

THE HISTORICAL INSTITUTIONAL ABUSE INQUIRY

MODULE 12 – GOOD SHEPHERD SISTERS

**SUBMISSIONS ON BEHALF OF
THE DEPARTMENT OF HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY
("The DHSSPS")**

Solicitor for the DHSSPS

*Mrs. Tanya Stewart
Departmental Solicitor's Office*

Counsel for DHSSPS

Andrew McGuinness BL

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1. Introduction

- 1.1. This twelfth module has considered institutions operated by the Good Shepherd Sisters at three sites in Belfast, Londonderry and Newry. The focus of the evidence heard by the Inquiry has been the 1960s and 1970s.
- 1.2. The initial statement of Dr. Harrison¹ on behalf of the Department for Health, Social Services and Public safety, “the DHSSPS”, has set out evidence of the engagement of the predecessor bodies of the DHSSPS with the children’s homes. A subsequent statement dealt with issues which arose during the hearings in relation to, inter alia, the education of some school aged applicants and the appropriateness of the placement of children under 18 within the St Mary’s institutions, that is institutions which existed on the Belfast and Derry site during a period in the 1960s and early 1970s which contained working laundry facilities and female adult residential accommodation. In particular, Dr. Harrison identifies that the Good Shepherd homes were, in the context of the 1950s and 1960s, likely to have been perceived, both by themselves and the Ministry of Home Affairs, “MoHA” as ‘specialist homes’² for children in ‘moral danger’.
- 1.3. Given the passage of time and Departmental file disposal arrangements, contemporaneous files from this period outlining the interaction with, and inspection of, children’s homes by MoHA, and, from 1972, the Department of Health and Social Services, “the DHSS”, are no longer available. The Good Shepherd Sisters have also been unable to locate many of the contemporaneous records which would have been available and from which secondary evidence of inspections has been identified in other modules. Notwithstanding this, the DHSSPS suggests that the interaction with the three sites will have been consistent with that seen to date in previous modules.

¹ At GSC-1163.

² GSC-5821.

1.4. The Children and Young Person's Act (Northern Ireland) 1950, "the 1950 Act", and the subsequent Children and Young Person's Act (Northern Ireland) 1968, "the 1968 Act", created a power by which MoHA, and, from 1972, the DHSS could cause voluntary homes to be inspected from "time to time"³. It is of note that the legislature only legislated to provide a power to inspect, rather than creating a statutory duty under which MoHA and later the DHSS would have been required to inspect. The responsibility for the management of each voluntary home lay with the "administering authority"⁴, which was obliged to ensure that each home in its charge was conducted in such a manner and on such principles as would further the well being of the children in the home⁵. In addition to the responsibility of the administering authority to ensure the welfare of a child within its home, a child who was placed in a voluntary home by a welfare authority or a Health and Social Services Board (HSSB) remained the responsibility of the relevant placing authority. The welfare authority or HSSB therefore had an ongoing duty to monitor the adequacy of care provided in the home to the extent that it related to and affected the individual child.

³ See Section 102 of the 1950 Act and Section 130 of the 1968 Act; the latter is found at HIA-383.

⁴ Regulation 2 of the Children and Young Person's (Voluntary Homes) Regulations (Northern Ireland) 1975; HIA-444.

⁵ Reg 4(1) of the Children and Young Person's (Voluntary Homes) Regulations (Northern Ireland) 1975.

2. Interaction with the homes.

2.1. MoHA employed Children's Inspectors from 1922. In the period up to 1950 there is likely to have been engagement between the homes and these inspectors. Whilst primary evidence from the contemporaneous files is no longer available, evidence within the Nazareth Lodge module confirmed Children's Inspectors were inspecting and reporting upon Industrial Schools⁶. The frequency of any interaction/inspection is not clear but unlike the situation in England, discussed in the January 1938 report entitled 'The Fifth Report of the Work of the Children's Branch'⁷, where at that time some homes were unknown to the Home Office, it is inconceivable given the small geographical area of Northern Ireland that this situation pertained here.

2.2. In the 1950s the Good Shepherd Belfast site had a number of facilities including a registered home. In 1955 Miss K Forrest noted that the Derry and Newry homes had few girls under 18 years of age, describing them as 16 or 17 years of age, with the majority of residents being older girls or women. She described the purpose of these homes as training homes for girls who needed 'reformation'⁸; an idea very much of its time.

