

HIA REF: []

NAME: [Fionnuala McAndrew]

DATE: [22nd April 2016]

THE INQUIRY INTO HISTORICAL INSTITUTIONAL ABUSE 1922 TO 1995

Witness Statement of Ms Fionnuala McAndrew

I, Fionnuala McAndrew, Director of Social Care and Children’s Services, Health and Social Care Board, (“the Board”) will say as follows: -

1. The Inquiry has asked the Board to answer the following question:

Having had the opportunity to reflect on the evidence provided to the Inquiry are there any systemic failings the HSCB wishes to concede in relation to the Welfare Authorities/ Boards’ provision of residential care for children from 1922 to 1995, their placement of children in voluntary children’s homes in that period and their oversight of the care provided to those children?

2. I have already set out in previous statements submitted to the Inquiry my professional qualifications and various roles. In seeking to address this issue I have read Witness Statements previously submitted on behalf of the Board by former members of staff, reviewed relevant provisions of legislation and more recently spoken with former Directors of the predecessor organisations

The Welfare Authorities/Boards’ provision of residential care for children from 1922 to 1995.

3. Legislative Background

- 3.1. Prior to the 20th century, legislation in respect of children was entrenched in the Poor Laws. Under the Poor Laws, childcare provision rested with the Board of Guardians in each of the local parishes. The Guardians could take

responsibility for the care of children whose parents were deemed unfit and were receiving relief in a workhouse. They had the powers to maintain children in the workhouse or to place them in foster homes.

3.2. There were two Royal Commissions on the Poor Laws between 1900 and 1910 and there followed the 1902 Pauper Children (Ireland) Act, which amended the earlier 1898 Pauper Children (Ireland) Act and the 1904 Prevention and Cruelty to Children Act. These set out to improve the legislation regarding the protection of children. These together with the 1908 Children Act continued to be the governing legislation until after World War II. Section 126 of the Children Act 1908 provided that the Boards of Guardians should provide for the reception of young people and children to workhouses (see **HIA 146**).

3.3. After the establishment of the Northern Ireland State in 1921, the Children Act 1908 continued to be the legislative basis for working with children in need of care. The Department of Health's publication entitled "A better future, 50 years of child care in Northern Ireland" (**HIA 1001**) states that,

"Within the newly formed Ministry of Home Affairs in Northern Ireland a designated inspector was appointed to carry out the inspectorial role for such children. On notification that a child had been boarded-out the Ministry inspector would contact and visit the child on a regular basis. The inspector was also required to maintain contact with the workhouses to influence the number of children available for boarding-out and to suggest suitable foster carers to the workhouse staff."

3.4. In 1946, the Public Health and Local Government (Administrative Provisions) Act 1946 ("the 1946 Act") created new statutory bodies to take responsibility for a range of public services. Part II of the 1946 Act, provided in Section 7 (1) that '*for the purposes of carrying out any functions transferred to them*' by the Boards of Guardians, the council of each county and county borough shall be the '*welfare authority*' for the area of that county or county borough. Section 7(2) provided that the functions of the welfare authority would be

performed through a ‘*committee of the welfare authority*’ known as a ‘*welfare committee*’. The Department of Health’s “A better future” publication states that:

“This was the first centralised organisational structure to be developed and was the forerunner of the current health and social services arrangements.”

[HIA 1012]

- 3.5. The functions of the Boards of Guardians in relation to children transferred to newly established welfare authorities on 1 November 1947. At that time, the Ministry of Home Affairs recommended that the 8 welfare authorities established under the 1946 Act, should establish homes to provide for persons in need, including children.

- 3.6. The Children and Young Persons Act (NI) 1950 became law in Northern Ireland on 14 February 1950. The Children and Young Persons Act (NI) 1950 had the following objectives:
 - Centralise the care of children under one Department, the Ministry of Home Affairs
 - Enhance the powers of welfare authorities. Section 90 specifically required welfare authorities to provide accommodation for children in their care
 - End the last of the old Poor Law Enactments.
 - Regulate through registration and inspection voluntary children's homes; and
 - Establish a statutory bias in favour of foster care.

- 3.7. Whilst the Children and Young Persons Act (NI) 1950 established a statutory bias in favour of foster care, section 92(1) empowered welfare authorities to provide, equip and maintain homes and section 92(5) empowered the Ministry to close a home if it "*is unsuitable for the purposes or if the conduct of the home failed to comply with regulation*"[HIA 139]. In 1952, [HIA 292-296] the Ministry made the Child and Young Persons (Welfare Authorities’

Homes) Regulations (NI) 1952 to regulate the conduct of statutory homes and secure the welfare of the children in the homes and the Children and Young Persons (Voluntary Homes Homes) Regulations (NI) 1952 to regulate the conduct of homes in the voluntary sector. [HIA 287-291]

- 3.8. The 1950s marked the beginning of the statutory sector making its own provision for children in children's homes to end the use of placements within the workhouse system and also marking a move away from reliance on voluntary homes. However, Section 118(2) [HIA 251] of the 1950 Act also provided that the welfare authority could, with Ministry consent, contribute to any voluntary organization with the primary object being promoting the welfare of children.
- 3.9. The Children and Young Persons (NI) Act 1968 went further than the 1950 Act by encouraging, for the first time, work to prevent family breakdown. Under the 1968 Act, welfare authorities continued to have a wide range of duties and powers towards children in need of care and protection, including a duty to accommodate and maintain in section 114 of the Act. [HIA 372-373] The statutory bias in favour of foster care still applied under the 1968 Act.
- 3.10. The Health and Personal Social Services (NI) Order 1972 established four Health and Social Services Boards (Eastern, Northern, Southern and Western). Article 72 provided: "*It shall be the duty of the Ministry of Home Affairs to provide or secure the provision of personal social services under the Children and Young Persons Act (Northern Ireland) 1968 and the Adoption Act (Northern Ireland) 1967*".
- 3.11. Article 17 of the 1972 Order provided that the four Boards would exercise on behalf of the Ministry such functions with respect to the administration of Health and Personal Social Services "as the Ministry may direct." Under Article 17(1)(a) the then Ministry of Health and Social Services issued The Functions of Health and Social Services Boards, No 1 Direction (Northern Ireland). This was described to the Hughes Inquiry by Dr Hayes as:

*“The direction required each Health and Social Services Boards... to exercise on behalf of the Ministry a range of functions of the Ministry relating to health and personal social services. There were three main reservations. One was major building works, which the Board did not have the power to carry out. This was designed to conserve scarce professional resources in the design field. The Ministry reserved to itself the power to fix charges. Interestingly enough they allowed the Boards to take responsibility for the recovery of charges. The second was that they reserved the right to determine terms and conditions of employment. The reason for reserving on those two points, I believe, was to ensure reasonable consistency across Northern Ireland in terms of the charges that were made and the terms and conditions of employment, and also I think more importantly to ensure that the Department could comply with the requirements of the Health Services agreement to maintain parity with the National Health Services. (See **KIN 70029 – 70030**)*

Dr Hayes noted that the Ministry retained the right to exercise the functions even though it had directed a Board to do so, which enabled both to operate in the same field. In this respect he offered the example *“It enabled them both, for instance, to assist voluntary bodies”* (**KIN 70030**)

- 3.12. Further pursuant to Article 17(1)(c) of the 1972 Order the then Ministry of Home Affairs issued the Functions of Health and Social Services Boards No 2 Direction (Northern Ireland) 1973, which directed the Boards to exercise certain functions of the Ministry with respect to the administration of the Children and Young Persons Act (Northern Ireland) 1968. Significantly, the functions of registration of children’s homes, and the function of inspection were retained by the Ministry.
- 3.13. On 1 January 1974 the Department of Health and Social Services was formed.
- 3.14. From 1 October 1973 the Boards operated through a structure of Districts that delivered the services as a local level. A further re-organisation took

place in 1984/5 whereby Units of Management were formed.

- 3.15. The Health and Personal Social Services (NI) Order 1991 gave the Department of Health and Personal Social Services the authority to establish Health and Social Services Trusts which assumed responsibility for the management of facilities previously managed by the four Health and Social Services Boards. The first Community Trust was established on 1 April 1994. Since then there has been a radical re-organisation of the health and social care system (in 2007), which resulted in a reduction in the number of Trusts from 19 to 5. Further on 1 April 2009 the Health and Social Care Board was established, taking the place of the four area Boards. While this is beyond the timeframe which is of interest to this Inquiry it is of note that there have been five major reorganisations within health and social care within 40 years.

4. **Funding**

4.1. **Allocations from the Ministry of Home Affairs and later the Department of Health and Social Services**

4.1.1. From their establishment in 1947, Welfare Authorities were funded in part from general taxation, channelled through the Ministries of Health and Local Government and Home Affairs, and from local rate income raised by the relevant local authority.

4.1.2. Welfare Authorities met the cost of its direct service provision from the monies allocated and, from the same pot, would have funded voluntary organisations which provided similar or related services. Voluntary children's homes would have had their costs met in part by way of a weekly maintenance charge for each child in statutory care for whom they provided care and accommodation. Under the legislation, these weekly charges were subject to approval by the Ministry.

4.1.3. On 1 October 1973, Welfare Authorities ceased to have responsibility for

welfare services. From that date, it fell to the Department of Health and Social Services and its agents, the four Health and Social Services Boards, to provide social services alongside health services and the Boards were accountable to the Department for the manner in which they discharged the statutory functions.

- 4.1.4. In Module 5, the Board filed a statement dated 4 June 2015 by Mr Peter McLaughlin, retired Director of Finance in the Western Board. This statement sets out the fundamentals about how family and child care was funded following reorganisation.
- 4.1.5. Following reorganisation, the services came to be funded from the monies voted for Northern Ireland by the UK parliament. The Boards were entirely dependent on the Department for all of their finance and allocations of finance were made from the Department to the four Boards, communicated in an Allocation Letter.
- 4.1.6. I have been told by Mr Burke, retired Director of Social Services in the Western Board that the initial funding for the four Boards was based on the resources allocated by the six County Councils and two County Borough Councils (Londonderry and Belfast) to the Welfare Committees in those areas. The source of these funds was from rates raised by the County Council and, therefore, varied according to the level of rates received.
- 4.1.7. In Modules 1 and 5, the Inquiry heard evidence from Dominic Burke and received witness statements by him and Mr Thomas Frawley which explain that in Derry, the rates raised by the County Council was smaller than in other areas and, therefore, the level of services would have been less and this resulted in an inherent funding deficit by comparison to the other Boards in Northern.
- 4.1.8. In his statement dated 23 May 2014, Mr Burke said:

“The WHSSB received a low level of resource from its inception, due to its population size. Over the following years all Boards received percentage increases but these did not alter the low funding base in the West...” **SND 19145**

4.1.9. Over the years, the Western Board has consistently made the case that it inherited a shortfall in children’s services in 1973 from local Government, and has always said that it would take an extended period of time to make up the deficits unless the Department was willing to make an exceptional allocation to the Western Board for that purpose.

