a position to address yesterday, but we will take a short break before we do that.

(11.25 am)

(Short break)

(11.45 am)

MODULE 14

Discussion of administrative matters

MS SMITH: Good morning, Chairman, Panel Members. We were hoping to start our 14th module into governance and finance yesterday. As you are aware, because we have not received a final statement from the Department, we were unable to do that. We intend to proceed, however, today with the evidence of Miss Fionnuala McAndrew on behalf of the Health & Social Care Board in respect of this module, certainly in part. I understand that Mr McGuinness can update the Inquiry as to why we have yet not received the final departmental statement.

CHAIRMAN: Yes, Mr McGuinness?

MR McGUINNESS: Chairman, I will not rehearse what I indicated yesterday in relation to the background to the matter. I will say that it is a matter of regret that the Inquiry is inconvenienced in relation to this, not only the -- not only the Panel, but also counsel, the team and the core participants.

What I will say is that since yesterday, sir, I can

say that the Minister has considered the submission. As a result of the consideration that was given he has sought an urgent meeting with departmental officials. The first time that he is available to meet with departmental officials to discuss the issues in what is a significant statement insofar as it relates both to past practices and potentially has future implications for the Department is 9.45 on Thursday morning.

So the position that I am in this morning, sir, is that I can give you that update and indicate that there will be discussions taking place with the Minister tomorrow morning at 9.45.

CHAIRMAN: Well, is there any indication as to when these discussions will bear fruit in the sense of the Inquiry receiving the statement it asked for six weeks ago?

MR MCGUINNESS: All I can say, sir, is that the matters will be discussed on Thursday morning. I am not -- certainly I have no insight into the Minister's thinking. I am not clear what issues may appropriately be raised by him. So certainly what I can very much say is that the Department and the Minister are very much aware of the urgency of the matter and of the -- and of the -- your remarks yesterday, Chairman.

CHAIRMAN: Thank you. Well, as always, Mr McGuinness has been frank and helpful to the Inquiry, as have those

been who are here on a day-to-day basis or standing behind him providing information in answer to the Inquiry's requests. It is, to say the least, profoundly unsatisfactory that this module, the penultimate module of the Inquiry's programme, is not merely being inconvenienced but is being seriously obstructed by the inability of the Department to produce a statement some six weeks or thereabouts after they were told that it would be required by Friday of last week.

The Inquiry has been told that this is being addressed as a matter of urgency. All I can say is the Department and the Minister personally appear to have a different concept of urgent to the Inquiry's and I imagine anybody else's. It is not a satisfactory position. It is not a question of the Inquiry's convenience. It is that we are working to an extremely tight timetable imposed by the Northern Ireland Executive, of which the Minister is a member.

We had intended to deal with issues of an overarching nature in relation to finance and governance this month so that we could then turn our attention to preparing for the last module relating to Kincora. We will not now be able to do that without leaving behind unfinished business, and that is profoundly unsatisfactory.

If and when the Department produces this statement, it will have to be considered not merely by the Inquiry but by anybody else who may have a legitimate interest in commenting upon the contents of that statement, such as the Health & Social Care Board, for example. We will do what we can to find a time convenient to the Inquiry in June to fit in any further hearings that are necessary. No further time will be allowed to the Department or its officials in relation to the timing of that; in other words, it will happen when the Inquiry says it happens, and if anyone is not available, if they don't make themselves available, we will go on without them.

Not the least unsatisfactory aspect of this position is this is the second time in the course of the Inquiry that I have had to draw attention to the fact that, unlike everybody else, the Department has been unable to comply with the Inquiry's timetable, for reasons which the Inquiry does not find satisfactory.

I hope my remarks will be drawn to the attention of the Minister personally before he has his meeting tomorrow morning in the hope that that will instil some urgency into the process.

MR McGUINNESS: Sir, I will ensure I certainly pass on that clear representation, and if I can say, sir, I am

obliged that the Panel will in June consider this issue.

CHAIRMAN: Very well. Well, we will do what we can today with Miss McAndrew to deal with such other issues as we can, but I think the question of funding will probably have to be left to another day.

MR McGUINNESS: I am obliged, sir.

MISS FIONNUALA McANDREW (called)

Questions from COUNSEL TO THE INQUIRY

MS SMITH: Fionnuala, you have given a statement on the issues of finance and governance, which can be found at GOV632 to 677. This is in response to a specific question where the Health & Social Care Board was asked whether they wished to concede any systemic failings on behalf of their predecessors in respect of the work of this Inquiry.

Paragraph 3 of your statement you recap the legislative background and history of the provision of residential child care in Northern Ireland within the Inquiry's terms of reference, and you make the point that over a period of forty years there were no less than five major reorganisations of health and social care provision in Northern Ireland, one of those falling outside the terms of reference, but within our terms of reference five -- sorry -- four of those major reorganisations took place.

Paragraph 4 of your statement addresses the issues of finance, which you addressed in light of information that you were given by others. Now the Inquiry has received a detailed statement on behalf of the Department on the issue of finance from Tara McBride and as a result of that I know that we will receive a further statement from the Health & Social Care Board next month addressing some of the issues raised in her statement.

A. That's correct.

Q. It may be that we will require further evidence from a witness in respect of that, but in any event those statements will be shared with -- your additional statement will be shared with the Department and the Panel will decide whether they need to hear more on the issue.

If I can then move to paragraph 5 of the statement that's on the screen, and that is at page 642 -- no -- 644. In this paragraph you address the key duties towards children in residential care. If we could go to paragraph 5.2.3 -- I should say, Fionnuala, that although I am only going to certain parts of your statement, the Inquiry Panel and the Inquiry has read the entire statement and are aware of the contents. I am simply seeking to highlight a number of issues that

you raise in the statement.

At 5.2.3 you say that:

"After the reorganisation in '73 the Department issued The Conduct of Children's Homes Direction (Northern Ireland) 1975, coming into effect on 1st December of that year. Section 3(2) of the direction required, inter alia, that a member of the Board's Personal Social Services Committee was to visit children's homes at least once every quarter to satisfy himself that the home was being conducted in the interests of the well-being of the children and report to the committee. 3(3) of the direction required that Boards arrange for a social worker to visit the home at least once a month to satisfy himself whether the home was being conducted in the interests of the well-being of the children and to report in writing to 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 Personal Social Services Committee of the Board."