2.3. From the early 1950s to the early 1970s, as seen from the evidence available within other modules, MoHA was inspecting the homes at least annually⁹. During this period the inspection reports were seen as confidential to MoHA and not normally sent to the home¹⁰.

⁶ Evidence of Dr. Harrison Day 176, Pg. 10, lines 16-22.

⁷ Submitted to the Inquiry and referred to in evidence by Dr Harrison on Day 176, pgs. 7-9.

⁸ GSC-6876.

⁹ Statement of Dr Harrison GSC-1168, para 2.7.

¹⁰ GSC-5560.

2.4. From the evidence provided to the Hughes Inquiry in relation to the 1970s, available within the HIA material to date, it appears clear: -

2.4.1. Following the transfer of responsibility for inspection to the DHSS, in 1974 the Social Work Advisory Group, "SWAG", reviewed the use of printed forms for inspection reports Homes and discontinued this practice which, in any case, may only have been in place for a very short time. Rather, areas that should be covered in reports of inspections/visits were identified for Social Work Advisors (SWAs).

2.4.2. A policy objective was introduced in February 1976¹¹ that SWAs would make a full annual report on each facility and that visits other than for annual report should be recorded outlining the reason for the visit, personnel interviewed and any action required. These reports were originally confidential to the DHSS¹² and not provided to the Voluntary homes. Consequently no copies of these reports will be found in papers held by any body other than the Department.

2.4.3. There was not a full implementation of the annual reporting policy. Rather, as noted by the Hughes Inquiry Report, there were longer intervals between inspection reports, although more informal visits were made by SWAs to homes in the intervening period. This was due to constraints on professional resources rather than inspections being given a low priority by SWAs¹³.

¹¹ The Hughes Report, Para 4.17; HIA-758.

¹² The Hughes Report, Para 4.18; HIA-758.

¹³ The Hughes Report, Para 4.19; HIA-759.

2.4.4. SWAG tended to devote more attention to voluntary homes than to statutory homes¹⁴. The rationale underpinning this was that voluntary homes did not have such well defined structures for the administration and management of homes and they consequently required professional attentions¹⁵.

2.4.5. Notwithstanding the lack of full implementation, the Hughes Inquiry found *“the new format for inspection reports introduced in 1976 was an advance on what had gone before...”*¹⁶.

2.5. The DHSSPS considers that the influence of the Seebohm Report¹⁷ on practice and procedure during the 1970s and early 1980s does not appear to have been brought to the attention of the Hughes Inquiry¹⁸. Seebohm suggested that a new model of inspection was required which concentrated less on regulatory functions of central Government Departments and more on advisory, consultative and supportive engagement with service providers. This model, which appears to have been promoted and implemented throughout the UK, was very much of its time¹⁹. In giving consideration to any potential failure to formally inspect during the 1970s the Inquiry should take into account the influence of the Seebohm report and how it may have affected the prioritisation of resources between annual inspection and other advisory, consultative and supportive interaction with homes.

¹⁴ The Hughes Report, Para 4.17; HIA-758.

¹⁵ Barnardos would of course have been an exception to the principle that voluntary homes did not have such well-defined management and administration structures.

¹⁶ The Hughes Report, Para 4.19; HIA-759.

¹⁷ Report on the committee of Local Authority and Allied Personal Social Services HMSO London 1968.

¹⁸ DHSSPS Module 4 statement dated 22 April 2015 paragraph 58 (SNB-9569).

¹⁹ DHSSPS Module 4 statement dated 22 April 2015 paragraphs 51-56 (SNB-9566 to SNB-9569).

2.6. At this remove, it has not been possible to identify any witness on behalf of DHSSPS who can provide oral evidence in relation to the regime of inspections and interaction between the Good Shepherd Sisters, MoHA and the DHSS. It is perhaps unsurprising, given the Departmental file destruction arrangements and the cessation of admission of children into the three sites during the early to mid 1980s, coupled with its absence from consideration within the Hughes Inquiry, that the MoHA/DHSS documentation on visits and inspections was not retained.

