive set of records relating to each Applicant retained by Social Services as noted by Junior Counsel to the Inquiry (HE 187/41).
47. We ask the Inquiry to note the various inconsistencies, both individually and as between each other, set out below:

HIA 376's first allegation of assault by SJM 46, a House Mother changes from her statement, where it is clearly described as being in response to wishing to see her sister (SJM061 Paragraph 4) to being because she and another girl were, together, jumping around in a spare pair of trousers (HE 187/48).

She went on to allege that SJM 46 would hit her and other girls "once a day, twice a day" (HE 187/50 Line 8). This daily practice is not in her statement.

None of her various allegations were reported to other staff or outside bodies/individuals at the time, despite her close and regular contact with social and other care workers.

The Inquiry may consider it notable that she alleges a pattern of repeated assault by two other girls. She says that she did not report this through fear, yet at the time she did report verbal abuse from these girls (HE 187/62-64).

She alleges SR 240 having a practice of punching in the head while holding a bunch of keys (HE 187/65). This is not corroborated (her sister alleges a different practice of the pressing a knuckle into her back).

She made a fresh allegation of being beaten by SR 240 after coming back from Hospital (HE 187/67) which was not in her statement.

She identifies SR 243, giving her the nickname "██████████", as having a practice of a "white glove" inspection which, when dissatisfied, would lead her to "wreck" your room, hit

you and demand the cleaning be repeated. Not only is this not corroborated but her sister attributes this behaviour to another Sister.

48. The Sisters would wish it noted that this is a particularly upsetting allegation given their great affection for this lady and her tragic death at a young age.

She then makes an allegation regarding having her ears pulled, on a repeated basis, as a result of a tea-stained sink. She asserts this has left a life-long phobia in relation to physical contact with her ears and intrusive recollections regarding same which have affected her relationship with her family (HE 187/78). Her statement refers to one incident only and does not suggest the lasting consequences as described above (SJM062 Paragraph 10).

At (HE 187/81) she described a beating following return from hospital and an overdose. This is not in her statement (SJM063 Paragraph 15).

She describes being placed in a car boot and remaining there even after her detection by a British soldier at a border checkpoint. Aside from the improbable nature of this assertion we ask the Inquiry to note the failure of her sister, a passenger in the car, to recall this shocking event.

In her statement at SJM 063 she recalls a practice of not being allowed to communicate with her parents when they visited. In her evidence this became a single incident (HE 187/93 Line 18) and it is not an incident or practice raised by her or her parents with her Social Worker.

Likewise the general assertions of separation from her sister are not supported in the contemporaneous documents, the lack of regular home visits and indeed may be innocently explained by the contemporaneous evidence of a difficult relationship existing between them at that time in their lives.

The Inquiry is asked to consider these allegations, in particular that of her being punished following her sister's pregnancy, against the fact of her and her sister's return, after discharge, to stay at St. Joseph's with the infant together with the contemporaneous documentary evidence supporting this. (HE 187/99 Line 10).

49. HIA 176:

Made a variety of unsupported allegations such as teachers rewarding students with cigarettes (SJM 474) and having access to only two films over her entire residency of which one, "One Flew Over the Cuckoo's Nest", was then rated "X". This film features a secure mental facility, severely disturbed characters, self-harm, other inappropriate content. We must observe that, apart from being uncorroborated, this allegation may strike the Inquiry as so wholly unlikely as to be impossible of belief.

As noted, her account also differs in several significant aspects from her sister's.

She makes a specific complaint of assault on SJM 50 by a Priest in church which is not supported by SJM 50 herself, who made no allegations against St. Joseph's while having given evidence against another Institution. (SJM 474, 187/122, Line 17). This individual is also alleged to have been assaulted by SR 244 (SJM475 Paragraph 21), yet made no such allegation herself.

50. HIA 233: had no complaint regarding St. Joseph's saying it was "great craic" and that she "loved it" (HE 185/37-38).

Her reference to being called an "illegitimate b---" appears to coincide with being called an "ill-reared b---" by another girl, recorded at the time and noted to the Inquiry at (HE 185/39-

40).