Just pausing there before I read the last sentence on that paragraph, the direction only concerned what had been Welfare Authority homes, State-run homes. It had no bearing on voluntary homes. Isn't that correct?

A. That's correct.

Q. You say:

"The amendments to the '68 Act in 1972 removed the post of children's officer and created a lacuna in relation to statutory responsibility for visiting Welfare -- for visiting children" -- I beg your pardon -- "in Welfare Authority homes and voluntary homes."

You go on to say:

"Mr Bunting included this responsibility in the Eastern Health & Social Services Board policy and procedure in '73."

Now speaking about the lacuna that existed, although there was no longer a Children's Officer required to visit the homes, it is nonetheless the case that The Personal Social Services Committee member had to visit quarterly, and social workers, who had children placed in either the statutory homes or the voluntary homes, would have been visiting monthly, and in practical terms then there was still a responsibility to ensure that those statutory homes were being well run. Isn't that correct?

A. I think clearly there remained a statutory duty, as you outlined, in relation to the visits by the committee member and the social worker. I think the point being made here, and it is a time of

reorganisation, that a particular post was then removed from the legislation. That didn't mean to say that homes weren't being visited in that intervening period. My understanding, it took until 1975 for that amendment to be made in terms of legislation. I have no first-hand evidence to offer the Inquiry as to the extent of the visiting arrangements during '72 and '75, but certainly it is something, if the Inquiry wishes, we could look further into.

Q. But I think the point you are making here is that by removing the Children's Officer there was someone who had within the Board essentially ultimate responsibility for ensuring that these homes were looked at.

A. In statute.

Q. Yes.

A. I think the point I am making is that whilst the removal in statute, I can't answer the fact that they nominated somebody --

Q. To do it.

A. -- with that responsibility in that intervening period. I just don't know whether that was the case.

Q. If we move on to paragraph 5.2.8, you say that:

"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 The Personal Social Services Committee 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."

You say:

"The Board considers this would equally extend to other forms of abuse."

I was asking you in discussion earlier this morning whether or not if there had been regular visiting, was that not more likely to pick up on practices that were perhaps conducive to abuse?

A. And my response to that earlier was it's a stretch -- a bit of a stretch to say that that in itself would have detected abuse. I mean, there are a range of considerations, as the Inquiry knows, in relation to children disclosing abuse. It is highly unlikely they would disclose it to a stranger or someone in the position of a committee member, and the contact with their own social workers would be more relevant in my view and more important.

I also think there were other things that were happening around that time in relation to complaints procedures, etc, that would have been helpful in that

regard, but I think we have to understand that comment in the context of how children disclose abuse.

Q. So essentially what -- if I have got you right, you are saying that even if there had been the regular visits as envisaged, it wouldn't really have picked up on what was happening in the homes?

A. It wouldn't necessarily have. It may have resulted in some indicators that needed to be represented or mentioned to the committee for further scrutiny, but I would -- it would be difficult for me to say absolutely that it would have picked up abuse.

Q. In paragraph 5.3.5 you discuss the improvements that were made to the larger homes, the large institutions. Just there you say:

"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."

I just wanted to tease that out a little bit more

just to remind the Inquiry essentially when the 1950 Children & Young Persons Act was passed, the State started to provide their own children's homes effectively. They were always designed on a smaller basis. They were more community homes. They took less children. They were smaller units than the large institutions that were then in existence, particularly in the voluntary sector. Isn't that correct?

A. That's my understanding.

Q. And the recognition was in the 1950s that smaller was effectively better, because it was more likely to replicate what children experienced in a family environment.

A. I think -- I think that might be right. I think that the context is worth remembering as well, that we were coming out from a scenario around the workhouse and the welfare system, which was really very large institutions and with very little care being provided. So I think there was a major cultural shift at the time where it was being recognised that a more homely environment -- if you could replicate for children as near as possible to a family environment, that that was more beneficial.

Q. Yet that was in the 1950s --

A. Yes.

Q. -- when the Act was passed and it was some twenty or

thirty years before the larger institutions moved towards that model, and the Inquiry has learned that it came essentially very late in the life of some of those homes that the -- Nazareth Lodge, for example, splitting into smaller homes within the one physical building. There seems to have been a degree of reluctance on the part of the church and Orders to move to that model.

I think, when we were talking earlier, you said that there would have been an attempt at persuading them along the route towards that over the period of years. Would that be fair?

A. I think that's a presumption on my part. Clearly I haven't, you know, read detail of that conversation, but I think that there would have been a lot of dialogue. What you were doing here was changing a system, not just changing individual children's homes. I am sure there were lots of factors that were presented by the voluntary organisations in terms of cost, in terms of the ability to adapt the building. I am sure there were a number of factors that were discussed and addressed, but I accept what you are saying. It seems to have taken a number of years before there was a reduction in size of some of those homes.

Q. At paragraph 5.5.6 you make the first concession on behalf of the Board. If I can just go to that, please:

"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 ..."

I think that would have been "in Nazareth Lodge" rather than "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."

You give the page reference for that.

"This was identified by Mr Bunting in 1972, who then took steps thereafter to seek to address this."

We know that the automatic transfer of boys to

Rubane did end. I think the reference here is to the Nazareth Lodge example going to Rubane, but from discussion it wasn't just the Catholic Church that employed this routine transfer of children. We know that children moved at a certain age into hostels, for example. Boys moved into Kincora, which we are going to hear about in due course. So it wasn't just the Catholic Church that employed this practice of moving children at a certain age. Isn't that so?

A. That's my understanding. It seems to me that it was custom and practice at the time that the age of the child determined that move.

Q. And why do you say that the -- I mean, you have said that the Boards ought to have challenged it. Why do you think that wasn't done?

A. Well, I think that we were -- the Boards were -- staff and social work and residential care was increasingly moving towards a much more child-centred approach in its processes and in its arrangements for children. So that was a journey that they were on. I expect that it's a system, it's probably a culture and a mindset that you are trying to change here. My view is that maybe that could have been challenged more robustly than it was and perhaps earlier on, but that's the benefit of looking at this as a reflection of what was happening at the time.

I think the context that staff were working in was that maybe they felt that this was the accepted practice.

Q. The Inquiry has been keen to ensure that we don't judge practices --

A. Yes.

Q. -- of the past by today's standards. So, I mean, in making this concession I just want to be sure, Fionnuala, that the Board is not doing that.