2.7. Even in 1984, as seen in the papers that have been made available from the Hughes Inquiry, files relating to inspections had been destroyed pursuant to the governmental review and destruction process. The Departmental evidence to the Hughes inquiry suggested, *“Not all files relating to visits carried out and reported on by the Children’s Inspectors are still in existence; this is due to the normal process of review and destruction of old files. However, from the information available, the visits to statutory homes appear to have been less frequent than those to voluntary homes.”*²⁰

2.8. As inspection reports from the 1950s onwards and possibly until the early 1980s²¹ were viewed as confidential once the file upon which these were contained is destroyed it is unlikely that, save for the presence of exceptional circumstances, the home or congregation will hold a copy. Notwithstanding this primary evidence is no longer available, the evidence available within this module in relation to inspection of the three sites is set out below. This evidence confirms Child Care Branch were attentive to a multitude of issues including fire safety, support for training, encouraging corporal punishment returns and new initiatives such as the Marian Vale mother and baby unit and the Bellevue hostel²².

²⁰ HIA-4010 at paragraph 3.58.

²¹ See Statement of Dr Harrison paragraphs 12 and 13 at SND-17951.

²² Para 2.18 GSC-1171.

Good Shepherd Sisters Belfast

2.9. The Sacred Heart Children's home was registered as a voluntary home on 29th June 1950²³. Miss K Forrest undertook a round of inspection visits in the early 1950s and in April 1953 summarised her impression of the home as:-

*"Good material conditions. Could perhaps do with more play equipment, but would, I think, buy anything suggested to them. Have singing, elocution, dancing classes and girls go out to ordinary schools and to do shopping for Home. Not short of money, I think."*²⁴

2.10. Miss K Forrest was clearly inspecting the home as in September 1955 she was looking for guidance having identified the Sacred Heart Home as part of a larger 'home', with the other part of the home also potentially admitting girls of 16 or 17 years of age²⁵. As a result, a re-registration took place and what was referred to as *"that portion of the Good Shepherd Convent...comprising the Sacred Heart Children's Home, the Good Shepherd Girls' Home and the Marianville Home for mothers and babies"*²⁶ was registered. On 15th May 1963, the Sacred Heart Children's Home and the Good Shepherd Girls' Home *"amalgamated"*²⁷. There is no reason to believe the Roseville Hostel was other than a service attached to these registered homes, consistent with the practice seen in other modules where a home has a separate independent living unit that is not considered an individual home requiring registration.

²³ GSC-5009.

²⁴ GSC-5002.

²⁵ GSC-6876.

²⁶ GSC-6870.

²⁷ GSC-5009.

2.11. An inspection report completed by Miss Hill is available from 1964²⁸. A copy of this report which was found on a registration file, included a handwritten request for confirmation as to whether the newly completed Marionville home, which became operational in 1963, required re-registration. Miss Hill categorised this as an “*introductory visit*”, implying a further visit was to occur²⁹. This report noted that four girls were attending St Monica’s school, a finding that was consistent with the Child Welfare Council returns from the home in March 1963³⁰. It is of note Miss Hill referred to the fact the staff “*did not express such concern on the school-going problem, as was recorded in the last report*”. This suggests two things, firstly that there had been a problem with girls going to school which had been discussed with MoHA on a previous occasion and secondly provides confirmation of a previous report, which the Department submits was the previous annual report. Miss Hill concluded that:-

“From the material point of view this Home caters admirably for the needs of the girls, and as Mother SR 286³¹ seems to be very understanding I should think that the environment is also suitable from a psychological point of view.”

2.12. A ‘Standards of Accommodation’ file from the early 1970s suggests Miss Forrest continued to visit the home. She provided a commentary on the facilities and age breakdown of the residents in 1971/2³².

2.13. The post-Kincora inspection reports are available. By the time of the 1984 report, the Sacred Heart Children’s Centre had closed and only the Marianville facility remained in operation. The 1984 report

²⁸ GSC-6865.

²⁹ GSC-6865.

³⁰ GSC-5844.

³¹ It is not clear if this is the correct cipher as only the Christian name is mentioned in the document.