4.1.10. This issue was raised in evidence at the Hughes Inquiry when Mr Carroll, the then Director of Social Services in the Western Health and Social Services Board described the effect in his examination-in-chief thus:

“The Western Board has always been under-established against the guidelines which have been issued by the Department. The figures that have been circulated demonstrate the position with regard to social workers, that is to say the basic grade of qualified social worker, both in 1979 and in 1985. The figures clearly show that in 1979 the Department guideline showed that the Western Board should have 83 basic grade qualified social workers, whereas the funded establishment, that is to say the number of posts funded for that grade was in fact 60.5. However, the number that we could attract through recruitment was 46.5” **[KIN 74297]**

He continued:

“That underfunded position persisted to the present day, and indeed is reflected in other aspects of the Board’s activity, not just social services, but these figures clearly demonstrate it.” **[KIN 74298]**

4.1.11. The exchange later details:

Q: In your view what is required of government to enable this shortfall to be

made good?

A: Well, to be frank I think the Western Board's acknowledged shortfall in funding has to be made good. [KIN 74298]

And his examination-in chief concludes with Mr Carroll responding to the Chair:

"...the discussions that the Board have been engaged in with the Department have gained an acknowledgment that the Western Board is underfunded by quite a considerable extent." [KIN 74300]

4.1.12. The Department's cross-examination of Mr. Carroll at the Hughes Inquiry was conducted on the basis that allocation and decisions on how many posts to fund are within the decision of the Board and I note that there was no direct challenge of the assertion that the Western Board was underfunded [KIN 74338 – 74339].

4.1.13. There is also a DHSS report entitled "Final Report of the Review Group on Resource Allocation to the Health and Social Services Boards in Northern Ireland", paragraph 2.3. of which sets out the actual revenue allocations and notional PARR shares for the four Boards for 1987/1988. The table shows the disparity between the actual allocations and the notional allocations, with the Western Board having a £9 million deficit [**ref. or exhibit**].

4.1.14. In addition, the Western Board prepared and submitted a document entitled "A Fair Share" to the Department in 1987 asking the Department to urgency review the method of resource allocation between the four Boards and made a case that the Western Board's underfunded revenue baseline resulted in very serious understaffing levels. The Fair Share report highlighted the general shortage of qualified social workers in the Western Board with the result that services such as fostering, alternative care for disturbed children and boarding out arrangements were underprovided (see page of the Fair Share report). Also, table 18 on page 16 of the Fair Share report states that there was a shortfall of 25 field social workers as of 1 October 1986 compared

with DHSS recommended guidelines.

4.1.15. This chimes with evidence that was presented to this Inquiry in Module 5 concerning Mr. Bunting's review into peer sexual abuse at Harberton House. In his report issued in November 1990, Mr. Bunting states describes fieldwork staffing in the Foyle Unit of Management as follows: "There are 5 senior social workers (Team leaders) and 28.5 social workers. In addition, there is a Senior Social Worker who heads the Fostering Unit and he has a team of 3 social workers. There are also 1.5 social workers who comprise the staff of the Adoption Unit. These staffing levels include the 6 additional social worker posts which have been added to the Family and Child Care deprogrammed within the last year...The Unit closest in population size to Foyle is North and West Belfast. ...Northern and West Belfast has a staffing complement of 15 Senior Social Workers and 53 Social Workers in the Family and Child Care Programmed. When compared with Foyle, it has 9 more Senior Social Workers and 20 more social workers."

4.1.16. I note that Mr. Burke has given evidence to this Inquiry that it took until the 1990s for the question of an equitable resource allocation between the four Boards in Northern Ireland to be comprehensively addressed though the Capitation Review Group, which was established with representatives from the Department and each of the four Board areas, which included Mr. Burke.

4.1.17. Capitation refers to a sum of money which the four Health and Social Services Boards in Northern Ireland received for every man, woman and child who lived in their area. It included weightings for age, gender and deprivation levels and there appears to be little doubt that the question of resource reallocation was hotly debated between the four Boards and the Department over a prolonged period of time and consensus was not readily forthcoming about a fair method for allocating resources.

4.1.18. Allocation letters to the Boards from the Department dated 6 August 1993 (see SPT 80400, 80409, 80416 and 80425) demonstrate this point as they

said in respect of the allocation of monies for 'child abuse' that "*unfortunately it has not been possible to achieve a method for allocation which would be sufficiently robust and defensible and which would command respect by all the Boards. The Department would like to place on record, however, the willing and extremely valuable assistance and co-operation it received from the Assistant Directors the efforts made to devise a more refined formula for allocating the child abuse resources.*"

4.1.19. Mr. Burke's statement dated 23 May 2014 said that the Capitation Review reports demonstrated that the Western Board was underfunded against the factors examined.

4.1.20. Reflecting on the evidence produced to this Inquiry and what was said in evidence to the Hughes Inquiry, the Board endorses the evidence given by Dominic Burke in Modules 1 and 5 about the funding in the Western Board and considers that his personal involvement at the time makes him a well informed witness. The same could be said of **GOV 1** who gave contemporaneous evidence at the Hughes Inquiry.

4.1.21. It remains the case, however, that the Eastern Board maintained that it required recompense for factors such as teaching, regional medical services and cross boundary flows for acute hospital treatment and advocated that this needed to be reflected in the allocation of resources by the Department.

4.2 Resource Allocation between Programmes of Care

4.2.1 In Module 5, this Inquiry also heard evidence about resource allocation between different Programme of Care within the Western Trust. Paragraph 3.4. of the Board's closing submission in Module 5 referenced the fact that every five years the Department issued Strategic Plans, which identified policy aims and objectives and the Department expected the Boards to allocate funds to achieve these policy objectives. The submissions also say that upon receipt of its share of the block grant, each Board had choices to make as to

how to allocate the funds between different Programmes of Care which included Family and Child Care included Acute, Elderly, Physical Disability, Mental Health, Learning Disability , Health Promotion, Maternal and Child Health and Adult Community. In planning and delivering services to people in its area, each Board had a range of statutory duties to fulfil across the spectrum of the Programmes of Care. Decisions about resource allocation were made by Committees within the Boards and the Area Executive Team of each Board had a number of important functions including assessing need throughout the area of the Board, developing programme objectives and goals, allocating resources among the Districts of the Board to provide a balanced delivery of services in accordance with the policies and priorities laid down by the Area Board, recommending priorities for revenue and capital expenditure and ensuring that the Board worked within budgets.

- 4.2.2 In Module 5, Dominic Burke told the Inquiry that when the allocation of funds from the Department was made to the Board, existing services had to be maintained and this took the vast majority of the money. I have also made enquiries from senior figures who worked in the other Board areas in Northern Ireland and there is a consensus view that each Board received an annual allocation letter from the Department that expressly directed assigned monies to named Programmes of Care. Examples of these allocation letters are found at The Board would say that, in reality, its predecessors had very little scope to reallocate funds from one programme of care to another, as was suggested by Dr McCoy in his evidence in Module 5, and that that Boards at the time felt that their allocation of funding was controlled and scrutinised by the Department, who had a requirement to ensure that Ministerial priorities were being met.
- 4.2.3 The Board is of the view that the evidence produced to this Inquiry does not indicate that there were any systems failures in the way its predecessors used the monies which had been allocated to them.
- 4.2.4 Finally, in making enquiries on the subject of funding and resource allocation

of retired staff members Mr Bunting has expressed the view that changes in the policies administration in Westminster had an impact on available resources. Mr Bunting recalls that changes made by the Conservative government, particularly in relation to annual efficiency savings and the cost of living increases which were below the actual increase. This led to difficulties in providing the revenue finance to increase the per capita rates to the voluntary homes and, as a result, there was deficient funding on occasions and the Department recognised the difficulties and assisted with deficit funding.

5. Key Duties towards children in residential care

5.1. Provision of Accommodation

5.1.1. The Ministry of Home Affairs was responsible for Child and Family Care services. With the notable and important exceptions of regulation, registration and inspection, the functions of the Ministry were carried out through Welfare Authorities of the Counties and Country Boroughs and later through the Health and Social Services Boards. During the Hughes Inquiry, Dr Maurice Hayes described the role of the Ministry (and later the Department) in the following way:

“The Ministry’s function was to supervise the services provided by the welfare authority and to ensure that the homes were run in accordance with the prescribed regulations.” [KIN 70028]/

5.1.2. Section 92 (1) of the Children and Young Persons Act (NI) 1950 empowered welfare authorities to provide, equip and maintain homes. [HIA 139 A replica power was contained in Section 116(1) of the Children and Young Persons Act (NI) 1968. However, the 1950 and 1968 Children and young Persons (NI) Acts also made special provision for Voluntary Homes, thereby recognising their contribution and place in the landscape of residential provision for children in Northern Ireland. The voluntary sector *“had been the main providers for residential care for many years, some for almost a century; there*

was always a demand for their services and they had been in a monopoly position, until the State Authorities began to develop their own homes in the 1950s.” (taken from paragraph 2.23 of Mr Bunting’s statement dated 11 November 2014 RUB 5580

- 5.1.3. I have been told by Mr Bunting retired Assistant Director of Social Services in the Eastern Board, that Welfare Authorities began developing homes in 1950 and that by the end of the year there were 192 children in these homes and 43 in voluntary homes. Most of the children in the voluntary homes were ‘privately placed’ which meant that the voluntary homes were financing the vast majority of residential care for children, given the large size of the voluntary homes in Northern Ireland. Over time, this changed and, as the case histories of the Applicants to this Inquiry demonstrate, by the early 1970s the welfare authorities had received practically all of the privately placed children into public care. Welfare authorities paid a per capita maintenance payment, which was subject to approval by the Department, to the voluntary homes for every child who was in their care.
- 5.1.4. With regard to the development in the 1950s, Mr Bunting has also told me that priority had to be given to the development of homes for Protestant children because of the religious divide in Northern Ireland and there was substantially more provision for Catholic children by the existing voluntary homes, given their size and place in the history of residential care in Northern Ireland. However, by the end of the 1970s, vacancies were beginning to occur in the Catholic voluntary homes. This was due to a decreasing demand for residential care for Catholic children at this time and to the development of fostering by the EHSSB which included foster carers able to care for children with special needs, and “professional carers” for troubled adolescents who were paid fee
- 5.1.5. Prior to the reorganisation in 1973, the provision of residential accommodation was based on an assessment of need which had to be approved by the welfare committees and submitted to the Ministry. The Ministry was responsible for the strategic planning of all child care services and usually

followed the child care strategy developed by the Home Office in London, as well as the legislation

- 5.1.6. Mr Bunting has informed me that in 1969 that the Ministry adopted the Community Homes System which had been developed for England and Wales, to deal with the new provisions in their 1969 Act, which meant that practically all of the juvenile offenders, apart from those who committed homicide, if they were in need of care, protection or control, were committed to the care of the local Authority (Children's Department).
- 5.1.7. The new provision in this Act was based on a similarity of need between juvenile offenders and those in need of care, protection and control and replaced the "doli incapax", provision in our 1969 Act. This new legislation was based on the changes in professional practice, particularly the development of preventive services following the 1963 Act (England and Wales). However, welfare authorities were aware of this provision and were providing family support to try to prevent children having to be received into care.
- 5.1.8. The 1968 Act replicated the 1963 Act and the provision for juvenile offenders in the 1968 Act, enabled the juvenile courts to commit offenders to the care of welfare Authorities if they were considered to be in need of care, protection or control.
- 5.1.9. The English provision had the effect of transferring most of the juvenile justice provision to the local Authorities, particularly the residential provision and the Home Office (London) which was responsible for strategic planning developed the Community Homes System. This system included a wide range of provision from small group homes to larger community Homes (24/30 places).