A. No. I think -- I think it would be reasonable to expect that there would be some challenge where it was not in the interests of some of the boys or some of the children that this was the situation, and if child in care reviews were taking place, that would have been the arena in order to do that. So I would stand by that as a concession.

Q. Then if we could go to 5.7.1, please, this is in respect of social work visits to children. You say:

"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 time frame under consideration by this Inquiry. However, the Department accepted this recommendation and hoped to legislate for it post Black Committee and Hughes' recommendations. That was ultimately overtaken by the Children's Act in England and Wales and subsequent 1995 Children Order."

Now the fact that there was no legislation did not on the ground mean that social workers did not continue to visit monthly and presumably the Department would have known that that was being done?

A. Yes. I imagine that any information that was being sent to the Department would have contained that information.

Q. I am just going to look -- in one of her statements Dr Harrison, if we can look at GOV682, please, paragraph 1.16, she talks about the major initiatives that in this time period the Department was engaged in post Hughes. If we can just scroll to -- yes. It said -- going back to the previous page, if I can just go there to 1.16, she said:

"The Black and Sheridan reports together with the Hughes Inquiry report, the 1985 DHSS paper ..."

If I can just scroll back up, please, because we can find out that that paper was, in fact -- if we can just

pause -- I think it is up. Yes, it is on the preceding page. At 1.12 there she says:

"The departmental statement to the Inquiry noted the concern in 1985 pending the publication of the Hughes Inquiry report to address the financing and wider future of the voluntary sector residential child care provision. It led to issue a 1985 paper entitled 'The statutory/voluntary relationship in the provision of residential child care'. Boards were required to address the issues identified within the document and agree a way forward."

If we can just scroll back then to 1.16, Dr Harrison says that that, together with the Black and Sheridan reports and the other initiatives which she outlines in the preceding pages:

"... 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 '68 to '95 period. These initiatives also led to a residential child care work force which had the highest proportion of professionally qualified work

staff of anywhere in the UK."

Then if we go to the next page, please, she says:

"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 Department in relation to child protection, from the issuing of the first guidance in 1975 to the publication of the Children Order guidance in '7..." -- sorry -- "in '96. 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."

So the point that Dr Harrison is making is that, in fact, legislation would not have achieved perhaps what was achieved by these policies and initiatives, and I wondered if you wanted to make any comment about that.

A. Can I make two comments, please? The first is that I actually came to work in Northern Ireland in 1996 and took up a post in the Registration Inspection Unit and took on board the beginnings of the inspection of children's homes by that unit, which was transferred

from the Department. I can honestly say that the outworkings of the Hughes Inquiry and the comments that Dr Harrison makes were evident in the inspections that I conducted. I was able to compare what I'd left in England to the situation in Northern Ireland and I have to advise the Inquiry that there was significant difference in the standard and quality of residential childcare from what I had experienced. So that is just the first comment I want to make. So clearly the work of the policies and procedures was being effective.

My point about --

Q. Can I just pause there?

A. Yes.

Q. When you say there was a difference in standard, are you comparing Northern Ireland favourably with what was in England?

A. Yes, yes. Sorry. I didn't make that clear. Absolutely favourably with what was -- what I left in England.

The point about legislation, I just want to make the point that I think the statutory responsibility is at the heart of why we need regulation and legislation, to avoid confusion, to be clear about accountability and who has the authority to undertake what function. In my view the statutory -- the legislation and accompanying regulations are critical particularly in the area of

family and child care. So whilst I agree, I still think that the governance issues might have benefitted from revision of the legislation.

Q. If we can go back to your own statement, please, at paragraph 5.7.6, which is at page 656, and in this paragraph you make the second concession on behalf of the Board. You say that:

"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 a lack of full implementation of the policy, the latter being a finding of The Hughes Inquiry."

You cite the paragraph there. Essentially you are saying that the practice of visiting children in care was deficient on the part of the Board's predecessors, but also you are saying that the legislature bears some responsibility, because they differentiated between the rules and requirements in respect of those children who were placed in foster care in comparison to those who were placed in residential care.

A. Yes. I think that's a correct summary of what I have said. I think really I am enjoining the board and the Department in the fact that the processes were under-developed and relying on the findings of the Hughes Inquiry to make this concession.

Q. Then if we can go, please, to paragraph 5.8.5, we get the third concession on behalf of the Board. If I can perhaps summarise that, essentially -- well, it is in short form in any event:

"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 (sic) that this was a failing on the part of the Board's predecessors."

So the Board set minimum standards for periodic reviews for children in care and failed to meet those standards in some cases.

A. That's correct, and where they failed to meet the minimum standards, then clearly they weren't adhering to their own standards and their own policies, and I would see that as a failing.

Q. Can I take it that that was a failing that may have led to abuse not being picked up on?

A. I think that there is a possibility that because the child was not being reviewed in a holistic sense and inputs from, you know, the various people who were involved with the child's life, I have to say that there is always that possibility.

Q. The fourth concession is at paragraph 5.9.5. Essentially it is:

"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 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."

So essentially the approach taken by the Boards to ensure that people -- that children didn't go out to people outside the homes without proper notification to the Board and vetting of those people by it was inconsistent regionally and in practice and should have been part and parcel of the care reviews, but, of course, if you are conceding that care reviews weren't being carried out properly, then the other wasn't going to be carried out properly also. Isn't that a double whammy, if I can put it that way?

A. I think that's correct. I think there was a growing realisation of the risk from adults to children and the previous arrangements of trust perhaps from some of the homes in terms of befriending, there was a growing realisation that that wasn't acceptable. You know, I have read information where that was being picked up by some of the legacy Boards. It is about the consistent application of a policy where there is one, and clearly if that's not the case, then that's -- that is a failure, and again if the child in care reviews were taking place, then this is an important element of their care, that they were being befriended and perhaps spending time with other people outside of the home, that could have been considered.

Q. Paragraph 6 of your statement you seek to place the

concessions that the Board makes and the failings in the context of the political and civil unrest in Northern Ireland and the major organisational changes in the delivery of Social Services.

Paragraph 7 deals with the use of voluntary homes by the Welfare Authorities. If I can summarise what you are saying there, you are seeking to suggest that any underpayment by the Board, for example, that the Inquiry has heard about in respect of the homes run by the Sisters of Nazareth in terms of per capita payment was in part due to reluctance on the part of the religious organisations to accept funding in case it led to loss of independence on their part, but that was also encouraged by the 1974 departmental circular, which talked about maintaining the independence of those homes.