³² GSC-6356.

confirms that SWAG inspectors spent two days in the hostel in February 1984 and discussed the findings with the sisters in March 1984. At the time of inspection there were four girls under the age of 18 present in the hostel³³. Sanctions were not applied for misbehaviour or failure to conform to standards and if an oral discussion did not deal with the difficulties, a resident's social worker was contacted and alternative accommodation found³⁴. Few of the residents were of compulsory school age and it is of note that those who were under school leaving age were educated by a private tutor arranged by the Belfast Education and Library Board. This inspection identified that the Order had not arranged for 'formal' monthly voluntary visitor visits as required by regulation 4(2) of the Children and Young Persons (Voluntary Homes) Regulations (Northern Ireland) 1975. A sister from the Order was however visiting at such a frequency that the inspector suggested "*minor alterations to her routine*" along with the submission of brief reports to the Provincial in Dublin would satisfy the requirements³⁵. Given the recognition that this was a mother and baby home rather than a children's home in the usual sense the report made just three recommendations. It concluded:

*"All Marianvale's residents were happy and felt their needs were being met. Not one of them could think of anything that they would wish to alter. That must be the greatest commendation for the work of the Sisters of the Good Shepherd."*³⁶

2.14. SWAG, and later SSI, inspected Marionville again in 1985, 1986, 1988, 1989 and 1990³⁷, the year of its closure.

³³ GSC-6401.

³⁴ GSC-6406.

³⁵ GSC-6408.

³⁶ GSC-6410.

³⁷ GSC-6388 to 6577.

Good Shepherd Sisters Derry

2.15. Registered on 6th September 1950³⁸, the Good Shepherd Home was described by Miss Forrest in 1953 as containing “*only a few teenage (sic) girls, the rest are older women.*”³⁹ Whilst none of the annual inspection reports have survived, correspondence between the home and MoHA in 1965 confirm the assistance provided by inspectors, in particular Miss Forrest, over and above their inspection function, suggesting “*...you have always been so helpful to us in the past, we feel that we can call on you and that you will do your best in these matters.*”⁴⁰

2.16. MoHA and the home were in correspondence in relation to construction works from 1973 and Miss Hill inspected and reported on the home on 6th September 1973⁴¹; she was clearly familiar with the home⁴². She visited the home again in December 1973 to consider the proposed accommodation, and in July 1975 inspected the completed Bellevue hostel⁴³.

2.17. File TC178 was identified for destruction by the Department in 2002⁴⁴ as part of the Departmental review process, however it was retained by PRONI. A note from Child Care branch in January 1977 referred to a recent agreement between Mr. Kirkpatrick⁴⁵ and who requested SWAG should complete a visit to the home and produce a monitoring report. As no report was available it was postulated by the Chairman during the opening that this request might not have been

³⁸ GSC-5009.

³⁹ GSC-5002.

⁴⁰ GSC-7178.

⁴¹ GSC-5330.

⁴² GSC-1169.

⁴³ GSC-5304.

⁴⁴ GSC-5270.

⁴⁵ GSC-5285.

honoured⁴⁶. Whilst the absence of evidence does not of itself permit a conclusion that no inspection took place, it is submitted that the evidence now available suggests the requested inspection did in fact take place for the following reasons:-

2.17.1. The file transfer process between branches required the sender to write the recipient's name on the front cover proforma with the date of sending. A consideration of the file cover page identified its physical movement at the relevant time. Dr McCoy, a Senior Social Work Advisor, received the file on the day after the request⁴⁷ and instructed Miss Hill to prepare the report⁴⁸.

2.17.2. Miss Hill received the file on the same day as Dr McCoy actioned it and retained it for nearly three weeks before returning it to Dr McCoy. During this period the Department believes the inspection took place⁴⁹ and a report was prepared for Dr McCoy. It is likely the documentation relating to this was placed upon another file.

2.17.3. Dr Harrison identifies an undated document within the file with a note that suggests information was compiled in early 1977 consistent with the timing of the visit which Miss Hill was required to make.⁵⁰

2.17.4. The cover of the file showed Miss Hill having custody of the file for just over a week in July 1975

⁴⁶ Day 188 Page 148.

⁴⁷ GSC-5268.

⁴⁸ GSC-5282.

⁴⁹ As per the statement of Dr Harrison at Paragraph 2.13 GSC-1170

⁵⁰ See 37 above.

when it is clear an inspection took place; before returning it to Mr. Kirkpatrick.

2.17.5. Having been returned by Miss Hill to Dr McCoy, the evidence from the file cover suggests it was then passed to Mr. Armstrong, the Assistant Chief Social Work Advisor the following day. From Mr. Armstrong it was passed on the following day to Mr. Wilde, the Chief Social Work Advisor, who clearly considered the issues before sending the file back, presumably for action, to Miss Hill via Dr. McCoy the next day. Whilst the documentation relating to this flurry of activity has not been retained by PRONI, the issues were clearly being taken very seriously. Consideration of the issues went all the way up to the Chief Social Work Advisor, whose involvement suggests all necessary steps were being taken. The file continued to move up and down the management structure of SWAG before being returned to Child Care Branch in April 1977⁵¹. This file is closed the following year pursuant to the Departmental policy of closing files after 5 years.