5.1.10. Mr Bunting approached and obtained the agreement of the Ministry to develop a small group home system in Belfast which continued to be implemented in the Eastern Board. These homes accommodated 12 children which he reduced to 8/10 places before his retirement in 1997. In other Board areas the Ministry and following the reorganisation, the Department opted for the larger Community Homes and also used the Community Homes Design Guide for these larger homes which had separate living accommodation for 3 groups of children with some communal recreational facilities. They also used this design Guide when making adaptations to the very large homes in the Voluntary Sector.

5.2 Regulation of Statutory Homes

5.2.1 Regulation 5 of The Children and Young Person (Welfare Authorities' Homes) Regulations (NI) 1952 imposed a requirement, *inter alia*, for visits to be undertaken by the Children's Officer at least once a month to each children's home and for a report to be submitted on these visits to the Welfare Committee. A similar requirement extended to Welfare Committee member as, to comply with Regulation 5(1) each home had to be visited by a Committee Member on at least a monthly basis who had responsibility to satisfy himself that the home was "conducted in the interested and wellbeing of the children" and report to the Welfare Committee.

5.2.2 A quarterly return on children in residential care was submitted at the end of each quarter to the Ministry and the Ministry had the powers conferred in section 136 of the 1950 Act and inspected children's homes and hostels.

5.2.3 After reorganisation in 1973, the Department issued the Conduct of Children's Homes Direction (NI) 1975 which came into operation on 1 December 1975. Section 3(2) of the Direction required, *inter alia*, a member of the Board's Personal Social Services Committee to visit children's homes at least once in every quarter to satisfy himself that the home was being

conducted in the interests of the wellbeing of the children and report to the Committee. Section 3(3) of the 1975 Direction required, *inter alia*, Boards to arrange for a social worker to visit the home at least once a month to satisfy himself whether the home s being conducted in the interests of the well-being of the children and to report in writing to through the District Social Services Officer to the Director of Social Services. The Director of Social Services then had to bring any matters of concern or interest arising from these reports to the attention of the Board's Personal Social Services Committee. The amendments to the 1968 Act in 1972 removed the post of Childrens Officer and created a lacuna in relation to statutory responsibility for visiting children in Welfare Authority Homes and Voluntary Homes, Mr Bunting included this responsibility in EHSSB policy and procudeure in 1973

- 5.2.4 In Module 5, the Board filed Western Board monitoring reports in respect of Fort James and Harberton House completed by [REDACTED] TL 4 . This Inquiry also heard evidence from [REDACTED] SND 425 who, in his witness statement dated 4th June 2015 explained that he introduced a system of audit reports for both homes to provide further oversight.
- 5.2.5 The Hughes Inquiry also heard evidence about how the Board's predecessors complied with the regulations/Direction. The evidence highlights that for in or around ten years post reorganisation no Board had developed written guidance to those undertaking the monitoring function and different practical support was provided to those undertaking the monitoring tasks as between the Boards. It appears that each Board began to develop individual written procedures during the period 1984-1985 .Thus, in the absence of any regional guidance from the Department, each Board devised its own approach.
- 5.2.8. Despite some regional variation in the approach to the monitoring function, the Board's reading of the Hughes Report is that the Hughes Inquiry generally found that while there had been a failure to consistently meet statutory requirements, visits by PSSC members and Line Management of the Home

were unlikely to detect homosexual abuse in the absence of a complaint or seeing a physical presentation of the child. The Board considers this would equally extend to other forms of abuse.

5.3. Structure of the Homes

5.3.1. A repeated theme arising in the evidence given to this Inquiry by retired social workers and Departmental Inspectors has been that the structure and layout of the Homes considered by this Inquiry were not conducive to supervising the children living there with ease. Rather, the buildings and grounds actively mitigated against this. This was so both in respect to the convents and old stately homes that were used as Children's Homes and in respect to Harberton House in Derry, which was a purpose built home in 1980 and thus applied within both the statutory and voluntary sectors.

5.3.2. The drawbacks of institutional life in the voluntary homes was also recognised by Mr Bunting, retired Assistant Director of Social Services in the Eastern Board, in his evidence to the Hughes Inquiry. It was noted that he had prepared a paper in 1976 which commented: "*However there is still a great deal to be done in many Voluntary Homes to improve the quality of care*". When asked about this conclusion Mr Bunting responded:

"I think, Chairman, this was in relation to general standards, in that they had not carried through the improvements, for example, that we had in Belfast Welfare Department, and subsequently in the Board, in terms of improved staffing levels.... There was also a problem about the size of some Homes in that they were very large Homes indeed, and also that they related to a specific age range so that children had to move if they remained in a Home..."
[KIN 70899]

5.3.3. Mr Bunting had also observed in a written paper:

5.3.4. "*The difficulties in residential care were further compounded by rules and*

practices within homes which were geared more to the smooth running of the home than to promoting individuality and meeting the needs of residents" [KIN 70921]

5.3.5. The Board is of the view that the Voluntary Children's Homes used by Welfare Authorities and Boards were too large and, due to their size and institutional nature, they were not conducive to providing a homely environment for children when considered. However, the Board recognises that adaptations were made to Rubane and the Nazareth Homes to organise care on a smaller group living basis and considers that these adaptations went some way to mitigate the disadvantages of institutional life for children.

5.3.6. However, It is also the case that the social work witnesses who spoke about the institutional nature of the voluntary homes they placed children in also said that they considered that Homes provided a satisfactory standard of physical care and that the children were safe at the time. It is clear from evidence of the professional witness that the Sisters and Brothers who delivered care to the children placed in Voluntary Homes were highly regarded and appreciated by the Board's predecessors. Moreover, Barnardo's were highly regarded and were specifically excluded by Mr Bunting in giving the evidence detailed above to the Hughes Inquiry to whom he confirmed:

"I think Barnardo's have pioneered a lot of residential work, and they have been to the forefront in the improvement and development of standards in residential child care" [KIN 71007].

5.4. **Staffing**

5.4.1. In his statement dated 14 August 2014, Mr Robert Moore, retired Director of the Eastern Health and Social Services Board said:

5.4.2. "3. *In the statutory sector, residential work with children was understaffed, underpaid and undervalued. This last was exacerbated by the legislative bias in favour of boarding out. (The 1950 Children and Young Persons' Act*

provided that children should only be admitted to residential care if boarding out was not possible.) The ratio of staff to children was low and staff were untrained. It was hardly surprising that it was difficult to recruit staff to the sector... Although residential care was regarded as providing a second class service, the demand for places was high. Social workers usually had to spend considerable time searching for accommodation for children being admitted to care, not the most suitable places available but any places that were available. Groups of siblings were particularly hard to place and often ended up being separated. Sometimes the demand was excessive and homes became overcrowded, the numbers in residence being in excess of the approved maximum. It was difficult to keep available places temporarily vacated, the child being home on trial, or in hospital, etc. None the less, the Welfare Authority was sometimes exercised by what were perceived as low occupancy rates.” [RUB 1507 – 1508]

- 5.4.3. This Inquiry has heard evidence from social workers who worked in the 1960s and 1970s, when it appears there was increasing professionalization of social work. This took place following the publication of the the Younghusband report in 1959, which made radical recommendations for social work education and training in the United Kingdom. However, improvements in qualifications and training of social workers appears to have been largely confined to field social worker and the residential sector was not given the same priority in regard to qualifications and training.
- 5.4.4. Recommendations 6, 8 and 9 of the Hughes Inquiry report sought to change the culture of unqualified staffing in residential homes in Northern Ireland and positives changes were made on foot of these recommendations because parity of pay was introduced in Northern Ireland between residential child care and fieldwork staff and the Inquiry has heard evidence that arrangements were made to enable existing residential staff, if they wanted to, to obtain professional qualifications and to appoint qualified staff to residential posts. However, once residential staff became professionally qualified, there was a tendency for them to move to fieldwork posts, which were arguably viewed as more desirable posts.