51. The Inquiry will also be aware of the statements from other former residents provided to the Inquiry attesting to their very positive experience of St. Joseph's and denying the general allegations of a violent and hostile regime (SJM 22202-22254).

### THE SISTER'S EVIDENCE

52. The consideration of this is a matter for the Inquiry but we submit they gave helpful and frank evidence. We ask the Inquiry to note the evidence of Sister Canice at the conclusion of her questioning (187/161 Line 25)

“What struck me most forcibly was the way in which they were cared for. I have said a couple of times that the whole focus was about each child's care, safety and protection and helping them to feel in some way valued and respected and that they would somehow or other live that way with each other.

That struck me very forcibly, and I remember speaking -- it was with SR234 at one stage. SR234 was telling me that one of the psychologists who came to the school on a regular basis, Mr Michael Lenaghan; he knew the place very, very well, because he came so often and dealt with girls who had serious problems.

On asking him what was it about St. Joseph's, he said it was about -- he said it was about limits and nurture, and somehow or other that's what I remember, that there were boundaries and limits, which I think were always for safety, and yet at the same time within that there was a nurture which was provided for the girls regardless of their behaviour. So I think that was -- it was in keeping as far as I could see with the ethos of our congregation and the practice in St. Joseph's.”

53. SR 235 and SR 234 gave evidence on each individual Applicant, but they also provided insight in relation to the general ethos at St Joseph's. SR 235 was uniquely positioned to give evidence in relation to the pre-1960s and post-1960s differences. She was at St Joseph's during the 1950s (albeit for a short time) when the girls lived in the old style dormitory system. She was able to explain to the Inquiry how girls were allocated to particular dormitories dependent on age. She conceded that child care provisions during the 1950's may have been harsher than more modern standards when she returned to St Joseph's in the 1980's. She also confirmed that she did not witness any evidence of physical abuse by an adult or another child towards a child. SR 235 confirmed that the system of corporal punishment was in accordance with the regulations applicable at that time. She confirmed that punishment was administered by a cane, which she confirmed was kept in the office. All punishments were recorded in a punishment book which was subject to regular inspection by the MOHA. SR 235 did not witness or recall any evidence of excessive punishment and did not witness any neglect.
54. When SR 235 returned to St Joseph's in 1982 she was then able to give the Inquiry first hand evidence of the more modern style of daily life at St Joseph's which had developed. SR 235 confirmed that there was a change in training ethos and that even Sisters with teaching qualifications were subsequently retrained in social work. She explained the process of admission to St Joseph's. SR 235 confirmed that girls were thoroughly assessed in House 1 and then allocated to a particular house depending on their needs. SR 235 gave the example that House 2 tended to have a more regulated regime and girls in need of extra discipline tended to be allocated to House 2. She described House 3 as having a rather more relaxed regime and House 4 a more relaxed approach to housekeeping. Allocation to a particular House was done for the sole benefit of assisting the girls to overcome the difficult behavioural and domestic circumstances which resulted in their admission to St Joseph's.

55. SR 235 candidly informed the Inquiry:-

*"...My experience of life in St Joseph's was demanding, but it was very worthwhile, and I appreciate the kind of contact we were able to develop with girls, you know, some more than others but it was a very rewarding experience..."*

56. SR 247 gave evidence as to her time living and working in St Joseph's in the 1980's and 1990's. She spoke very warmly of having to work extremely hard in order to ensure that the girls were involved in their own homes. She described the girls picking the colour of paint on the walls, curtains and fabric. She also described children interacting with staff in order to prepare their menus for the week. SR 247 described particularly fond memories of Christmas time. She recalled SR 240 asking each member of staff to ensure that they took note of what the children wanted for Christmas. When the girls were at midnight Mass on Christmas Eve, gifts were left in pillow cases with each girls name upon them for when they returned from Mass. SR 247 described one of SR 240's key aims was to *'create memories for them, good memories'*. She also described SR 240 as a very fair person.