2.17.6. That this was a specific request from Child Care Branch for an inspection makes it more likely this occurred. Whilst Departmental constraints meant that SWAG were not able to implement the 1976 policy objective of full annual review procedures, it is clear that voluntary homes, of which this was one, were given more attention than statutory homes.

2.18. A Social Work Advisor visited Bellevue hostel once in 1980; and three times in 1981. He referred to the fact he "...*Inspected*" them

⁵¹ On 5th April 1977 see GSC-5268.

*using the old format for reports.*⁵² The Hostel was visited on a similar basis three times in 1983 and once in 1984, presumably to consider any outstanding issues after its closure in 1983.

Good Shepherd Sisters Newry

2.19. Registered on the 16th February 1951, this home was re-registered in April 1956 to include the newly opened “Marianvale Mother and Baby Unit”. Following a round of inspection in 1953, Miss Forrest commented :-

*“Material conditions and equipment very good. Girls and women work in laundry, have all amusements laid on inside Home. Quite happy atmosphere in both places.”*⁵³

2.20. Miss Forrest visited the home and produced a report in January 1954⁵⁴. Evidence referring to the annual inspections can be found in a ‘Fire Report’ file. A report from June 1958 is available⁵⁵. The file also contains references to an inspector’s report of 4th September 1958⁵⁶ and, in a note the next day, suggested waiting until *“Miss Wright has carried out her annual (main) inspection of this home.”*⁵⁷

2.21. The frequency of contact in 1958 appears to relate to concerns held by Miss Forrest that the home was not keen to comply with the requirements of the Fire Authority⁵⁸ and it is likely she was visiting, inter alia, to assist and encourage the home to comply. As a result of these concerns, MoHA suggested that, if they were not addressed, registration of the home would be withdrawn and it would have to

⁵² GSC-6612.

⁵³ GSC-5002.

⁵⁴ GSC-5602.

⁵⁵ GSC-5687.

⁵⁶ GSC-5689.

⁵⁷ GSC-5688.

⁵⁸ GSC-5671.

close. MoHA wrote to the home and the Sisters' solicitors in respect of the requirements and enlisted the assistance of Mr. Newe of the Northern Ireland Council of Social Services⁵⁹. MoHA continued to monitor the situation closely. It engaged with the Fire Authority in 1959 about a perceived erroneous comment within a report,⁶⁰ and liaised with the Authority to ensure the home was provided with relevant information in relation to the requirements⁶¹. This engagement was ultimately successful leading in due course to the requirements being met⁶². Correspondence further identifies an inspector's report as "now received" in December 1959⁶³ and two visits to the home by Miss Forrest in 1962⁶⁴.

2.22. An inspection report by Miss Hill from June 1973 is available and it refers to a previous report⁶⁵. Miss Forrest's reports of her visits in October 1975 and February 1976 are also available⁶⁶. No further inspection reports prior to the home closing in 1984 have survived, albeit the Good Shepherd Sisters confirm that admissions of teenagers ceased some time before this⁶⁷.

⁵⁹ GSC-5674.

⁶⁰ The comment being that children were no longer accommodated within the home. GSC-5694.

⁶¹ GSC-5706.

⁶² GSC-5757 and 5770.

⁶³ GSC-5695.

⁶⁴ GSC-5745.

⁶⁵ In the third paragraph at GSC-6894.

⁶⁶ GSC-6891 and 6889.

⁶⁷ GSC-455.

3. Suitability of placement.

3.1. The 1950 Act required MoHA to register voluntary children's homes for the first time. The Good Shepherd institutions are an example of the many institutions which by virtue of their nature, in this case the provision of accommodation for women in need and some older children, met the definition of a voluntary home⁶⁸ and required registration but did not fit neatly into a traditional model of a children's home.

3.2. The files which would confirm the rationale behind placing children in these homes along with older women no longer exist. However, Dr. Harrison's second statement to the Inquiry in this module⁶⁹ sets out the relevant socio-legal context of the 1950s to 1970s which the DHSSPS believes might explain the rationale for MoHA's apparent acceptance of the need for admissions of girls to homes like the Good Shepherd Convents to continue. Dr. Harrison suggests that, in the 1950s, the welfare authorities were only beginning to set up their own children's homes, these homes being mainly for children requiring short-term rather than long-term admission. Further, importance was attached to maintaining a child's perceived religious faith⁷⁰ and the appropriate faith organisation's voluntary homes should be the preferred placement for children to remain in long term care.

