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HISTORICAL INSTITUTIONAL ABUSE INQUIRY

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being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at

Banbridge Court House

Banbridge

on Friday, 8th July 2016

commencing at 7.30 am

(Day 223)

MS CHRISTINE SMITH, QC and MR JOSEPH AIKEN appeared as Counsel to the Inquiry.

Friday, 8th July 2016

(7.30 am)

KIN 361 (called)

CHAIRMAN: Good morning, ladies and gentlemen. Welcome at 7.40 in the morning on this, the last day of our hearings, for what I imagine will be the last day. I remind everyone if you have a mobile phone, please remember to turn it off or place on "Silent"/"Vibrate", and also remind you no photography is permitted in the chamber or anywhere on the premises. Finally may I remind you that no recording is permitted.

Good morning, Ms Smith.

Questions from COUNSEL TO THE INQUIRY

MS SMITH: Good morning, Chairman, Panel Members. Our first witness is KIN 361 Can I just check, KIN 361 , you can hear and see me all right?

A. Yes, I can both hear and see you.

Q. Now I have one question I neglected to ask you when we were speaking just a short time ago was whether or not you wish to take a religious oath or whether you wish to affirm. In neglecting to ask that I neglected to ask you if you did wish to take a religious oath was there a bible available to you there?

A. I'm sure -- there's no bible available to me here.

Q. Then I think we're going to have to ask you to affirm,

if you are content with that?

A. I'm content with that, yes.

CHAIRMAN: An affirmation has the same legal effect. It is in the form of a solemn promise that you will tell the truth. So it has the same effect as an oath.

KIN 361 (affirmed)

CHAIRMAN: Thank you very much.

MS SMITH: Thank you, KIN 361 . Now for the benefit of the Panel members the statement to the Inquiry that has been prepared by KIN 361 can be found in our bundle at KIN2560 to 2576 and that includes exhibits.

Now, KIN 361 , you were formerly serving in the military and you retired in 1998. Isn't that correct?

A. Yes.

Q. You were in Northern Ireland from June 1974 to June 1976 and during that time you worked with Captain Brian Gemmell here?

A. Yes.

Q. Not going through all of your statement, but at paragraph 7 you say that you had a meeting with a man called McCormick and you talk in paragraph 7 about what you knew about Tara. You say it was a Protestant extremist group operating in Northern Ireland, but at the end of that first page in your statement you say:

"I was also aware of innuendo around Tara group

members' homosexuality."

I wondered how you were aware of that. Was that because of something one person had said to you or was this just something that was generally known?

A. No, it was various reports from different personnel had come in reflecting that.

Q. At paragraph 11 of your statement you talk about your -- let me just get the sequencing right. You and Captain Gemmell had a meeting with McCormick, who said a good person for you to talk to to get information about Tara would be Roy Garland. Then there was a meeting at McCormick's house with Roy Garland, at which both yourself and Captain Gemmell were present?

A. That's correct, yes.

Q. And then afterwards there was a second meeting which you had with Roy Garland on your own and that was back at the barracks at Thiepval. Is that right?

A. At Thiepval barracks, yes.

Q. That was the sequencing. At paragraph 11 you talk about what McCormick had led you to believe:

"He said that Garland had had problems with McGrath that were related to perversion and illegal activity by McGrath. I believe I was referring to sexual abuse."

You are talking about what you put in your 1982 police statement:

"... referring to sexual abuse that Mr Garland said he had suffered at the hands of Mr McGrath."

So you were clear before you even met Roy Garland that he had suffered some sexual abuse at the hands of McGrath because of comments that were made to you by McCormick. Is that right?

A. That's correct, yes.

Q. And I just wanted to be clear: before you met Garland for the first time you hadn't received any specific instruction about the topics you were to cover with him in the sense of obviously you were going to find out what he knew about Tara, but you weren't constrained in any way as to what discussions you were to have with him?

A. That's right.

Q. So you had two meetings. The first is at McCormick's house and you describe this here in paragraph 12 and 13. You say in paragraph 13 that so far as you can recall Mr Garland said in the course of our conversation that he had been abused by McGrath. You go on to say:

"Although the language used at the time was different to now, I don't think I fully understood the meaning or significance of what was being explained to me."