- 5.4.5. Supervision of staff in statutory sector developed across the timeframe of the Inquiry in keeping the standards applicable at that time. The Inquiry has not received any evidence that these arrangements were defective or inadequate by reference to standards in other areas of the United Kingdom.
- 5.4.6. In Module 1, the Board was able to produce the Western Board Residential Child Care Policy booklet in 1988, (referenced in paragraph 11.1 of the Board's submissions SND 19242). This was procedural guides to assist staff working with children in residential care. Mr Bunting has informed that all of the boards had developed procedural guides by 1988 evidencing that. Production of this booklets goes some way to evidences that recommendation 18 of the Hughes Inquiry report that "all child care organisations should prepare procedural guides for their staff" was implemented

5.5. **Furthering the Best Interests of Children**

- 5.5.1. In addressing the use of children's homes in paragraph 4 of his 14 August 2014 statement, Mr. Robert Moore said:

"Flexible utilization of the resources available was hampered by the way in which residential care was structured. Children were segregated by age, sex and religion. There were nurseries for the under 5s, general homes for school age boys (the age range varied) and, separately for school age girls, and hostels for adolescents (again separate provision for the sexes). Statutory homes and some voluntary homes cared for Protestants; the Catholic Church, through religious orders provided for Catholic children. This religious segregation made it easier to ensure, as required by law, that children in care were brought up in their own faith." RUB 1508

- 5.5.2. The social work evidence given to this Inquiry also shows that social workers sought to place children in homes that were suitable to their needs. The case files considered by this Inquiry demonstrate that considerations such as age, religion, gender, sibling's relationships and geographical proximity to family all

appear to have been factors that were considered by the placing authority. However, it is also clear that availability of placement was also a factor in some case histories and that, in some instances, placements were made to some of the Training Schools and Lissue Hospital . For children with particularly challenging needs and or behaviours these were often the only placements available at that time within Northern Ireland which could reasonably be expected to meet the needs of those particular young people

- 5.5.3. Section 89 of the 1950 Act [HIA 226] and Section 113 of the 1968 Act imposed a general duty on welfare authorities (and later the Health Boards) to exercise their powers with respect to children in their care so as to further their best interests and to afford them opportunity for the proper development of their character and abilities.
- 5.5.4. The Board believes that there is abundant evidence available to this Inquiry that social workers who made decisions about placing children in residential care did so as it was believed to be necessary and in their best interests in view of their home and social circumstances. From the case files submitted to this Inquiry, there is evidence that the Board's predecessors promoted family contact and sibling relationships by placing brothers and sisters, if possible, together.
- 5.5.5. Keeping large family groups together, as was seen in the case of HIA 25 and HIA 225, proved a challenge in the past as it still sometimes does today, and it is the Board's view that decisions made to separate siblings were welfare based and necessarily rooted in the nature of accommodation available.
- 5.5.6. This Inquiry has heard evidence about boys from Nazareth Lodge in Belfast being routinely placed in Rubane once they reached secondary school age and largely dependent on their performance in the transfer examination. The Board accepts that this was not in keeping with the need to consider the individual needs of each boy and, in some cases, would inevitably have had a deleterious effect upon the growth of sibling relationships and friendships that the boys had developed during their time in Nazareth House. The Board

accepts that this arrangement extended to boys that were in public care and, to this extent, the Board is of the view that steps should have been taken to challenge this happening on a routine basis for children in public care. It is noted that in his evidence to the Hughes Inquiry, Mr Bunting, then the Assistant Director of Social Services in the Eastern Board deprecated the practice of automatic transfer of children between homes and hostels [see KIN 70902]. This was identified by Mr Bunting in 1972 who then took steps thereafter to seek to address this.

5.6. **Reviewing the circumstances of children in residential care**

5.6.1. In written submissions made by the Board in previous Modules of this Inquiry, it has been said that the Board's predecessors sought to discharge their statutory duty to children in residential care through social work visits and periodically reviewing their circumstances through periodic cases review meetings. In contrast to the experience of a large body of children who were privately placed in voluntary homes, welfare authorities (and later Boards) also sought alternative placements for children where possible so that they did not stay in institutional care for longer than was necessary.

5.7. **Social Work Visits to Children**

5.7.1. There was no statutory requirement to visit children in residential care nor was there any regional guidance from the Ministry of Home Affairs (and later the Department) who had overarching responsibility for policy and services to children and ultimate responsibility for the children placed in residential care. I have noted that recommendation 40 in the Hughes Inquiry report is that "*monthly visiting by field social workers should be continued and made a statutory requirement.*" No such legislation was enacted during the timeframe under consideration by this Inquiry, however the Department accepted this recommendation and hoped to legislate for it post Black Committee and Hughes recommendations, however this was overtaken by the 1989 Childrens Act in England and Wales, and subsequently enacted in the 1995 Children Order

5.7.2. In the absence of a statutory requirement, the Board's predecessors were left to devise their own practices and policies about social work visiting. It is known that in 1968, Mr Robert Moore, acting as Children's Officer, Belfast Welfare Authority, first introduced a policy of monthly social work visits to children in placed in residential care by Belfast Welfare Authority.

5.7.3. An overview of the available evidence relating to Applicants to this Inquiry suggests that prior to Mr Moore's initiative in Belfast, there was no systematic approach to social work visiting to children in residential care. Too often, there were no records or recollections of visits being made by social workers and/or minimal social work visits occurring once or twice a year for example two visits were recorded as being made in 1968 to HIA 417 in Macedon by staff from the County Tyrone Welfare Committee [see BAR 575, paragraph 4].

5.7.4. While commending Mr Moore for his initiative in Belfast, paragraph 3.44 of the Hughes Report, states:

"We find it regrettable, however, that the Belfast Welfare Authority did not introduce a policy of regular visiting of children in residential care until 1968" and that "We consider that this policy should have been introduced earlier for two reasons.....we do not believe that the standard of care should have been lower for children in residential care than for those who were boarded out; ... because the boarding-out requirement had been widely, though not universally, translated to residential child care as a matter of good practice elsewhere in the United Kingdom before 1968..." [HIA 702]

5.7.5. Moreover, it is known that the policy introduced in Belfast in 1968 was not consistently applied. It is also known that the Southern Board did not introduce policy of monthly social work visiting because they knew they could not meet it from a staffing point of view. In March 1985, the Southern Board had a policy of visiting children "as often as is necessary" which was

developed in evidence thus:

*Q: Could I just intervene to ask you there, **GOV 2**, whether or not you have any view about the desirability of providing maximum times which should elapse between visits?*

A: It would be desirable to do that and to visit children in residential care at least monthly, but that objective is not easily achieved within the Board's existing staffing resources [KIN 74353 – 74354]

Thus, in the absence of regional policy, direction or legislation, there was variation in both policy and practice across Northern Ireland.

5.7.6. In light of the finding of the Hughes Inquiry that is referenced above which has been further evidenced by the information received by this Inquiry, the Board accepts that for a period before 1968 the policy and practice of regular monthly social work visiting to children in residential care was under-developed in Northern Ireland by comparison with other regions in the United Kingdom and the Board recognises this to be a failing on the part of its predecessor organisations. However, the Board is of the view that some responsibility for this state of affairs must also attach to the legislature who placed different statutory safeguards on children who were boarded out as opposed to those in residential care. After 1968 and until 1985, the failure attaches to a lack of regional consistency and lack of full implementation of the policy, the latter being a finding of the Hughes Inquiry [paragraph 13.1(g)].

5.8. **Child in Care Reviews**

5.8.1. There is also evidence that from the late 1960s and early 1970s, the Board's predecessors sought to formally periodically review the circumstances of children in residential care by convening periodic child in care reviews which were attended by field work and residential care staff. This Inquiry has seen evidence from the case files that have been produced that child in care reviews were held on either a three monthly or six monthly bases.

- 5.8.2. The development of the child in care reviews evidences that the Board's predecessors laid down standards to review the care given to individual children in care and ensure that their needs were being met and, in combination with social work visiting, this is how the Board's predecessors discharged their statutory duty towards children.
- 5.8.3. However due to the historic nature of some of the case files and with the implementation of various destruction policies during the period of time over which the Inquiry extends the Board has been unable to find the files of some Applicants to the Inquiry. An overview of the files that have been produced, suggests that there was some inconsistency in the convening of the periodic child in care reviews. When files were scrutinised by the Hughes Inquiry, they too found that no single case demonstrated perfect compliance with either the minimum standards for social work visiting, or case reviews. They concluded: *"We must conclude that any failure to comply with procedures which were minimum standards was less than completely satisfactory, but in reaching this conclusion we must emphasise that overall the level of non-compliance was marginal"* [HR, para 4.24]
- 5.8.4. Paragraph 4.27 of the Hughes Inquiry report states:

"As to the procedures themselves, we accept that monthly visiting and six-monthly review were reasonable minimum standards of care for children and young persons in residential homes and hostels. Given that they were laid down as minimum standards, however, we consider that a particular responsibility rested on both field work and Residential and Day Care management to make systematic arrangements to ensure that the standards were met. This was not invariably the case and we consider the implications of this in Chapter 13." HIA 762

The EHSSB took the initiative to introduce comprehensive reviews in August 1977 with the approval of the department this policy was accepted by all of the Boards and meant that children were being asked at these reviews had they any concerns about their care.

5.8.5. The Board accepts that where periodic child in care reviews were not held, this was not in keeping with their own minimum standards set and, as such, reviews that this was a failing on the part of the Board's predecessors.

5.9. Temporary Boarding Out and Befriending

5.9.1. The Inquiry has also heard from witnesses and read records which show that that some of the children who were placed in voluntary homes were allowed children to reside with foster carers during holiday periods and/or weekends without first notifying social services: see [paragraph 6.4. of the Module 1 submissions as an example]. This practice was not compliant with the duty contained in section 1 of the Children and Young Person Act (NI) 1968 Act requiring those intending to hand over a child to another person with a view to the care and maintenance of the child by that other person to serve notice on the welfare authority, which was a change from position under the Children and young Persons Act (NI) 1950 Act. [SND 19211]

5.9.2. This Inquiry has been told that when, in 1972, Mr. Bunting , then Children's Officer, Belfast Welfare Authority, *was alerted by Divisional Staff that Nazareth Lodge Children's Home had been allowing couples who wished to befriend or visit children, to take them out without any assessment as to their suitability, he contacted the Mother in Charge to express his concern as to what had been happening and wrote to her in July 1972 confirming that couples and families should be approved by the Welfare Department before children in the Welfare's care were allowed out, even for day visits and asking her to notify our Department in these circumstances. I also informed the other Voluntary Homes of this policy and our Divisional staff."*

5.9.3. This was the policy in the Eastern Health and Social Services Board. However, there is evidence is that this policy was not consistently applied in the Eastern Board, as is seen in the case histories of HIA 25 and DL417.

There is also evidence that the policy was not applied regionally. For example, the Inquiry has heard that HIA 210's social worker in the Southern Board had case responsibility for him between 1978 and 1982 and she recalled that he was already visiting a family in the community when she assumed case responsibility for him and the Southern Board acquiesced in this arrangements, which was, however, ultimately approved as a long-term foster placement for HIA 210's brother.

5.9.4. It is also known that whilst the Western Board had a clear written policy on befriending children in residential care in 1988, as evidenced by the publication of the Residential Child Care Policy booklet in 1988 and the process of vetting befrienders was said to be 'similar to that of prospective foster parents'¹, it is unclear if there was any written policy before then. If there was, it has not been found for production to this Inquiry.

5.9.5. It seems therefore, that there was a lack of consistency in policy and practice regarding the befriending of children in public care who were placed in residential homes. Where there was a lack of policy about befrienders and/or the there was an inconsistent application of a policy that was in existence, the Board considers this to be a systems failing on the part of its predecessor organisations. Not least, the Board considers that the befriending arrangements ought to have been considered as part of the periodic child in care reviews and appropriate assessments of their suitability carried out.