3.3. Those children, identified in the terminology of the time as being in "moral danger" were perceived, including by the courts, as amongst

⁶⁸ Section 98 of the 1950 Act namely "*any home or other institution for the boarding, protection, care and maintenance of poor children or children otherwise in need of help, being a home or other institution supported wholly or partly by voluntary contributions or endowments but not being either...*" a school or institution within the Mental Health Act (NI) 1948.

⁶⁹ GSC-1215 to 1232.

⁷⁰ Children in Care. A Report by the Northern Ireland Child Welfare Council. 1956. At paragraph 46, at HIA1754.

the most serious cases⁷¹. The nomenclature “moral danger” is likely to refer to children not only exposed to the ‘morally bad’ behaviour of others, but also to those children who exhibited or had been the subjects of such behaviour, to include sexual experiences. The Child Welfare Council, “CWC”, perceived that Courts may have felt these children would be helped by a period of residence within a Training School managed by a religious community, or required residential care and discipline. The CWC felt it desirable that a court should not send these children to a training school, rather to a named voluntary institution⁷².

3.4. Miss Forrest’s suggestion in 1955 that the Good Shepherd homes provided a training home for girls who were of need of “*reformation*”⁷³, is likely to have been the practical expression of a response by these homes to those perceived to be in ‘moral danger’. In contrast to the other voluntary homes that responded to a CWC question aimed at identifying how they perceived their role within the voluntary child care service, the three Good Shepherd Homes promoted the concept of specializing in a “*moral*” framework for children⁷⁴, which aimed to repair the damage of “*immoral or morally dangerous experience*”⁷⁵.

3.5. In the context of the 1950s and 1960s, it may not have been deemed to be appropriate to accommodate children who had been exposed to, and were found to be in, ‘moral danger’, with other children requiring long term care. Certain homes are likely to have been identified as having a specialism in dealing with the former children. The 1966 CWC report returns allowed “*specialist homes*”⁷⁶ to deviate from the standard return and permitted the conclusion that Good Shepherd homes provided such specialism. It is of note that when allegations of

⁷¹ HIA-2276 and 2277 Ibid Para 5

⁷² HIA-2277.

⁷³ GSC-6876.

⁷⁴ GSC-5868.

⁷⁵ GSC-5868

⁷⁶ GSC-5821.

the sexual abuse of HIA 124 were made in 1970, her social worker directed she be taken to Good Shepherd Belfast, and that GSC 21 would “see what she could get out of HIA 124 and let me know.”⁷⁷ This evidence, together with the profile of the school age girls in St Mary’s Derry in the 1960s, and the fact some were educated within the institution, suggests this was a ‘specialist’ facility.

3.6. The Courts and welfare authorities placed children in the Good Shepherd homes, and the CWC visited these homes. All were aware of, and did not disapprove of, the use of the homes, despite having knowledge that older children were accommodated with adult females. This suggests a general acceptance of the need for such accommodation for girls in ‘moral danger’, albeit unexpressed for fear of the social stigma associated with drawing public attention to the plight of these children⁷⁸.

3.7. The school leaving age until 1972 was 15 years. The Inquiry has identified that children over the age of 12 years but under the age of 15 years,⁷⁹ were admitted to the Belfast and Derry St. Mary’s homes in the 1960s and 1970s. Whilst institutions accommodating older people with children under 16 years of age would not be permitted today, within the context of the perceived need in the 1950s and 1960s for longer term homes that could address the circumstances of those in ‘moral danger’, it is likely to have been considered appropriate. There appear to have been significant young people peer groupings in the homes and some provision for separate care and accommodation arrangements for the younger girls within the Belfast and Derry institutions⁸⁰. In addition, those girls over 15 years of age

⁷⁷ GSC-127.

⁷⁸ See Para 1.10 of Dr Harrison’s statement at HIA-GSC-1220.

⁷⁹ The school leaving age was not raised to 16 until 1972, see GSC-1220.

⁸⁰ HIA 211 suggests at GSC-046 “...there were two rooms for the girls around my age...the older girls and women stayed in a dormitory. I moved there when I was older.”

but below 18 years of age who might otherwise have become homeless had the benefit of a sheltered employment environment.