You say:

"I think Mr Garland also mentioned wider abuse at a boys' home, but he didn't provide the name Kincora. He mentioned that the boys home had some connection with Ian Paisley and that as he thought public figures n the Protestant community were aware of this abuse, and he was afraid to go to the police."

Now when we were talking earlier and we talked a little bit further on in our conversation about this, but when you met Roy Garland he was in his 20s. He wasn't a child, and I think you were saying to me that while you were talking to him you weren't seeing him as a child who had been abused, although you certainly think that what had happened to him with regards to McGrath had happened at an earlier stage to when you were meeting with him. It wasn't something that was ongoing; is that correct?

A. That's correct, yes.

Q. And I'll come back to when you think he told you about the Boy's Home, but certainly you told the police and you were clear that from the outset of your meeting with him you knew that McGrath was a housemaster in a boys' home; is that right?

A. Yes. I'm not sure if it was specifically said that he was a housemaster, but certainly that he was a sort of a figure of some authority.

Q. He worked in the boys' home; is that --
A. Yes.
Q. -the impression that you were given?
A. Yes.
Q. Or what you were aware of?
A. Yes.
Q. The second meeting that you had with him was you alone at Thiepval, although, as you point out, it was being recorded and there was someone in an adjacent room to you as the meeting took place. Captain Gemmell before you had that meeting, he made it clear that the discussion was to be confined to potential extremist activity and you felt that given the first encounter that you had had with Roy Garland, that that might be difficult, and I think you said it was impossible. You felt that it would be impossible to constrain him in the way that was being suggested; is that fair?
A. That is correct, but also there had been two instructions. The first one was that I shouldn't contact Garland again.
Q. Yes, that's right?
A. So that was the first instruction, not to talk to him again, and then I think within quite a short period -- I don't think it was a long period -- I was told I could go ahead and interview him a second time.

Q. And in preparation for that second interview you were told you were just to confine the conversation to what essentially the military were interested in. They weren't interested in --

A. To keep it to Protestant extremism and stay away from any references to sexual -- anything that was sexual.

Q. And also anything that was to do with religious evangelicalism; is that right?

A. As I say, I don't really recall that bit, so no.

Q. Well, in any event you had this meeting with him -- sorry, in your statement you said that Captain Gemmell also appeared to find the instruction extraordinary. I wondered was that because he too, having met Roy Garland, realised that it would be very difficult to keep this man on track?

A. I think so. He obviously knew, you know, about personalities that we were interested in and if they were involved in one side it would seem very difficult to be able to talk to him about one thing and not the sexual side of it, which actually proved to be the case.

Q. You go on to say that you met with him. Captain Gemmell was definitely not present at that second meeting. You say in paragraph 17 that in the course of your interview Mr Garland again referred to the abuse of boys at a boys' home connected to the Protestant community.

"I don't believe he mentioned the name Kincora. He appeared to think that McGrath may have intended to use this to blackmail the boys when they moved into political life."

A. Yes.

Q. Sorry?

A. To have some sort of hold over them later on.

Q. We were discussing the fact that he had told you certainly at the first meeting about boys attending religious meetings at a place called Faith House at which McGrath was present, leading what could be described perhaps as a bible meeting or a bible club. Do you recall that?

A. No. You know, the specifics of that part of it no, I don't.

Q. But do you -- sorry?

A. As a general thing yes, that was within the thing of what he was saying.

Q. So I am just wondering, I mean, we were teasing this out earlier when we were talking, about whether it is possible that when he was telling you that other boys were being abused by McGrath, that because you knew that McGrath worked in a boys' home, is it possible that you were conflating that with what you knew about the fact that he was also involved on a religious level with

these boys?

A. Yes, and I don't -- you know, because of the instructions I don't think I really pursued that down to tie it down.

Q. Yes, because the Inquiry has certainly heard and seen from other sources that McGrath was seducing boys, or suggested that he was seducing boys when he was having political and religious meetings with them. So you would accept then that it's possible whenever you were recording or listening to what Garland was telling you that because you knew that McGrath worked in a boys' home, when he was talking about abuse of boys, you were linking the two together?

A. Yes, that's very possible.

Q. Thank you. You also when you made notes -- you made notes at this second meeting, which you then used to prepare a report for Captain Gemmell. You handed him a report?