I am just wondering, to put it bluntly, and we were discussing this earlier, is that a convenient excuse? Was it not the case that particularly what the Inquiry has heard about in Derry that the Sisters of Nazareth and other congregations were, in fact, providing a cheap alternative to either boarding out or to either creating or providing more places in statutory homes on behalf of the Boards?

A. Well, my understanding is that both scenarios were true.

There were situations where the voluntary homes were not accepting additional funding because they wanted to preserve their independence, or at least that's how it was presented. Clearly I am aware that there were other discussions going on where the voluntary homes were approaching the Western Board in relation to perhaps not being able to manage with the payment that was being made.

My understanding is that the payments were on a capita basis, that there was agreement between the Ministry and the Boards or Welfare Authorities about what that payment should be. I would be surprised that any organisation -- any statutory body like a Board that had representation from the -- from the voluntary sector wouldn't look to see how they could assist within the finite budget that they had, but I am sure there are some circumstances where they couldn't meet the expectation of the voluntary home.

Q. We were talking earlier that there was a wider aspect to this and you said to me that it wasn't to be cheap at any price, that this -- a certain standard of care had to be provided and the Board would need to be sure that that was adequate.

A. Yes. I think that's an important point when you start to look at, you know, where the Board is getting care on

the cheap. There was an expectation of a standard. There was no concern about the standard of care that was being provided, as I understand it, it related to the debate about the fee. And I suppose regulatory function and inspection function, if that was the case, you would expect that to pick up -- be picked up. So it wasn't getting it on the cheap at any price, but it's a statement of fact that it cost more to run the statutory homes than it did to run the voluntary homes.

Q. And in that regard it suited the Boards to rely on the voluntary homes for perhaps longer than they might otherwise have done?

A. Well, I would struggle to say it was purely on cost. I am sure that it was a number of factors why there was a reliance on the voluntary sector, not purely that it was cheaper, but that it was providing a service, maybe its locality and geography and the needs of the children. So I would be reluctant to confirm that it was purely on cost.

Q. The next section of your statement, Fionnuala, goes on to -- goes beyond the question of concessions and makes certain points and criticisms of the Department. If we might look at some of those, if we go to paragraph 8.1.3, and again if I may summarise, you are seeking to say in this section that the ultimate

responsibility for child care rested with the Department. As agents of the Department, the ultimate responsibility for failings on the part of the Board's predecessor also lies with the Department, because it had a general oversight responsibility. Is that a fair summation of what you are saying?

A. Yes, I think it's fair.

Q. You say that you took this from the response to The Hughes Inquiry by Dr Maurice Hayes from the Department, where he appears to accept that that is the position.

A. That's correct.

Q. At paragraph 8.2.2 you attack the Department for failing to systematically review registration. Now the Department would contend that inspection, whether formal or a more informal type, was, in fact, a review of the registration, and the Inquiry has certainly seen at least in the case of Manor House Home that the Ministry did seek to withdraw registration from that particular home at one point.

The point you are making is that that was a rare case and there doesn't appear to you to have been any formal system whereby the continued registration of every home was reviewed periodically, judged by objective standards.

A. That's correct. At the time of writing this statement

that's what I believed to be true.

Q. We know from again Dr Harrison's statement, if we can look at that at 693, she points out in this, which was an additional statement given to the Inquiry at the end of the -- of Module 1, when we were looking at the Sisters of Nazareth home in Derry, she points out in 2 here, if we can just scroll down slightly, that:

"The Department 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 Department substantial factual information regarding the operation of the home, following consideration of which the Department confirmed the registration of each home. This information was separate from the annual monitoring statement already supplied to the Department by each home."

Now -- and she makes reference to another page, which -- I am not sure if we have the SND bundle uploaded, but the reference is 9150. It was a letter of 10th May 1985 sent to the Chairman of the Management Committee of each voluntary home by Mr Buchanan from the Department indicating essentially what Dr Harrison is saying in this paragraph, that the -- because I am not sure we have the SND bundle, maybe if I just read part

of it out:

"My letter explained 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."

So in 1985 they are devising a two-prong system: the monitoring arrangements, which would evaluate what was going on, but also this registration review effectively based on other factual information.

Now unfortunately I can't remember, as I stand here, whether we looked at that in any greater detail in Module 1. I am sure it is something that we can ask Dr Harrison about in due course, if we have the opportunity to hear from her again, but you were not aware that there had been that step taken in 1985?

A. No. The first I saw that was this morning when you drew it to my attention, and I suppose the interpretation -- there are two elements. It seems that there was a one-off exercise at a point in time. I think the point that we are making is that there wasn't regular renewal of registration, and I am not sure then as a consequence of that letter whether that came into

being or not.

Q. Certainly 1985 was when Hughes was reporting as well.

A. Yes.

Q. So it tallies with --

A. Yes.

Q. -- what the Department may have felt might be coming out of that report?

A. Yes.

Q. Paragraphs 8.4.7 to 8.4.9 you make the point that the Boards relied on the fact of registration to place children in voluntary homes. Sorry. That is in your own statement. If we can go back to that, please, at 668. You say they relied on the fact of the registration to place children in voluntary homes as well as local knowledge and the fact that the voluntary sector was in general held in high regard by the Boards.

You go on to be further critical of the Department for failing to ensure that voluntary homes complied with the regulations prior to the Hughes Inquiry. You say that that was not something over which the Welfare Authorities and Boards had any control.

At 8.4.1 -- I think I am jumping backwards here -- you are critical of the Department in that Welfare Authorities could not inspect, only the Department could, and you make the point that you had no rights

over those children who were privately placed, but you did have duties towards those children who were in the care of the Boards and placed in voluntary homes.

Is it not the case that any failings that were identified by people visiting those homes to visit those particular children ought to have been drawn to the attention of the Department?

A. I -- in considering the point you made to me earlier, I think that we need to set it in the context of the time and the duties and responsibilities that the individual social workers had to the children. So I could envisage circumstances where there was a concern that a social worker was made aware of that they dealt with with the voluntary home, with the manager or the staff in the home as a one-off event and that was resolved. My expectation would be that where perhaps there were a series of events with an individual child or there were a series of events with a group of children that further consideration would be given to, "Is this something within the culture or the practice of the home that should be escalated?", ie through the line management responsibilities within the Boards and ultimately to the Department, who, as I understand it, had the regulatory function of these homes at the time.