3.8. These homes were subject to the same regime of inspection and oversight by MoHA children's inspectors, later SWAG, as occurred within other voluntary homes. It is likely that any serious concerns regarding the care or accommodation of these girls would have been challenged by MoHA/SWAG, the welfare authorities responsible for the placement of many of the girls, or the CWC in its three influential reports. In the absence of contemporaneous evidence of the rationale behind MoHA's decision and the manner in which the St Mary's homes were managed, and taking due account of the social and legal context of the 1950s to 1970s, the DHSSPS submits there is insufficient evidence upon which to found a finding of systemic failure in allowing older children to be admitted to the St Mary's homes.

3.9. It has been suggested some consideration might have been given to a specialist facility for sexualised children. There is an absence of evidence as to whether this consideration occurred, however the Good Shepherd Homes may have been seen as having a specialism in dealing with such children. In the 1960s and early 1970s whilst the sexual abuse of children certainly occurred, few children would have been identified by the professional social care community as the victims of such abuse. This was due to a lack of knowledge and recognition of the scale of sexual abuse within families and the community even amongst social workers and other professionals. The prevailing social culture also did not lend itself to disclosure of abuse and allegations were therefore less likely to be believed. To the present day a facility dedicated specifically to the care of sexually abused children has not been provided in Northern Ireland. Residential staff are now trained to support children with a wide range of problems, including those resulting from sexual abuse and are assisted by multi-disciplinary community support services where specialist help is required.

4. Education.

4.1. The Inquiry has heard evidence that some children under school leaving age were placed in Good Shepherd St Mary's institutions and not sent to school or appropriately educated. Given the distance in time from these events there is a dearth of evidence by way of contemporaneous documentation or recollection, from which evidence of practice at the time might be obtained.

4.2. There is evidence that the CWC return for the Belfast home from December 1963 reported that the home was accommodating four girls of compulsory school age. Miss Hill inspected the home on 5th February 1964 and found four girls were attending a local secondary level school⁸¹. The report suggests on a previous visit staff had discussed problems with school attendance.

4.3. There is evidence in relation to the Derry Home that a small number of children were educated on the premises for a period in the 1960s. The December 1963 CWC return suggests four teachers within the home, three secular members of staff and one nun,⁸² possibly GSC20⁸³.

4.4. The CWC report of 1966 does not reference internal education in its descriptions of educational arrangements. The DHSSPS accepts that, by today's standards, it is normally desirable that children attend a local school but notes it was not then or now impermissible for children to be home schooled or schooled other than in the community, provided they receive an appropriate standard of education. Dr. Harrison suggests that during the period the Social Services Inspectorate was inspecting children's homes, some children were not

⁸¹ GSC-6865.

⁸² GSC-5860.

⁸³ The statement of SR312 suggests at GSC-268 that she recalls GSC 20 taking some of the younger girls for lessons. See also a card at GSC-3285; albeit HIA 107 denies ever being taught by GSC 20.

at school and received instruction within a structured programme established by care staff during the day⁸⁴. There is no evidence that MoHA was aware children were not being educated; indeed the CWC returns represented to MoHA that children were being taught by qualified teachers within the Derry home. Further, as Children's Inspectors were considering education issues and discussing them with staff during the annual inspections it is submitted that MoHA was aware of, and giving appropriate consideration to, the fact that some girls were being schooled within the home. In the absence of evidence as to why the girls were not sent out to school, contemporaneous evidence suggesting the education was deficient or that MoHA ought to have been aware of any deficiency, it is respectfully submitted that there ought not to be any finding of a systemic failure in allowing this situation to continue.

⁸⁴ GSC-1230.

5. Conclusion.

5.1. The Inquiry has now heard the evidence in relation to this module. The DHSSPS has not sought to directly challenge any complainant in relation to abuse, regrets any abuse that did occur and condemns both the perpetrators and any others who by act or omission allowed abuse to take place.

5.2. Whilst at this remove many of the files that would have been in existence at the time are no longer available to assist the Inquiry, it is submitted that, as seen in earlier modules, engagement and inspection by the predecessor bodies to the DHSSPS would have occurred. Such engagement and inspection was in accordance with the practice and policy of the day. If viewed by the standards of today, together with the findings of the Hughes Inquiry, this policy and practice may be criticised as not being sufficiently robust or adequate. However, the practice was very much reflective of the prevailing state of knowledge and the policy was in accordance with what was considered to be appropriate, taking account of the ethos promoted by the Seebohm Report. These factors must weigh heavily in any consideration of whether proper steps were taken at any particular time.