6. Context

6.1 Having made the above concessions, the Board, however, does consider that there are two very important contextual factors:

- i. the political and civil unrest in Northern Ireland; and
- ii. a series of major organisational changes in the structure and delivery of social services in Northern Ireland

¹ SND17581-17582

6.2 Civil Unrest

6.2.1 The civil unrest and the consequent impact on services, particularly in areas such as North and West Belfast and Derry, is a very important contextual consideration. Civil disturbance started in 1969, as a result of which Mr Bunting described:

“I think it would be no exaggeration to say that for a period in 1969 the welfare services almost ground to a halt such was the intensity of the activity and the services, the relief services, that we had to provide” [KIN 70865]

6.2.2 Internment was introduced on 9 August 1971 and, as reported in paragraph 2.46 of the Hughes report, by 10 September 1971 there were over 2,400 families in the Eastern Board area on an emergency housing list, all of whom had to be visited and reported on by Welfare Department staff. The Hughes Inquiry found that *“[t]his inevitably placed a considerable strain on the welfare services which carried the responsibility for emergency relief measures. The demands which this crisis place on the welfare services persisted for some time.”* HIA 685

6.3 Organisational Changes

6.3.1 There were also a series of major organisational changes in the timeframe this Inquiry is investigating. The most significant changes were in 1947 when the welfare committees were established and in 1973 when Health and Social Services were integrated to create a unique structure in Northern Ireland. However, from 1973 until 1995, the management arrangements for health and social services were changed repeatedly at the initiative of the Department along the following lines:

- i. 1973: Consensus management applied, based on the Booz-Allen and Hamilton Report
- ii. 1983: Districts were abolished and became Units of Management
- iii. 1985: General Manager was appointed at Board level but not at Unit level, following the adoption of the Griffiths Report in England. This

represented a move to a General Management model away from a consensus model of management, so that professionals, instead of being directly accountable to the Board became accountable to the General Manager.

- iv. 1990: Unit General Managers were appointed.
- v. 1993: The creation of Health and Social Services Trusts began, the process of which was completed during 1995/6 following the creation of 19 Trusts across 4 Board Areas

6.4 These organisational changes inevitably impacted upon the stability and development of operational structures as lines of accountability and decision-making had to adjust to fit the new structure. The final written submission of the Eastern Board to the Hughes Inquiry said the following of the reorganisation in 1973: "The considerable upheaval and confusion which this caused persisted for a number of years as there was little and, in the case of practitioner staff, no preparation for the new structure and for new roles and responsibilities."

7 The Welfare Authorities/ Boards' placement of children in voluntary children's homes.

7.1 Under section 90 of the 1950 Act and section 114 of the 1968 Act, Welfare Authorities (and later Boards) were empowered to place children in Voluntary Homes so long as the Managers of the Voluntary Home were willing to receive them.

7.2 Section 118 enabled the Ministry (and later the Department) to pay grants to voluntary homes for the improvement of their premises or equipment of homes for for securing that they are better provided with qualified staff. The Ministry (and later the Department) was also empowered to contribute towards the cost of persons providing or undergoing training courses in child welfare and it is known that large grants were given to the Nazareth Homes

and Rubane under these legislative provisions to improve standards and develop a group living system.

- 7.3 It seems, therefore, that the policy underlying the 1950 and 1968 Acts was one of retaining voluntary homes for children in Northern Ireland and even at the time of the Hughes Inquiry, the policy of the Department was, in the words of **GOV 3** was to “*retain and encourage*” voluntary homes in Northern Ireland.
- 7.4 The evidence available to this Inquiry also shows that the Board’s predecessors worked in close co-operation with voluntary homes in Northern Ireland and relied upon the residential accommodation provided therein. The running costs of Voluntary Children’s Homes were met by Boards paying an inclusive per capital weekly maintenance charge for the children they placed in the home. This charge was revised annually by the Board in which the Home was located and it was subject to approval by the Ministry (and later the Department).
- 7.5 The weekly allowance included all the costs involved in maintaining a child including pocket money. There were additional grants available for school uniform, sports gear and holidays, which were uplifted on an annual basis in relation to cost of living increases, by the Ministry and circulated to the welfare authorities and voluntary sector. Following reorganisation, I have been informed by Mr Bunting that the four Board Assistant Director Group carried out the annual revision and forwarded it to the Child Care Branch in the Department for approval and circulation
- 7.6 In this Inquiry, the Sisters of Nazareth have submitted that their congregation’s homes were severely under funded throughout the relevant period and this had lasting consequences in respect of accommodation, child/staff ratios, staff training and the recruitment of qualified residential child care staff. Set against this, however is the evidence given by Mr Moore, whose analysis was accepted by Sister Brenda McCall, that religious orders were, historically, unreceptive to offers of additional funding from statutory

sources for fear it would undermine their independence and control over their own Home.

- 7.7 The Board is also aware of the Departmental Circular HSS 15 (OS) 1/74: “Support for Voluntary Organisations” (“the 1974 Circular”) which recorded the need for “*appropriate financial and other forms of support for voluntary bodies*” while recognizing:

“Unless a voluntary organization is reasonably independent of public funds its traditional freedom to act and criticise is likely to be eroded. An independent organisation should generally be able to interest the public in its activities and enlist their financial help.”

8 The Welfare Authorities/Boards’ oversight of the care provided to children in voluntary homes.

8.1 The relationship between the Department and the Board’s predecessors

- 8.1.1 As the Inquiry panel has heard, local government was reorganised on 1 October 1973 which resulted in the amalgamation of health and social services which were delivered through four Health and Social Services Boards (“the Board”). This grouping of services together in the United Kingdom was “*unique... and was commented upon by the Royal Commission who found it an extremely interesting experiment*” [KIN 70099]

- 8.1.2 The Department of Health and Social Services (“the Department”) was established on 1 January 1974. From that date until the end of the Inquiry’s period of investigation, being 1995, the key organisations were the Department and the Board, who were operating in respect of children under the Children and Young Person (Northern Ireland) Act 1968. Many departmental functions under statute were delegated to the Boards, save the registration and inspection of Children’s Homes. Those functions being retained by the Department.

8.1.3 The relationship between these entities was considered in evidence before the Hughes Inquiry. Having reflected upon the evidence given to this Inquiry and the Hughes Inquiry, the Board's position is that the Department held ultimate responsibility for residential child care, and the children placed therein. The following exchanges in the evidence at the Hughes Inquiry, as between Counsel and Dr Maurice Hayes, the then Permanent Secretary to the Department, are of particular note. Having detailed the arrangements for delegation of functions the following exchange is noted:

Q: "Was the exercising of the functions by the Boards subject to the Ministry's responsibilities for the exercising of the functions?"

A: "Yes, it was subject to the Ministry's ultimate responsibility for the exercising of the functions. They were also subject to the Ministry's right to exercise the functions even though it directed a Board to do so." [KIN 70030]

And

Q: "In general terms how would you describe the roles of the Department vis la vis the Boards?"

A: "In general terms the Department became responsible for policy, strategic planning and resource allocation and the Boards for the provision, management provision and delivery of the services and for operational planning. Of course, both would have a monitoring function within the range of their responsibilities." [KIN 70030]

8.1.4 The ultimate responsibility held by the Department was accepted without equivocation by Dr Hayes:

Q: But the Department was ultimately responsible for the care of each and every child in Northern Ireland, isn't that right?

A: Yes. [KIN 70101]

8.1.5 It appears, therefore, that Senior Departmental officials accepted in evidence to the Hughes Inquiry that the Department had ultimate responsibility for the

provision of residential care services for children in Northern Ireland. This was also recognised by Mr Buchanan, Under Secretary of the Department and previously Assistant Secretary, as the following extract of his evidence shows:

Q: "It has been suggested to Dr Hayes that the Department has a separate duty to ensure that children in care are looked after effectively and properly. What is your comment on that in the context of the monitoring function of the Department?"

A: I think the Department has an overall responsibility for the services which are provided, and this overall responsibility must extend, in a sense, to the people who received these services...." [KIN 70130]

8.1.6 Paragraph 2.24 of the Hughes Inquiry report also concluded that: *"Within this statutory framework, at central government level the Department has a general oversight and responsibility for residential child care and also had a power of inspection of both statutory and voluntary homes."* [HIA 677]

8.2 Registration

8.2.1 A draft memo by the Ministry of Home Affairs regarding the main provisions of the Children and Young Persons Act (NI) 1950 said *"the Ministry would like to emphasise to Voluntary Organisations as much as to Welfare Authorities that children should be kept in institutions only as a last resort, but it recognises that institutional treatment is necessary and may be extremely valuable...To assist these efforts and to co-ordinate them with the governmental services the Ministry has taken powers to register Voluntary Homes, and to exercise over them a form of control."*

8.2.2 From 1950 until 1995, the Department was the regional body responsible for registering and inspecting voluntary homes. However, reflecting on the available evidence, the Board considers that once registered, the Homes remained registered and there was no systematic review of registration.

8.2.3 Paragraph 3.15 the Board's Closing Submissions to Module 9 noted evidence

given by Mr Buchanan in relation to the potential for the Department to keep the registration of a Children's Home under review, perhaps on an annual basis. This is found at KIN 70126 and shows that the Department was alert to the potential of reviewing registration. However, it is not clear if and/or how that evolved. This may be the genesis of the annual monitoring statements, but to date there has been little or no evidence to this Inquiry of how the Department analysed the annual monitoring statement and if or how any steps were taken on foot of them being submitted.

8.3 Regulation

8.3.1 Regulation 4 in the Children and Young Persons (Voluntary Homes) Regulations (NI) 1952 and the Children and Young Persons (Voluntary Homes) Regulations (NI) 1975 required the administering authority of each Voluntary Home to ensure that the home was being conducted in such a manner and on such principles as "will further the well-being of the children in the home."

8.3.2 This was essentially a system of self-regulation which, in the view of the Board, was not in itself a failing. However, the evidence available to this Inquiry is that for many decades many of the Voluntary Homes did not appoint a monthly visitor and the monthly visits did not take place at all. For example, this is seen in the case of the Nazareth Homes, Rubane, Good Shepherd Convents. The evidence suggests, however, that events in 1980 and the Hughes Inquiry recommendations brought about positive change, as in the 1980s the Voluntary Homes began to comply with their regulatory duties.

8.3.3 The fact that there appears to have been widespread non-compliance with Regulation 4 must be a matter of some concern. However, the Board's predecessors did not have a function so far as the registration, regulation or inspection of voluntary homes was concerned. During the timeframe that the Inquiry is investigating, these duties and powers were not delegated to the Board's predecessors and the Board does not accept that there were any system failings by its predecessors in this regard.