Q. Well, paragraph 8.4.5 you say that it was wrong of the

Department not to share inspection reports with the Welfare Authorities and Boards in respect of voluntary homes, because social workers then didn't know about any concerns that those inspection reports might have highlighted.

However, there was evidence given to the Hughes Inquiry by Mr Carroll of the Western Health & Social Services Board and that can be found at KIN74328. He said that he relied on his own officers' assessments of the voluntary homes and he had seen some Social Work Advisory Group reports, and he also said that if he had any concerns about the standards in the home, he would quickly get on to the telephone or write, and thought that that was a reasonable approach to take. He said that at KIN72328.

The Inquiry has heard from Board witnesses that the relationships between the Board and the Department were generally good and the lines of communication were open.

Dr Harrison in her statement -- and I don't think we need to go to this -- at 694, she talks about sharing inspection reports with the homes -- sorry -- the inspection reports being shared with the homes themselves. I think that took some time before the homes themselves got to hear what the inspectors were saying about them.

We know that, for example, Rubane wouldn't agree to -- when the Board wanted to know -- having suspended the use of Rubane as a place in which to put children, the Eastern Health & Social Services Board wanted access to the 1981 SWAG report, but that was refused by the Department on the basis that the voluntary home wouldn't agree to it being shared.

So there was a difficulty there in terms of the Department not having ultimate control over the -- as the Department saw it, not having ultimate control over these voluntary homes. Nonetheless it was a departmental report, and I take it from what you have said in your statement that it is your view that really the Department still had the authority to share it with the Boards whether there was consent or not from the home?

A. Well, that's my understanding, but I suppose what I would say is I am sure there was a system at the time where there were agreements about how the reports were to be handled, and it didn't -- it doesn't appear to me that that system -- the arrangement in the system meant that they were routinely shared with people who had responsibility for the welfare of the children.

If -- I have no doubt that relationships were good both with the Department and probably with the voluntary

sector at times, but a system shouldn't rely on relationships is the point that I'm making here. It should be very, very clear what the process is, who has authority to do what and how the information will be shared for the welfare of the children.

Q. Paragraph 9.5 of your statement you essentially say that the ultimate responsibility for monitoring and upholding standards of the voluntary homes rested with the Department.

A. Yes. That's my understanding, yes.

Q. In paragraph 10.5 you do not accept -- I am summarising what you say about social workers -- you don't accept that social workers themselves should be criticised for failing to recognise that complaints might have been indicative of wider abusive practices because of the practices and understanding, first of all, in the 1970s, and then in the 1980s you would suggest that the Board rather than the Department was more alert to the systemic abuse as evidenced by the events in Nazareth Lodge in 1986, and even in the 1990s you would say that the Department were not examining the wider practice issues that were raised by the investigation into the actions of SR18. Is that a fair summary of paragraph 10?

A. I think it's a fair summary. I mean, clearly I wasn't

working here at the time, but the events around Kincora and Rubane were a watershed in our understanding of abuse of children in institutional care, and I think, you know, social workers wouldn't have had that on their radar in the same way prior to those events in the '70s. So I think that that's a fair assessment.

Q. Well, Fionnuala, there is nothing else that I want to ask you. I am sure the Panel will have some questions for you, but is there anything else that you want to say either about what's in your statement or any of the issues that we have raised in your evidence today?

A. No, I don't think so.

Q. Thank you.

Questions from THE PANEL

CHAIRMAN: Could I ask you to go back to paragraph 5.2.3? That's at GOV648. If we look at the last two lines of 5.2.3, you say that the amendments to the 1978 (sic) Act in 1972 removing the post of children's officer created a lacuna, but you say that Mr Bunting included this responsibility, that is the responsibility for visiting children in Welfare Authority homes and voluntary homes, in Eastern Board policy and procedure 1973.

A. Yes.

Q. So if we try and look at that in a number of parts, prior to the removal of the post of children's officer

somebody was responsible for that type of visiting process. So that disappeared, but Mr Bunting reestablished it, or perhaps more accurately continued it without statutory backing in the Eastern Board's procedure. Is that correct so far?

A. That's correct. My understanding is in the legislation the person who was responsible was named and that later was removed.

Q. Yes. So before that was changed there was an identifiable officer, not the individual, the post they held --

A. The post, yes.

Q. -- who was responsible for certain things. That went, and the risk, of course, when that happens is that it may not be continued by somebody else.

A. That's correct.

Q. But in the Eastern Board Mr Bunting ensured that it was continued.

A. That's correct.

Q. The question I would like to ask now is: are you aware what happened in the other Boards or may we assume from the fact that you have only mentioned the Eastern Board there's no evidence that the other Boards followed the Eastern Board's line?

A. I would like to confirm that position with the Inquiry.

I am not sure, as I sit here, what the arrangement was in each of the other Boards. So if you don't mind --

Q. Yes.

A. -- I would like to confirm it, so that I am not misleading anyone.

Q. Well, I think it would be helpful if you could, because perhaps a natural way of reading it is because you have mentioned the Eastern Board, by implication the others didn't take the same line.

A. Yes.

Q. I think it would be helpful to have that more precisely identified.

Then at 5.2.5 you deal with the question of each Board developing individual written procedures for monitoring and so on in 1984/'85. The point, as I understand, you are making there is that, if I have understood you correctly, it would have been preferable for a consistent policy to have been applied, and perhaps ideally that that would have been developed either by the Department itself or at least the Department taking a lead to draw together the various Boards to ensure that consistency.

A. I think that's -- that's exactly right, that some regional guidance, some guidance from the Department would have helped to ensure consistency.

Q. And the difficulty, of course, with inconsistent approaches is that some approaches may not be as effective as others.

A. That is always a possibility, but I think as well what you might be concerned about is that the experience of the children was the same regardless of which Board they were living in.

Q. Exactly.

A. So really having that consistency is beneficial not just to the staff but actually for the children.

Q. Because what must never be lost sight of is the entire procedure is directed towards ensuring that the welfare of the children is adequately monitored.