5.3. The Inquiry will no doubt be aware of the dangers of hindsight in considering systemic failings and whether practices were “*in accordance with standards acceptable at the time.*”⁸⁵ It is respectfully reminded, however, that the appealing but misguided tendency to look back and see things as obvious must be tempered by considering the social, policy and practice context in which the events occurred.

⁸⁵ See the Inquiry’s “*Definitions of abuse and systemic failings*”.

5.4. The Good Shepherd Sisters were progressive in many ways, not least by virtue of their written rules dating from the nineteenth century prohibiting the striking of a child. However, the socio-legal context of the period between the 1950s and 1970s, was one in which the idea of 'moral danger' would have been addressed by reformation or spiritual re-education in a voluntary home of the child's perceived religious faith. Considering the actions of MoHA against this background, the dearth of evidence in relation to many policy decisions and the standards of that period, it is submitted that the placement of girls in Good Shepherd Homes should not be condemned as a systemic failure.

Dated this 15th day of April 2016.

Andrew McGuinness
Bar Library

ANNEX A

1. St Mary's Belfast

The profile on admission of the applicants to the HIAI in relation to St Mary's Belfast was as follows:

- HIA 387 was [REDACTED] when she was admitted privately in June [REDACTED]. She remained in St Mary's Belfast until the age of [REDACTED] years when she was moved to the St Mary's Home, Derry and from there was placed aged [REDACTED] years in St Mary's Newry in [REDACTED]. These placements appear to have been private admissions;
- HIA 377 was admitted in April [REDACTED] aged [REDACTED] years and remained until she was [REDACTED] years. This appears to have been a private admission;
- HIA 203 was admitted in [REDACTED] aged [REDACTED] years for a period of 5 weeks. Her younger siblings had been admitted to the care of the welfare authority prior to this admission, although in this applicant's case, a probation officer was also involved and it would appear that she was committed to the Good Shepherd Convent under a Fit Person Order in October [REDACTED] but was then made the subject of a Training School Order in November [REDACTED];
- HIA 124 was admitted to this home aged [REDACTED] in [REDACTED]. She appears to have been placed in St Mary's by a welfare authority and she remained there until the age of [REDACTED].
- HIA 175 was admitted to Roseville Hostel on the St Mary's Belfast site in November [REDACTED] aged [REDACTED] and remained there for approximately 4 months until she was admitted to St Joseph's Middletown and was then placed back in the hostel for 2 months before being removed, aged [REDACTED] years on a Place of Safety Order to St Mary's Newry where she remained for just 1 month. These placements were made by a welfare authority.

2. St Mary's, Derry

The profile on admission of the applicants to the HIAI in relation to St Mary's, Derry was as follows:

- HIA 107 was just [REDACTED] years old when she was admitted to the home in [REDACTED] and remained there until the age of [REDACTED] under the auspices of court order on which the Good Shepherd Convent,

Derry was named as the 'fit person'. A welfare authority was involved but only at a later stage when the question of revocation of the Fit Person Order arose;

- HIA 387 was admitted to the home aged [REDACTED] years from St Mary's Belfast in March [REDACTED], and stayed until a few weeks short of her [REDACTED] birthday when she was placed in St Mary's Newry. This appears to have been a private admission;
- In [REDACTED] HIA 211 was admitted from Rol aged [REDACTED] years. This appears to have been a private admission.
- HIA 202 was admitted in January [REDACTED], aged [REDACTED], from St Mary's Newry. This appears to have been a private admission;
- HIA 7 then aged [REDACTED] years was placed in the home in [REDACTED] for intermittent periods over 2 years by her parents and the welfare authority.

3. St Mary's, Newry

The profile on admission of the applicants to the HIAI in relation to St Mary's, Newry was as follows:

- HIA 202 was admitted in June [REDACTED] aged [REDACTED] years and transferred to St Mary's Derry in [REDACTED]. This appears to have been a private admission;
- HIA 359 was admitted from Rol in January [REDACTED] aged [REDACTED] years. This appears to have been a private admission;
- HIA 387 was admitted in March [REDACTED] from St Mary's Derry aged [REDACTED] years. This appears to have been a private admission.