8.4 Inspection

- 8.4.1 By virtue of section 102 of the 1950 Act and section 130 of the 1968 Act, the Department had power of inspection. This empowered the Department to enter voluntary homes and to make “*examinations into the state and management thereof and the conditions and treatment of the children therein as he thinks requisite*”. To be clear, the Board’s predecessors had no power to enter voluntary homes and carry out inspections of the premises or records maintained by the home. Nor did the Board’s predecessors have any right to question or interview those children who were ‘privately’ placed in voluntary homes. Rather, these were powers which, by operation of statute, were reserved for the Department and these powers were not delegated to the Board’s predecessors during the time period that the Inquiry is investigating.
- 8.4.2 The evidence to this Inquiry suggests that SWAG did not undertake inspections of voluntary homes from its inception until 1980. Rather, during this time frame, the Department’s social work advisors provided advice and guidance to those running children’s homes. The inspecting authority, therefore, was not carrying out “*examinations into the state and management*” of voluntary homes and “*the condition and treatment of the children therein.*” As no inspections were being undertaken, it follows that the Department was not satisfying itself that the regulations were being complied with and it is also known that there was no consideration given to reviewing the registration status of voluntary homes during this period. This means that, for a prolonged period of time, some of the voluntary homes in Northern Ireland were effectively unregulated.
- 8.4.3 The evidence to the Inquiry, however, does demonstrate that in 1980, the Department reviewed its practice of inspecting all children’s homes in Northern Ireland. Between October 1980 and March 1984 all 64 residential homes in Northern Ireland had been inspected, but by 31 August 1984 when Mr Armstrong gave evidence to the Hughes Inquiry, 14 written reports remained outstanding. [KIN 70396 – 70397]. While the Department’s

intention was also initially to inspect on an annual basis, it is known that from 1987 it reduced the frequency of inspection of statutory homes to every three years. [FJH 5291] It further appears that the inspections were always announced which is not in keeping with recommendation 32 of the Hughes Inquiry report.

- 8.4.4 It also appears that departmental inspection reports relating to voluntary homes to were not shared with the Board's predecessors. A precise timeframe for this practice ending has not yet been established although paragraph 3.7.11 of the Board's closing submissions in Module 4 highlight the lack of any Board representative on the circulation list for the 1988 Inspection Report of Rubane².
- 8.4.5 In the Board's view, the Department's policy of not disclosing inspection reports on voluntary homes to Boards that were placed children therein was not in the best interests of children, as placing social workers could be visiting the home unaware that departmental inspectors had raised issues of concern.
- 8.4.6 It appears to the Board that the legislative provisions in the 1950 Act, 1968 Act, 1952 Regulations and 1975 Regulations provided the basis of a system of registration, regulation and inspection of voluntary homes that placed responsibility on the voluntary home (self - regulation) and the Department (registration and inspection). However, it now seems that the systems devised were both under developed and inadequately applied in practice.
- 8.4.7 In Module 4, this Inquiry heard evidence that the Board's predecessors relied on the fact of registration of the Nazareth Homes when deciding about placements for children in their care and the Board submitted that its predecessors' reliance on the continued registration of the Nazareth House and Nazareth Lodge in satisfying itself that the Homes met basic standards of care was reasonable in all the circumstances, particularly given the wide

² SNB 13914. See also SNB 13920, correspondence to Nazareth Lodge in advance of inspection in January 1990, which confirms the report will be sent to the Department and Management Committee.

range and scope of the duties and powers contained in the 1952 and 1975 Regulations which included a monitoring role for the Ministry (and later the Department) with regard to the use of corporal punishment and changes in the person in charge of the home and the Departmental power to limit the number of children in homes, de-register a home if the mandatory regulations were not being complied with and the power to compel the Board's predecessors to remove children from a voluntary home and receive them into public care (section 101 (2) of the 1950 Act and section 127(5) of the 1968 Act.

- 8.4.8 During the Hughes Inquiry, evidence was given about the steps taken by Boards before placing children in voluntary children's home. It has previously been highlighted that local knowledge in the context of the small geographical area of Northern Ireland was relied upon. However, evidence to the Hughes Inquiry from the Northern, Southern and Western Boards detailed that where the home was less well known the Board checks would have been undertaken with the local Board and/or the Department as to that Home's standard of care [see KIN 73759, 73876, 74329, 74372]
- 8.4.9 The evidence of the Boards predecessors to Hughes, therefore, indicates that the Board's predecessors took a number of steps to satisfy themselves about the standards of care in voluntary homes, most of which were located with the geographical area of the Eastern Board. There is a theme in the evidence of regular dialogue between the different Boards and between the Boards and the Department and the Board considers the geography of Northern Ireland and the comparatively small professional body who placed children in the Homes on a regular basis led to an "*accumulated wisdom and experience*" in Northern Ireland about the services offered by voluntary homes. It is also the case that the statutory sector held the voluntary sector in high regard for the child care facilities they provided in Northern Ireland since the turn of the century,

9 The welfare authorities/Board's monitoring of standards care given to children placed in voluntary homes

- 9.1 Welfare Authorities (and later Health and Social Services) Boards had responsibility to ensure the safety and wellbeing of children in their care. The Board believes that this was done through a system of regular reviews and visits to the child.
- 9.2 The available records reviews of the child in care reviews show that the dates of the social worker's visits to the child are recorded in the review document. This would have enabled oversight from senior managers. The review records also show that a record was kept in respect to the child's emotional and social development, physical development and health, progress at school/work, interests and special events, family situation including the frequency and quality of contact between the child and his/her parents, the current placement and plans for the child, social work input, changes in the child's circumstances and the legal status of the child and any proposed change in that regard. These records evidence that the Boards considered the individual needs of children in care when making decisions about them as these records would have formed the basis of discussion and decision-making at the child in care review meetings.
- 9.3 I am aware that in 1983, the Department issued the Monitoring of Residential Childcare Services Circular. Paragraph 17 of this Circular required Health Boards to satisfy themselves about the standards of care being provided for each child placed by them in a voluntary home whilst expressly stating that Health Boards are not involved in monitoring the overall standards, either professional or material, of voluntary homes.
- 9.4 It is the Board's view that the terms of paragraph 17 of the 1983 Circular [10/1983] reflect the duty that Health Boards had to ensure that individual children placed by them in voluntary homes were receiving satisfactory

standards of care and that it was for monthly visitors and the Department to monitor the overall standards of care in the voluntary homes. This is ad idem with a written submission filed by the DHSS to the Hughes Inquiry which says at paragraph 3.54

“The Board does not carry responsibility for monitoring the overall standards of the voluntary home. The responsibility rests primarily with the administering authority of each voluntary home within the terms of the 1975, and formerly 1952, Regulations. The Department of Health and Social Services, and previously the Ministry of Home Affairs, as registering authority of the homes, is also required to ensure that each home operates in a satisfactory manner.” [ref or exhibit: on the drive under Departmental Response to the Hughes Inquiry, section 3]

- 9.5 In the final analysis, the standards of care in the voluntary homes depended upon the professional competence of the management staff, the Officer-in-Charge and the care staff particularly in the relationships they developed with the children and young people living there. The child's relationship with the visiting social worker was also of central importance. However, the ultimate responsibility for monitoring and upholding standards in the voluntary homes and ensuring the the care and protection of children placed there rested with the Department, which was in the best position to do so, given the extensive nature of the powers invested in the Department by the 1950 and 1968 Acts, over all the voluntary homes in Northern Ireland.

10 Complaints

- 10.1 This Inquiry has heard much evidence about complaints being made to social workers in the 1960s, 1970s, 1980s and 1990s.
- 10.2 The following examples demonstrate that social workers responded appropriately to complaints of sexual harm by children in care:

- i. DL 13 in 1964 [Module 3]
- ii. HIA 149 in 1980 [Module 3]
- iii. **FJ 30** in 1983 regarding **FJ 5** [Module 5]
- iv. DL 241 in 1984 [Module 13]
- v. LS68 in 1986 check [Module 13].

10.3 Social work responses to complaints of physical harm, however, were more variable, as the following examples demonstrate:

- i. HIA 225's complained to his social worker in 1971 about being physical assaulted by a Brother in school and the social worker gave him advice and checked with him whether there had been any further incidents. However, there is no evidence that the social worker gave any consideration to the risks beyond this individual boy.
- ii. HIA 195 and her sister complained to their social worker about *SR 31 in 1973 did not provoke any inquiries by the social worker in connection with what they had said;*
- iii. NL 57 complaint to her social worker that *SR 180 was cruel to her, often made her look after younger children and, in fact, had hit her did was met with disbelief by the social worker;*
- iv. There is no record of SR 46's admission to a newly qualified social worker in 1979 that she had used a slipper to hit NL 92 being referred either to senior managers in the Board or the Sister-in-Charge of the voluntary home.
- v. In 1980, when **DL 51** and **DL 33** [need to replace name with designation] told their special worker about **BR 77** ' hitting **DL 33** , there was an immediate report to senior managers and the District Social Services Officer wrote to the Director of Social Services recommending that that the report '*is forwarded immediately to the police and I would also raise the point as to whether a copy should be sent to the D. H. S. S. and indeed the Management Committee of the Home.*'

10.4 The Board believes that the above examples provide some insight into societal norms and standards at the time. It is noted, however, that the

Eastern Board abolished the use of corporeal punishment in the Board's homes with the effect from 28 April 1978 (see page 31, paragraph 4(c) 7 of the Eastern Board's written submission to the Hughes Inquiry). The Board also believes that that complaints made to social workers about being hit were responded to on the basis of the individual child and that the prospect of wider institutional abuse simply never registered to those working in the system at the time.

- 10.5 In the Board's view, it would be wrong to criticise social workers working in the system in the 1970s or earlier for failing to consider the prospect of abusive practices on a wider scale because the concept of 'institutional' abuse did not feature in Northern Ireland until the 1980s when events at Kincora and Rubane were uncovered. In addition, it seems that it was not until the 1990s that concerns about the abuse of children in residential care gained increasing prominence in other regions of the United Kingdom (ref. "Public Inquiries into Abuse of Children in Residential Care by Corby, Doig and Roberts)
- 10.6 In Module 4, this Inquiry heard evidence about the *Department's Complaints Circular HSS (CC) 2/85 dated 30 April 1985* This was the first time a formal complaints procedure had been devised in Northern Ireland. Paragraph 3.6. of the Hughes Inquiry report made no criticism of Belfast Welfare Authority for lack of formal complaints procedure designed specifically for residential child care. Rather, the Hughes Inquiry found that the lack of such a system reflected the general practice throughout welfare services in the UK and concluded, "*We cannot reasonably ground a criticism... on the fact that it did not have a system which would have been a novel exception to the general rule at the time.*"
- 10.7 In Module 4, this Inquiry considered the operation of the circular in the investigation of complaints made by HIA 210 and others in 1984/1985, which was at a time when the Circular had just been issued and faced strong opposition from trade unions. The evidence before this Inquiry is that the guidance in the Circular was not implemented by the Board's predecessors

until 1991, given the strength of the public workers' opposition to its contents and the Board does not accept any systems failure on the part as its predecessors in connection with the Circular, who were awaiting direction and conclusion of the Department's policy making. The Board also considers that in the case of HIA 210 and others in 1984/5, the Eastern Board was being directed to implement a complaints circular that was not fit for purpose at the insistence of the Department and that no systems failures should attach to the Board.