A. Well, in later legislation we talk about the welfare of the children being paramount --

Q. Yes.

A. -- and clearly the practitioners working at that time may not use the same language, but that would be the intention.

Q. But the reality is that when you look at any provision of children's homes at any time, they are there for children.

A. Correct.

Q. That's their reason for existence. How that is done may differ widely depending on financial resources,

different approaches, different theological attitudes, and all sorts of factors may enter into the end result, but the fundamental purpose of a children's home is to provide a home for the child.

A. Absolutely.

Q. So that's what it is all about in the last analysis.

A. That's what it's all about.

Q. On that point if you could then follow to 5.2.8, you make the point, which you have I think reiterated today, about the acceptance by Hughes that there was, first of all, a failure to follow the statutory requirements for visiting on a consistent basis, but the reality is, notwithstanding that, even visits may have not picked up -- homosexual abuse was what Hughes was concerned with.

A. Yes.

Q. But is that entirely correct, because if one accepts the validity of the point you make about the disclosure coming from the child if the child has a relationship with the person to whom they are disclosing it, one can see the validity of that in relation to sexual abuse, but in relation to physical abuse surely an alert visitor should be capable of picking up visible signs of either physical abuse or physical neglect, poor clothing or bruising.

Now I mention that because allegations in relation

to Rubane in particular were that there was a great deal of gratuitous and severe physical chastisement of children. Now whether it always led to bruising or not we will have to decide, but if we assume for the moment that there may have been instances when --

A. Uh-huh.

Q. -- children either had visible bruises or would have appeared frightened and apprehensive, surely a visit at least increases the possibility that that type of behaviour will be detected, physical ill-treatment.

A. What I would say in response to that is that neglect, as you describe it, poor clothing perhaps, under-nourishment, children being dirty could have been picked up through a visitor. I think physical abuse, bruising, could have been picked up, but not necessarily. It depends on the nature of the physical abuse, where the bruising was, you know, whether it was visible when the child was fully clothed, and whether those children spent enough time with the visitor so that they could actually observe in detail the condition of the children.

I feel it is more likely that children who were traumatised and have these experiences will share that information with people that they have regular contact with, and in this situation it would have been their

social worker rather than a dedicated visitor from a committee or some such thing. That would be my assessment of it.

Q. Well, I don't in any way wish to be thought to be disagreeing with your fundamental thesis there, but many of the children in the homes in the 1960s did not have social workers, because they were voluntary placements.

A. That's true.

Q. So that particular opportunity for confidence would not be there in the case of a child whose parents had put them there.

A. I take that point.

Q. But I do quite take the point that bruising in particular you need to be -- there needs to be something visible. You are not going to ask every child to strip off just to check that they are not bruised, but some of the children made the point to us that there were severe beatings, and the question remains if there had been a regular outsider coming in -- and I think it must pre-suppose that the outsider had their wits about them --

A. Uh-huh.

Q. -- were -- had their eyes open and were alert to signs that may indicate that further questions needed to be asked -- there was at least the possibility of

an increased degree that somebody might have picked something up.

A. I have to accept that point. It's better than nobody visiting --

Q. Yes.

A. -- and clearly if it was a consistent person that knew the children in the home, then there's always that possibility that they might have picked something up. So I can't dismiss it out of hand, and particularly where there was no social worker attached to the children it might have been an additional safeguard that would have -- might have helped, but I think it's difficult to draw a direct correlation between that visitor absolutely picking up on abuse in the home.

Q. I think the most one can say is that the absence of a visitor reduced the possibility of detection, but how much more than that one can say is perhaps doubtful.

A. I think that would be fair.

Q. If I could then turn to the inspection processes, I was struck by -- and here if we could go to GOV667, starting at 8.4.3 -- you remind us that -- and over the page scrolling down to 668 -- that the frequency of inspections from 1987 onwards was reduced when it came to statutory homes to every three years.

Now if one pauses, there therefore appears from the

late -- in the '70s to have been no inspections in the very broad sense. Then in the early '80s in the immediate aftermath of the disclosures about Kincora there is an intense burst of activity. Every home is inspected, and clearly that has enormous ramifications in terms of the resources available to do it and the time within which it can be done. Then post Hughes -- Hughes said, "Do it every year", but in 1987, I think two years after Hughes, it has dropped down to three years.

A. Uh-huh.

Q. That seems a surprising development.

A. Yes. I suppose, looking at it now, it seems surprising, but my understanding of what I have read and people I have spoken to, there were lots of measures that came into place post Hughes, some of which Dr Harrison I think has referred to in her previous statements, the monitoring returns, etc.

So the sense of -- the system at the time was, as I am advised -- and I wasn't directly involved -- was that that was considered fairly reasonable in light of the fact that other monitoring systems were brought into place: complaints, the monitoring returns to the Department.

My understanding is the Department still reserved

the right to inspect and could inspect at any point in time, but there was a change in the routine interval with which they would inspect statutory homes. That's -- that's my summary of what I have seen.

Q. One way of looking at it, of course, might be that the Department did not attach to inspections overwhelming importance unless something went badly wrong and then there was a burst of activity.

A. I am not sure about that. I think it has to be taken in the context of other monitoring that was being brought forward and a significant issue was the development of a complaints procedure for children --

Q. Yes.

A. -- around that time, and that provided children with the opportunity to speak for themselves, if you like, which I think was very important and entirely relevant.

Q. If we could look then at the last sentence in that first paragraph on page 668, you say:

"It further appears that the inspections were always announced, which is not in keeping with recommendation 32 of the Hughes Inquiry report."

A. That's my understanding.

Q. Again it seems a surprising departure from --

A. It would seem surprising.

Q. -- the recommendation. You do say in 8.4.5:

"In the Board's view the Department's policy of not disclosing inspection reports ... was not in the best interests of children ..."

A. I think I have already made commentary about that --

Q. Yes.

A. -- and I feel quite strongly about this because of my background in inspection and regulation -- that the system should be designed to make sure that the people who need to know have the information and that we shouldn't rely on good relationships or informal communication.

So if my understanding is that that was the case -- and I think that there is evidence that some legacy Boards got copies of the inspection report -- I am not sure how they got that; they may have got it from the home -- but there are other situations where they were requested by a legacy Board and they weren't provided. So we seem to have a situation in my mind that wasn't entirely clear about who should have what.

Q. Yes, because particularly by the late '80s I think I am right in saying almost without exception, if not without exception, every child in a voluntary home had been placed there by a Board.

A. That's correct.

Q. So they were the Boards' responsibility and the Boards

were delegating the day-to-day care of the child to the voluntary home.