57. SR 247 also dealt with the process when a child absconded. SR 234, SR 235 and SR 247 all did agree that children did abscond. Attempts were always made to encourage the children to come home voluntarily but on other occasions, the police had to be called. Apart from losing marks the girls were not punished for absconding. On occasions, girls were placed into the secure unit but this was only for her own safety, or for the safety of others. SR 247 described in her evidence that she recalled walking across the fields around St Joseph's many, many times with the girls. She said *'you just walked a respectful distance from them and let them say all they had to say and then tried to engage them in conversation, they did eventually get fed up walking in the fields and we would go back to Middletown then...'*

58. All three witnesses confirmed that absconding was not an ongoing problem. It tended to come in cycles. SR 247 confirmed that it was not *'a huge, every day problem'*.

59. SR 234 described the system of adolescent psychological support at St Joseph's. Even as early as the 80's, she describes Psychologists coming as regularly as two days a week. She highlighted that staff would always have been aware of which girls needed to be seen by the Psychologist and it was arranged in advance. She also reported that Psychologists were also there to provide assistance to the staff.

60. All of the witnesses confirmed that girls admitted to St Joseph's came from very troubled backgrounds and it was accepted that they had to deal with a lot of pain. However, we would ask the Inquiry to give weight to the consistency of the evidence which was given by SR 234, SR 235 and SR 247. Despite having to deal with the emotional difficulties presented by each child, and being verbally abused by the children (SR 247 described this as being part and parcel of daily life) all three witnesses confirmed that they never inflicted, never heard or witnessed another member of staff being either verbally or physically abusive to any child. When asked if she ever witnessed any physical abuse, SR 247 advised:

*"Absolutely not. No, never."*

61. Even in the 1950's (when corporal punishment was permitted) SR 235 confirmed that she never witnessed any form of physical punishment. We also asked the Inquiry to give weight to the witness statements of SJM 75, SJM 74 and SJM 73 who all confirmed that they never witnessed any abuse during their period of time in St Joseph's.

## INTENSIVE CARE UNIT

62. This has been dealt with in evidence. We submit the Inquiry will find helpful summaries of the operation and purpose of the unit as set out in the 1987 Inspection report at SJM 1767 and 1992 report at SJM 1797. We would also refer the Inquiry to the evidence given in the statements of SR 234 in relation to HIA 198 and Sister Canice Durkan at SJM 22732-22734 Paragraphs 40-43.

## SEPARATION OF SIBLINGS

63. St Joseph's did not have a specific policy on the living arrangements for siblings. Prior to the introduction of the House system, children lived in dormitories. The allocation of a girl to a particular dormitory was based on age. There was no definitive policy for separating siblings, Furthermore, even though they would have slept in separate dormitories, the children would have significant interaction at school, in the communal areas and at mealtimes.
64. Post-1952 following the change to a training school, there were not a significant number of siblings admitted to St Joseph's. Other than the two applicants HIA 176 and HIA 376, SR 234 could only recall a small number of sibling groups coming to St Joseph's post 1960. This is reflective of the fact that HIA 376 was admitted to St Joseph's [REDACTED] and HIA 176 was admitted to St Joseph's between [REDACTED]. Although there was some overlap, they were not in St Joseph's at exactly the same time. The girls were allocated to a particular house depending on their needs. The contemporaneous records suggest that HIA 176 and HIA 376 were placed into separate houses as it was determined by senior management that this was in the best interests of each of the sisters. Furthermore, contact would also have taken place at school, at weekends for games and music and when travelling home. There was no suggestion of any sibling separation.

## CIGARETTES

65. This issue has been canvassed repeatedly. We would submit that it is clear that smoking was tolerated among the girls in the relevant period of this Inquiry. The Inquiry's view of whether this was appropriate or indeed a form of abuse will no doubt be informed by its careful consideration of social norms in relation to smoking at the relevant times.
66. What is apparent is that the Sisters had a regulated system for the custody and dispensing of cigarettes to smokers (who appeared to be a large majority, if not the entire body, of the girls). This was, we submit, an appropriate system, having the effect of regulating and controlling the consumption of tobacco among the girls and reducing the risks of fire through smoking at unregulated times and places.
67. It would also have reduced or removed the risk of cigarettes becoming a "commodity" as between girls and an item of value which created a risk of theft and/or conflict between the girls. This was addressed by SR 247(HE 187/32).
68. Similarly the distribution of "extra" cigarettes, which it is clear were always the girls' own property, must be judged by the social standards of over twenty years ago, when smoking, even in workplaces, was not the social taboo it now is.
69. The 1987 Inspection report comments upon the issue at SJM 1524.