- 10.8 It is also noteworthy that, during the protracted correspondence between the Eastern Board and the Department on the subject of HIA 210 and others complaints, Mr. Moore wrote to the Chief Social Work Advisor on 30 April 1986 and said: *"I feel that HIA 97's account corroborates to a considerable degree the allegations made by HIA 210 and NL 145 with regard to the behaviour of SR 62. There can no longer be any question that the information we now have available from three former residents amounts to alleged general malpractice and, in some instances, physical assaults by SR 62."*
- 10.9 The correspondence between the Department and the Board also demonstrates that the Department was at pains to impress upon the Board that the complaints by HIA 210, HIA 97 and NL 145 needed to be treated individually but the Board disagreed. It is the Board's view that the Department's resistance to approach the matter on an institutional basis is perplexing given the events surrounding Kincora in and the outcome of the police investigation at Rubane in 1981, which uncovered abuse on an institutional scale, of children placed by a number of different Board across the region of Northern Ireland.
- 10.10 So far as the 1990s are concerned, when complaints were made to a Departmental Inspector in November 1995 by NL 168 and NL 164 about the conduct of Sr 18 in Nazareth Lodge, there followed a co-ordinated response by the three Trusts concerned and Mr David Gilliland, Principal Social Worker in North and West Belfast took the lead role in liaising with the Nazareth

Lodge Management Committee and establishing that there would be an independent element to the investigation and that SR 18 would '*take leave of absence during the investigation*' which happened with immediate effect. However, as stated in paragraph 3.9.9. of the Board's Module 4 submissions, there was to be a lack of meaningful oversight on the part of the Department during the investigation in 1995 and 1996 which meant that the regional registering authority, which had just completed an inspection of the Home in November 1995, did not consider the wider practice and management issues arising in connection with the complaints and there was no follow up advice or direction given to the Home about these matters.

I believe that the facts stated in this witness statement are true.

Signed



Dated 22 April 2016

Schedule of Concessions/System Failures

The following is a list of the Concessions which have Board have made in the body of this Statement and which it now seeks to highlight for ease of reference

1. Paragraph 5.5.6

This Inquiry has heard evidence about boys from Nazareth Lodge in Belfast being routinely placed in Rubane once they reached secondary school age and largely dependent on their performance in the transfer examination. The Board accepts that this was not in keeping with the need to consider the individual needs of each boy and, in some cases, would inevitably have had a deleterious effect upon the growth of sibling relationships and friendships that the boys had developed during their time in Nazareth House. The Board accepts that this arrangement extended to boys that were in public care and, to this extent, the Board is of the view that steps should have been taken to challenge this happening on a routine basis for children in public care. It is noted that in his evidence to the Hughes Inquiry, Mr Bunting, then the Assistant Director of Social Services in the Eastern Board deprecated the practice of automatic transfer of children between homes and hostels [see KIN 70902]. This was identified by Mr Bunting in 1972 who then took steps thereafter to seek to address this.

2. Paragraph 5.7.6

In light of the finding of the Hughes Inquiry that is referenced above which has been further evidenced by the information received by this Inquiry, the Board accepts that for a period before 1968 the policy and practice of regular monthly social work visiting to children in residential care was under-developed in Northern Ireland by comparison with other regions in the United

Kingdom and the Board recognises this to be a failing on the part of its predecessor organisations. However, the Board is of the view that some responsibility for this state of affairs must also attach to the legislature who placed different statutory safeguards on children who were boarded out as opposed to those in residential care. After 1968 and until 1985, the failure attaches to a lack of regional consistency and lack of full implementation of the policy, the latter being a finding of the Hughes Inquiry [paragraph 13.1(g)].

3. Paragraph 5.8.5

The Board accepts that where periodic child in care reviews were not held, this was not in keeping with their own minimum standards set and, as such, reviews that this was a failing on the part of the Board's predecessors.

4. Paragraph 5.9.5

It seems therefore, that there was a lack of consistency in policy and practice regarding the befriending of children in public care who were placed in residential homes. Where there was a lack of policy about befrienders and/or the there was an inconsistent application of a policy that was in existence, the Board considers this to be a systems failing on the part of its predecessor organisations. Not least, the Board considers t that the befriending arrangements ought to have been considered as part of the periodic child in care reviews and appropriate assessments of their suitability carried out

the full potential of the Black Report was not immediately realised due to the opposition of the training schools to its proposals, there is no doubt that its recommendations began to influence social care practice eg reducing group sizes; encouraging staff to avail of relevant residential child care qualifications; and development of child-in-care review processes which, in addition to strengthening planning for children enabled the views of children about their care and care plans to be actively sought and represented.

- 1.10 In 1984, Dr Hayes the then Permanent Secretary indicated in his evidence to the Hughes Inquiry that discussion had been ongoing within the DHSS regarding new legislation, progress on which had been hindered by the refusal of the training schools to accept the relevant recommendations of the Black Report⁵. It would appear therefore that the Department was working towards the introduction of legislation to give effect to the Black Report when the Kincora scandal broke and the DHSS's attention, of necessity, became focused on how to improve the residential care system in ways that would afford better protection for children and prevent the recurrence of such a situation.
- 1.11 As noted in the Departmental statement to the HIAI dated 17 January 2014 (the January 2014 statement), the Secretary of State for Northern Ireland sought expert advice from the Department of Health and Social Services in England regarding *"the ways in which the Department carries out its role in relation to the supervision and management of homes and hostels for children and young people"*. The resulting "Sheridan Report"⁶ made a number of recommendations, including the need to establish complaints procedures for children in residential care. These have been commented upon in detail in the Department's January 2014 statement⁷. The Sheridan Report was circulated to Health and Social Services Boards (Boards) for consultation. Several recommendations of the report were subsequently jointly implemented by Boards and the DHSS.
- 1.12 The Departmental statement to the HIAI also noted the DHSS's concern in 1985, pending the publication of the Hughes Inquiry Report to address the financing and the wider future of voluntary sector residential child care provision. As noted in the January 2014 statement, this led it to issue in January 1985 a paper entitled *"The Statutory/Voluntary Relationship in the Provision of Residential Child Care"*⁸. Boards were required to address the issues identified within the document and agree a way forward.
- 1.13 The DHSS therefore had already initiated major changes in the areas of monitoring, staffing and inspection of residential children's homes, children's complaints procedures and the future role of voluntary sector provision, much of which to some extent pre-empted the findings and recommendations of the Hughes Inquiry Report, published in 1986. The Hughes Inquiry Report and its

⁵ KIN 70064

⁶ The DHSS team from England was led by Miss A M Sheridan, Deputy Director of the Social Work Service.

⁷ SND 15649

⁸ HIA 4048

implementation by the DHSS was the most significant milestone in the development of residential child care policy and practice in Northern Ireland until the introduction of the Children (NI) Order 1995, together with its regulatory framework and associated guidance.⁹

- 1.14 As already noted in the Departmental statement dated 17 January 2014, in 1986 the SWAG, in collaboration with the Boards' Assistant Directors of Social Services agreed a comprehensive set of standards for residential child care. This was the first time that an explicit statement of practice and professional criteria had been issued. In 1994, the SSI further developed standards for the inspection and monitoring of children's homes: "Quality Living Standards for Services: Children who live away from Home". This was issued by the Management Executive in 1995 under cover of Circular HSS (PPRD) 3/95 and was the framework within which a programme of annual inspection of voluntary children's homes and 3 yearly inspections of statutory children's homes was conducted by SSI. This programme included a strong emphasis on the need for Inspectors to speak directly to children and seek confidential feedback from children and their parents regarding aspects of the care in the home.
- 1.15 Following the publication in 1991 of the report of the Review of Residential Child Care Services in England, chaired by Sir William Utting (the Utting Report), a Safeguarding Review by the Chief Inspector, SSI, indicated that the monitoring arrangements in place in Northern Ireland were a significant safeguard for children. He also emphasised the need, however, for ongoing vigilance and the avoidance of complacency if the wellbeing of children was to continue to be safeguarded.
- 1.16 The Black and Sheridan Reports together with the Hughes Inquiry Report, the 1985 DHSS paper and the other initiatives outlined above had significant impacts for the DHSS as well as statutory and voluntary practice in residential child care. The Department believes that together these had the effect of raising standards in this important area of children's social care services, to a level beyond that which would have been accomplished by the introduction of further primary legislation during the 1968 to 1995 period. These initiatives also led to a residential child care workforce which had the highest proportion of professionally qualified social work staff of anywhere in the UK.
- 1.17 Whilst outside the timeframe of the HIAI, at the request of the DHSS Health and Social Services Committee, in 1997 the Department undertook a review of residential child care, which led to the publication of the 'Children Matter'¹⁰ report. As a consequence of this report, its action plan and 31 recommendations, the four Boards set out a 5-year programme of capital developments designed to address the needs identified within the report. A Children Matter Taskforce was established in 2000 to undertake further work in relation to this initiative.

⁹ Volume 4 of the Children (NI) Order Guidance: Residential Care

¹⁰ Children Matter – A Review of Residential Child Care in Northern Ireland, SSI 1998

1.18 The above measures helped to improve the standard of care in residential establishments. In this context it is important also to consider the policy initiatives of the DHSS in relation to child protection, from the issuing of the first DHSS guidance in 1975 to the publication of the Children Order guidance in 1996. These were considered in detail in the Department's 1 May 2014 statement¹¹. Together with the complaints procedures introduced for children and their parents, the child protection procedures served to: improve awareness of the potential for abuse; strengthen the structures and processes for dealing with this issue; and improve staff skills in the care of children who had suffered abuse, many of whom were and still are, admitted to the care of children's homes.

2. Explain the Department's schemes for promoting and funding professional qualifying training for residential child care workers during the period 1922 to 1995. Please provide whatever details are available about the allocation of funding to children's homes and an analysis of the effectiveness of the schemes.