A. That's correct.

Q. Yet the regulator was coming in and in some instances saying, "This is not perhaps as good as it might be" or it may be even stronger and they say, "This is satisfactory", and yet the statutory body, whose responsibility the child was and who is funding the care of the child and who was, if the system was working properly, discharging its responsibility by visiting the child in the institution to see if the child was developing in the correct way and being looked after and so on, wasn't being told about problems that the regulator had identified.

A. I think that is a possibility in terms of how the policy was enacted, the legislation or the system. I have no doubt, as previous witnesses have said, there were good relationships, and I am sure information was communicated across the system, but the point that I am making is that it shouldn't rely on an informal arrangement. It should be clear that the report should have been available to those who had the interests of the children at their heart.

Q. Because if the report is formally available, then those who receive it can analyse it and decide in a structured

way what response is necessary --

A. Yes.

Q. -- and how any response is to be carried out.

A. Yes, yes.

Q. Well, I think that's the last question I have.

A. Thank you.

Q. Perhaps my colleagues have other questions.

MS DOHERTY: Just a few. Can I just go back? One of the points you make is that individual social workers responded to individual cases or complaints that children brought to them and wouldn't necessarily have seen the risk of institutional abuse within that, but we did see examples -- there was one in Rubane where a child actually told a social worker about a very serious assault on him, and she records that but kind of advised him more or less, "Let's see what happens and if it doesn't happen again ..." -- and checks with him that it doesn't happen again, but there was no evidence that could be put to us that she ever referred that on at any level. Another example would be Manor House, where you have a Senior Social Worker being told that a member of staff admits in the 1970s to hitting a boy with a stick, and it is accepted that that would be dealt with informally between the matron and the member of staff. Would you have expected more at that time from those

individual social workers?

A. I am not sure that I would in all honesty.

Q. Okay.

A. I would expect at that time that they would be alert to it. They would record it. I probably would have expected that they would have reported it to their line manager, at least to know that they were dealing with a difficult situation, but if it was resolved and there was no recurrence, I think that that would have been the way it would be handled at the time.

Q. So do you think at that time --

A. I mean, I think -- sorry -- I think we are talking in the '70s?

Q. Yes.

A. Yes.

Q. So do you think at that time there was an acceptance of physical chastisement?

A. I don't think there was a broad acceptance of physical chastisement from what I have seen, although I do know that there are issues about corporal punishment and the legislation around that, but I think there might have been more of an acceptance than there would be today, say, that somebody could lose their temper and hit out, but that was a one-off. I remember as a young social worker visiting parents where that had happened and

really once they were counselled -- clearly they were monitored, but it wasn't seen in the same way as it would be today.

Q. I suppose the difference is children that are really vulnerable in care --

A. Oh, yes. I don't take that away. I am just trying to demonstrate the psyche at the time.

Q. Uh-huh.

A. So I think that the recording, the monitoring, perhaps an escalation to the line manager, but I would have thought that was probably how it was dealt with at the time generally.

Q. Okay. I mean, one of the issues -- you talk about the communication -- that it was still an experience in Northern Ireland and that -- you talk about, you know, the wisdom and experience and it's a small community.

A. Yes.

Q. The people knew each other and depended on that. Do you think that was a weakness as well, that there was maybe in particular a regard for religious congregations and their ability to care for children that meant that there wasn't a questioning? Was there a sense in which the relationships were too close?

A. Well, I have no evidence to suggest that, but, I mean, it can be that perhaps too much reliance is made on the

views of staff as opposed to the views of children in any regulatory system, and I think it is very, very important that any inspection process is very clearly seeking the views of children and their families, and that's what would happen today.

I think a small geography where everybody knows everybody could -- and I am not saying it did -- but could I suppose see as a result that relationships were very strong, and perhaps it was more difficult to challenge what people were perceiving as perhaps untoward punishment or untoward behaviour, but that's just speculation on my part.

Q. I mean, one of the issues you raise also is the tension that is apparent in some of the documentation we have seen between the responsibility of the Board to be concerned about a child they place in a home and to investigate complaints in relation to that child and the overarching responsibility of the Department to have a concern --

A. Yes.

Q. -- for the standards. Do you want to say more about that just to have it on the record?

A. Well, I think it goes back to my points about how the system operates. I know that we are talking about governance. In an arena where you have good clinical

and social care governance lines of accountability, lines of authority are crystal clear. Therefore you would want that to be the case and the situation. Where they are not clear and they are not clearly defined in regulation or whatever, then I think accountabilities become blurred and you do get a situation where maybe one is thinking the other should do it and that person is thinking the other should do it --

Q. Uh-huh.

A. -- and that's not good governance in my personal view.

Q. And your view would be, if we look back to that, that it would have been for the Department to have gone in and looked at where there was a number of complaints in relation to children?

A. Yes. That's my understanding, because the Department was the regulator. The Department had the inspection function. So they would be looking at standards of care. I think in any scenario even today it is reasonable to accept that the judgment of the regulator around standards of care is the judgment of the regulator and people accept that, whether it is good or bad. So, yes, if there was any sense of perhaps some systemic concerns or issues, my expectation would have been that it would have been led by the regulator and the inspection regime.

Q. Okay. You refer to the fact that voluntary homes could provide cheaper care than statutory homes. Do you want to say why you think that was?

A. Well, I think historically there has always been a differential between terms and conditions and rates of pay between the statutory and the voluntary sector. So that might have been a factor. There will be other issues like management overheads, the nature of the buildings that they are operating in. So some of the costs of utilities and that kind of thing could be more expensive in some homes than other homes. I don't know for a fact, but sometimes voluntary organisations also have other resources that they call on. So there could be a number of factors why that was the case.

However, my understanding is that there was a per capita agreement at a point in time about what was reasonable to pay to the voluntary sector. I think that that was endorsed by the Ministry at the time. So there seems to have been some work done to say, "This is a fair price for what you are being asked to do".

Q. And that was reviewed year on year and it was --

A. It was reviewed year on year and my understanding is it was year on year endorsed and then in subsequent years the allocations to the Boards would have taken account of what was being agreed. That system pertains today

really.

Q. The last question you will be glad to hear. You talk -- I mean, it would be fair to say you criticise that SWAG didn't do any inspections from its inception for quite a number of years. When we have looked at that in the past, the Department has indicated that in a way that reflected what was happening in England, that with Seaton and with a sense of a more developmental agenda in relation to inspection as opposed to "Let's encourage and go along" as opposed to maybe find fault, but there is a question about whether even in England, where voluntary homes were being registered, that they continued to be inspected.