**CONCLUSIONS**

70. Paragraph 4 of the Inquiry's *Definitions of abuse and systemic failings* defines 'abuse' as:

*"...behaviour which either (a) involved improper sexual or physical behaviour by an adult or another child towards a child; or (b) in the case of emotional abuse, was improper behaviour by an adult or another child which undermined a child's self-esteem and emotional well-being, such as bullying, belittling or humiliating a child; or (c) resulted in neglect of the child; or (d) took the form of adopting or accepting policies and practices, such as numbering children or ignoring or undermining sibling relationships, which ignored the interests of the children."*

71. Paragraph 5 indicates that:-

*"A 'systemic failing' by an institution consisted of either:*

*(a) a failure to ensure that the institution provided proper care; or*

*(b) a failure to ensure that the children would be free from abuse; or*

*(c) a failure to take all proper steps to prevent, detect and disclose abuse, or*

*(d) take appropriate steps to ensure the investigation and prosecution of criminal offences involving abuse."*

72. Having regard to the definitions of systemic failures and of abuse as per the Inquiry's remit, SSL therefore submit the following observations for consideration:

73. The Inquiry may consider what is notable about St. Josephs and the Sisters who ran it is the absence, rather than the presence, of any appreciable volume of complaints regarding its operation. We submit that St Joseph's was operated in a way which ensured, as far as reasonably possible, that it performed its functions to the benefit of the girls who lived there and in line with good practice as it prevailed in each time period.

74. At all times St Joseph's strove to provide a physically and emotionally caring environment for the children placed there. The evidence does not support a conclusion that there were systemic failures in (a) management, (b) child care policy or practice or (c) day to day operation of the school which led to abuse of children at the School.

75. The staff and in particular the Sisters sought to protect and promote the well-being and confidence of their charges, sought to maintain familial relationships where appropriate and to support the children upon their departure from the School.

76. The evidence presented by SSL to the Inquiry (both documentary and witness testimony) does not support the allegations of abuse which have been made by the 8 Applicants. Post 1968, there is an abundance of documentary evidence and surviving witness testimony to prove that the staff at St Joseph's had in place a system aimed at promoting self esteem and emotional well-being.

77. There is no consistent evidence before the Inquiry of physical abuse, neglect, bullying or belittling children. SSL had many policies and practices in place such as adolescent psychology services, the aftercare facilities and the early abandonment of corporal punishment to protect the interests of children. Staff also sought to promote good positive relationships

between children.

78. Post 1968, St Joseph's was considered as a centre for excellence by those experts whose roles it was to inspect residential care homes across Northern Ireland. We invite the Inquiry to conclude that such alleged abuse did not take place and there were no systemic failings by SSL.
79. Prior to 1968 the SSL accept that there was a much stricter regime in place. Corporal punishment was lawful at that time and it is accepted by SSL that SR 237 was more strict than her predecessor (SR 248) or her successor (SR 240). However, we ask the Inquiry to consider the evidence on the basis of the attitudes towards child care which would have prevailed in the 1950s and early 1960s. If the Inquiry accepts that one individual did exceed the boundaries of acceptable corporal punishment then the Inquiry must consider this as the failings of one individual and not a systemic failing by SSL.
80. There is no suggestion that any abuse was reported to any concerned party during the school's life and therefore there can have been no failure by SSL to either record, investigate or prosecute same.
81. SSL does recognise that it has taken great courage for the 8 Applicants to present their evidence to the Inquiry. SSL acknowledge that each Applicant has endured significant difficulties in their lives as a result of a variety of factors. SSL regret if their time in St Joseph's contributed to this in any way. SSL also acknowledge that each Applicant has negative memories of their time at St Joseph's. However SSL can only point to the considerable body of evidence (both from contemporaneous documents from St Joseph's and the external bodies responsible for oversight and oral and witness testimony) that indicates that these individuals are unlikely to have suffered abuse in the manner and to the extent that they have reported to the Inquiry. SSL hope that each Applicant has derived some benefit from engaging with the Inquiry.

**CONOR HAMILL BL**