2.1 The Department has explained in its oral evidence to the HIAI that it is important to distinguish between a qualification that was deemed to be a 'relevant' qualification in residential child care and a 'professional' social work qualification. For the purposes of this statement, the Department is assuming that that HIAI seeks comment on the latter i.e. professional social work qualifying training.

2.2 The Departmental statement dated 17 January 2014¹² contained a commentary on MoHA/DHSS staff training initiatives from 1954 to the implementation of recommendations 6-9 of the Hughes Inquiry Report¹³ which state:

- *The Boards in consultation with the Department and staff interests should introduce parity of pay between residential child care and fieldwork staff, linked to professional qualifications and training (Recommendation 6);*
- *Child Care organisations should give priority to enabling existing residential staff to obtain professional qualifications and to the appointment of qualified staff to residential posts (Recommendation 8);*

¹¹ The supplementary statement in relation to Nazareth House and Termonbacca Children's Homes, Derry does not appear to be contained within in evidence.

¹² SND 15674

¹³ HIA 656

DEPARTMENT OF HEALTH SOCIAL SERVICES AND PUBLIC SAFETY

Hilary R Harrison Personal Information

Additional information

1. Page 5 of the January 2014 statement refers.

In addition to the professional career information submitted to the HIAI in respect of the January 2014 statement, the HIAI may wish to note that I am referenced briefly under my previous name, Hilary Reid, in part of the historical evidence documentation provided to the Inquiry. An outline of the references and circumstances in which these occurred is provided at Annex A.

Question I – Involvement of the Department and its predecessors in the operation of the Termonbacca and Nazareth House homes.

Additional information - registration of children's homes

1. Paragraphs 6-9 of the January 2014 statement refer.
2. The DHSS undertook a review of the registration of voluntary children's homes in 1985. As part of that process, management committees were required to submit to the DHSS substantial factual information regarding the operation of the home, following consideration of which the DHSS confirmed the registration of each home. This information was separate from the annual monitoring statement already supplied to the Department by each home (SND 9150).

Additional information – capital grants

3. Paragraph 11 of the January 2014 statement refers.
4. The Department is now able to confirm that between 1958 and 1985, grants totaling £63,387.50 from the MOHA and DHSS were provided to Termonbacca children's home (SND 6142). £800 of this amount was subject to a 40 year undertaking from 1958 and remaining monies were subject to a similar undertaking from 1975. When the home closed in May 1982, a sum of £52,614.67 owing to the DHSS (as a consequence of the home being unable to fulfill its undertaking to remain in operation for the required time period) was transferred to Nazareth House.
5. The Department does not hold any further information in relation to MOHA/DHSS grants made to Nazareth House prior to 1982. Evidence provided to the HIAI, however, indicates that a DHSS grant was made to Nazareth House in 1982 (SND 9159 - amount not specified); in 1989 the home received £13,689 (SND 9157); and in 1990, £19,500 was provided for



DUNDONALD HOUSE
UPPER NEWTOWNARDS ROAD
BELFAST
BT4 3SF

The Chairman of the Management
Committee of each Voluntary
Children's Home

10 May 1985

Dear Sir/Madam

REVIEW OF REGISTRATION OF VOLUNTARY CHILDREN'S HOMES

On 31 August 1984, I wrote to you to outline arrangements which would operate in respect of the provision of annual monitoring statements prepared by each voluntary body and the review which the Department would carry out of the registration of each voluntary home on a regular basis.

My letter explained that the Department would wish to receive annually certain factual information relevant to the operation of each voluntary children's home. This would be distinct from the annual monitoring statement which would evaluate various aspects of the residential child care services provided by each voluntary organisation. The factual information, together with the outcome of the inspection carried out of each home by the Department's Social Work Advisory Group, would enable the Department to consider on an annual basis the quality of provision and services existing in each home and, in its capacity as registering authority, to satisfy itself that there was no impediment to the continued registration of the home concerned.

The Department's Chief Social Work Adviser wrote to you on 5 April to explain the arrangements for the future inspections of children's homes, and indicated that the Department would be writing to you separately as regards the provision of monitoring statements and the return of information to update the registration of each home. Following receipt of the returns of information, arrangements would be put in hand by the Social Work Advisory Group to contact you to discuss an inspection of the home or homes for which you are responsible.

The purpose of this letter is to ask you to submit to the Department, by 6 July 1985, the factual information listed in the Appendix, showing the position at each home as at 31 March 1985. In future years, the Department will ask for this list of information to be updated to take account of any changes in the circumstances or operation of each home.

As indicated above, this return of information is separate from the annual monitoring statement which will be required at a later stage. I will write to you again, following receipt of the return of factual information, to request a statement in respect of your monitoring activities during the period January 1984 to June 1985.



A That's incorrect. The people concerned hadn't been interviewed at that stage so they would have had to be interviewed in order to confirm, or otherwise, that information. There would have had to be other evidence to confirm that information which I had submitted.

Q So the intelligence was unconfirmed then?

A It was unconfirmed insofar as it wasn't investigated.

B THE CHAIRMAN: The whole of JC 2 relates to details of McGrath's life and business and borrowings and houses and all those things. You can see there's not a mention in there about his homosexual associations. The only mention about him is contained in the first and second paragraphs, that he is at present Warden of Kincora Boys Hostel.

C Mr. LAVERY: Yes, but the witness's evidence, with great respect Mr. Chairman, was that this note referred to all his intelligence.

THE CHAIRMAN: No, I don't think so.

MR. LAVERY: Q. Well, did it?

A That was the heading

THE CHAIRMAN: He's written that heading on that particular report.

D MR. LAVERY: Yes, but in his effort to explain that he was saying that what that really meant was that -- you may make the point and it's a perfectly valid one -- that the report itself doesn't refer to, that particular part of the report doesn't refer to his homosexual activities, but the Officer made it abundantly clear in the course of his cross-examination that that note, whatever it meant, was intended to refer to McGrath's homosexual activities. That was the very point

E A It refers to the report that I put in to my authorities.

Q And does it refer also to JC 1?

A It probably would refer to all the information that I would have put in. It was unconfirmed in this respect, and what I meant was that it hadn't been investigated, the people hadn't been interviewed.

F Q Let's get this absolutely clear. Your explanation for that note is that it does refer to intelligence of a homosexual nature, isn't that right? And that it was unconfirmed?

A The intelligence hadn't been investigated, it hadn't been confirmed by way of interview and

THE CHAIRMAN: Interview with whom?

G A With the people that had been named in the intelligence log. They hadn't been interviewed at that stage. They were subsequently interviewed. I understand that document was used to carry out the criminal investigations later.

THE CHAIRMAN: Which document?

A JC 3 which is the, If you look down, the 26 paragraphs are identical to, first of all, DB 16.

H THE CHAIRMAN: Yes, but the point about this is that JC 2 is a slightly longer version of DB 16?

A That's right.

is/
10/1

A

Q In paragraph (8) of your supplementary submission you say:

"Reviews in voluntary homes are held according to the frequency demanded by the individual home."

B

I hope you will forgive me for criticising the English somewhat, but that could mean various things. It could mean that the visitations are held only when the management of an individual home suggests that it is necessary or it could mean that upon the Board's assessment of that home there is a greater or lesser frequency required. What exactly does that mean?

A It means that the management of that home would indicate how frequently they would wish reviews to be held.

C

Q Do you accept that?

A Yes. If it was outrageously lengthy period between reviews, we could certainly object to that. But by and large it is on a quarterly basis.

D

Q Your next sentence says, "Most voluntary homes - including De La Salle - hold reviews on a quarterly basis". But a review is somewhat different than a visitation by a social worker. Does that mean that if you had placed a child in care in a voluntary home, either within or without your District - I think you have only one within your District at the moment - that one of your social workers might not visit that child except once every three months?

A No, certainly not. The review is quite specific, and it is a definitive function. I would expect social workers to maintain contact with the children on a much more regular basis than that.

E

Q What is the policy? Is it once a month?

A It is once a month.

Q That is your policy?

A Yes.

Q Is that clearly laid down?

A It is certainly made clear to all staff, yes.

F

Q When you decide to place a child in a voluntary home what criteria do you use? Is religion in the Province one of the very important ones, particularly with regard to Catholic children?

A Religion plays a part, but it would not be any more significant part in placing a child in a voluntary home than it is in placing it in one of our own homes. One of the features, for example, with De La Salle is that they have education on the premises, and that might be suitable for a particular child.

G

Q So it is important but not determining?

A Not determining.

Q How do you keep up to date with regard to your assessment, your trust in voluntary homes? Have you got access regularly to the SWAG Reports, or do you rely on your own officer's assessment and the visits made?

H

A I would rely on my own officers' assessments.

replacement windows and £5250 towards alterations to children's bedrooms (SND 9160).

6. It would appear that the above grants were for major capital works and subject to an undertaking by the respective homes. Other MOHA/DHSS financial aid which was not subject to an undertaking may have been made available to Termonbacca and Nazareth House. For example, in her second statement (undated), **SR 107** refers to grant aid being provided by the MOHA in the consecutive years 1971 – 1973 (SND 13947).
7. It is also noted from the evidence obtained by the HIAI that during the period 1948 to 1972 when welfare authorities held statutory responsibility for children's services, small grants were made by the Londonderry Welfare Committee to Nazareth House and Termonbacca children's homes in addition to maintenance charges payable in respect of individual children (Examples SND 5805; 5837; 6071; 13725; 13815; HIA 1628).

Additional information – staff training

8. Paragraph 11 of the January 2014 statement refers.
9. With reference to paragraph 11 of the January 2014 statement, MOHA correspondence in 1954 to Tyrone County Welfare Authority indicates that staff from Nazareth House and Termonbacca attended Home Office refresher courses (SND 7459). It would also appear that in 1995 at least 4 students from Nazareth House children's home had participated in the employment based professional social work training programme (SND 8112).
10. In addition, inspection reports for the period 1986-1995 refer to staff from Nazareth House having attended training courses run by the WHSSB.

Question II – Inspection responsibilities in relation to Termonbacca and Nazareth House

Additional information – conduct of inspections

11. Paragraphs 21-30 of the January 2014 statement refer.
12. In relation to inspections during the 1950s and possibly well into the 1960s, reports by MOHA inspectors were confidential to the Ministry. These reports were allegedly regarded by the Courts as privileged documents and were not shared with the home inspected. Where a matter dealt with in an Inspector's report called for action by the administering authority of the home, the Inspector was to follow this up with the authority and report results to the Ministry. Only in the event of failure of the Inspector's efforts or in the case of