I just wonder if you -- just in the sense that you came from England and whether that's something -- whether you are aware that voluntary homes continued to be inspected even within that different approach with local authority.

A. And the era that you are talking about is?

Q. Since the 19...

A. '70s?

Q. Yes, '80s, when the --

A. Yes. I worked in a community school with education in England, which would be similar to the training school, and I don't remember any inspections in the early '80s

from anybody.

Q. And you are not aware of voluntary children's homes, whether they --

A. I can't remember.

Q. Can't say?

A. I can't remember. I can't say.

Q. Okay. It was just a chance given that you worked in England.

A. Yes. No, I can't. I couldn't be definitive, I am afraid.

Q. Okay. Thanks very much.

MR LANE: I would just like to go back to the question of when a complaint became a more general issue --

A. Yes.

Q. -- that the regulator ought to deal with. Obviously if there is one specific complaint, it may only raise a limited number of issues, but what are the criteria in your view for when something is a more general issue that the regulator ought to be investigating as against the individual social worker taking something up?

A. Well, it would be a circumstance where events to a single child perhaps were recurrent and circumstances where a number of children were experiencing a similar event. So, for example -- and probably more the latter in terms of the regulator. So if we became aware that

a number of children were being treated in a particular way, or punished in a particular way, or a certain form of discipline was being used across a range of children, that then begins to ask the question, "Is that the practice within this facility?", not a one-off, a member of staff did something wrong or lost their temper, but that was common practice in terms of the environment the children were living in. It is that circumstance then that I would expect the regulator to start to look at, "Well, what is the training like here? Are the staffing levels adequate so that, you know, these practices are not needed?", things like that. I suppose what policy and procedure was in the home to advise children -- sorry -- staff to respond to children with specific needs.

Q. Would the number of Boards involved have been a factor as well?

A. Well, there were four Boards --

Q. Yes.

A. -- at the time.

Q. Who might all have placed children in one particular training school or something like this, for example.

A. Yes, but the regulator should have had the overview.

Q. I was just asking whether that was a further factor, yes.

A. Yes. I mean, the regulator -- yes, I think that is a factor, because the Boards then were coming at it about their specific children --

Q. Yes.

A. -- whereas the regulator should have had an overview of the arrangements in place within the facility.

Q. And what enquiries do you feel it would be reasonable for an individual social worker to make as against what the regulator was in a position to make?

A. Well, I think that they should have and could have explored the events with the staff. They could have looked at records in relation to their own individual child. They could have asked for explanations. They could have raised the issues in the child in care reviews, if they were taking place.

Q. Uh-huh.

A. So it would be a specific focus and energy on that child and that child's welfare whereas I think the regulator takes a helicopter view --

Q. Uh-huh.

A. -- about practice, about systems, about policy and procedures.

Q. Thank you. A separate question. We have heard that in the 1950 Act authorities were in a position then to pay for placements in the voluntary sector, but it took

twenty or thirty years before that had become a universal practice.

Do you know of any discussion that there was across the Boards, or across the Welfare Authorities it was at that stage, in the early years as to whether this was something where there was an expectation that they were going to take over that responsibility?

A. I can't answer that, I am afraid. I am not aware.

Q. Because it clearly had an impact on the funds available to the individual homes and that had an impact on staffing levels, and it is clear that over time standards did improve in relation to that.

A. From what I have read my understanding is that the funding arrangement or the ability to fund the voluntary homes was different in relation to the Welfare Authorities than the legacy Boards, because there was a -- they could raise funding from the rates --

Q. Uh-huh.

A. -- as a local authority whereas later on that was dictated by the Department of Health. I am not sure how far at that transfer point consideration was given to, you know, the capita rate at that point.

Q. Uh-huh.

A. I do know -- and I think part of the finance submissions -- I do know that some of the Boards at that point,

particularly the Western Board, were making increasing representation that they had been unfairly treated at that transfer point.

Q. Yes.

A. So they had come from a position of being underfunded in the new regime.

Q. Uh-huh.

A. There is a lot of research in more recent years around the funding of children's services and how that has, you know, through the years not grown with the need and demand of the service.

Q. Okay. Thank you.

A. I am not sure I answered your question fully, but that's all I can --

Q. Well, if you are unaware of things, that's fair enough.

A. That's all I can say.

Q. Thank you.

CHAIRMAN: Well, thank you very much for coming to speak to us today. Those are the last questions we have for the moment.

A. Okay.

Q. I have to emphasise that, because, first of all, we have these outstanding issues that may or may not be issues which we will require -- will perhaps lead you to make comments on what we hear from the Department,

particularly in the area of funding, and that is an area that is of considerable interest to us. We have not touched on it today, because it is not fair to ask you about that before we know what the Department's view is. We know what your view is. We don't have the other side of the coin to consider.

Of course, in a different aspect we may well be hearing from you either in written form or oral form in relation to Kincora, because the Board stands as the successor to the Eastern Board --

A. Yes.

Q. -- and as our terms of reference are different from those of the Hughes Inquiry, whilst our consideration of Kincora and Bawnmore may well cover familiar ground, there may be different issues which we have to address because of the different nature of our terms of reference.

So we may well have the pleasure of receiving evidence from you again some time we hope in June, but until then thank you very much.

A. Thank you.

(Witness withdrew)

MS SMITH: Chairman, I don't believe we can go any further with this governance and finance module at this point in time.

CHAIRMAN: No.

MS SMITH: So ...

CHAIRMAN: Well, it is very unsatisfactory that we have to leave a module unresolved for reasons which we have addressed this morning, for reasons that could and should have been avoided, but we will consider when we receive the Department's final witness statement on this issue what we need to do and how we will do that. It may be that there will have to be a further hearing. If so, we will try and arrange it some time in June, but that can't be predicted, nor can the date be predicted.

I have to say, Mr McGuinness, that if we don't receive the final statement by close of business on Friday, then no doubt there will be further strictures directed at the Department.

MR McGUINNESS: I will take that on board, sir, and pass that on.

CHAIRMAN: Thank you.

(1.15 pm)

(Hearing adjourned until 10.00 am on Tuesday, 31st May 2016)

--ooOoo--

I N D E X