A. Yes.

Q. Now we were discussing the fact that in 1982 you told police that you wrote out your report in long hand and you handed it to him, and when you did your statement for the Inquiry your recollection was that you typed it out. Now in one sense it doesn't really matter whether it was a typed report or whether it was a handwritten

report, because the document that is exhibited to your statement of exhibit 3, which has two references to the Inquiry's purposes, but the one that you can see is 30313, I think it is?

A. Yes.

Q. Yes. At paragraph 21 of your statement you say that you don't recognise that document, but the content of that document accords with what Roy Garland told you at that second meeting. Isn't that correct?

A. Yes. Some of it does and some of it is extra.

Q. Some of it is extra?

A. Yes.

Q. So what I was wondering is is it possible that this document was created by Captain Gemmell from the report that you handed to him?

A. It's very probable.

Q. And it may well be then that you could have handed him a handwritten document which he then typed up in this version, or you either handed him a typed version, which he again translated into this typed document?

A. Yes.

Q. So --

A. And indeed with the way we worked things, that is probable as opposed to possible.

Q. I think you said that certainly it looks like the kind

of document that was provided by your section?

A. The type of information.

Q. Yes, but the format as well, is it in the kind of format that might have been provided also?

A. Not from the one page that I've seen. You know -- you know ...

Q. But it certainly was the type of information that your section --

A. It doesn't follow any --

Q. Well it doesn't record -- that document certainly does not record everything that was said to you by Roy Garland because, for example, when you spoke to police in 1982 you made reference to the fact that he started off the conversation with you by saying McGrath had wanted him to engage in some sexual activity with a dog?

A. Yes.

Q. And obviously you did not record that in -- sorry. It is not recorded in this document, but you think you may have put that into the report that you handed to Captain Gemmell?

A. It would have certainly gone within my comments to him.

Q. When you say in your comments when you handed over the report you would have had a conversation, or do you think it would have been in the written version?

A. No. Within the written -- within my written version

I would have commented that the actual interview started off like this.

Q. Very well. So given that --

A. That was his -- absolutely everything -- as soon as we sat down and I had given him a drink, he said "Look, to give you an idea of McGrath's perversions, he tried to get us to go with animals." That was the actual quote.

Q. That was something that has stuck with you over the years, because it was something that you said to me that while it might even seem outrageous today it certainly seemed even more outrageous back then?

A. Exactly.

Q. What I wanted to tease out about that was, given the instruction that whatever information you would get from Garland was really to be about political extremism, it is highly likely then that that kind of information would have been filtered out before being passed on. Would that be fair?

A. Absolutely fair. It made my interview with him almost impossible to keep steering him away from that and trying to keep it to extremism topics --

Q. So -- sorry?

A. No. I'm really just agreeing with what you just said.

Q. I just wanted to tease that out slightly further by saying so if your document that you handed to Captain

Gemmell included all of this kind of comment, it is highly likely then that he would have removed that before passing it up the line, as it were?

A. I would have thought almost definitely. Instead of it only being an instruction, you then wouldn't have gone out of your way to, you know, go out of your way to put all that content in.

Q. You talk in paragraph 24 of your statement -- sorry. I just want to check one thing before you go on to paragraph 24. Yes. You say in paragraph 23 that Mr Garland never explained how he knew the boys were being abused in a boys' home. Again is that because maybe he actually wasn't talking about boys being abused in a boys' home but just boys being abused generally by McGrath?

A. No. I am sorry but I have not quite understood your question.

Q. I mean, you say you knew that Garland was telling you that boys were being abused by McGrath and I think you have already accepted it is possible he may have conflated that information with the fact that the abuse was happening in a boys' home because you knew McGrath worked in a boys' home, but as you say, it wasn't something you asked him anything more about because of your specific instructions not to go there?

A. That's right. That is why these things -- I never, ever clarified them.

Q. And that's why I am asking you is because he never explained how he knew boys were being abused in a boy's home, it's possible that he might not actually have been talking about abuse in a boy's home to you when he was talking about boys being abused?

A. Well, I still have the impression that he was, but I couldn't discount the possibility that he wasn't.

Q. Thank you. In paragraph 24 you're saying you are not sure how much you believed him at the time. I wondered was that because of comments such as the one that he made about being asked to have sex with a dog or an animal?

A. Yes.

Q. Is that part of the reason why you weren't sure how much you believed him?

A. It was that and he wasn't sort of a confident sort of person, but bearing in mind presumably what his background was, then it's really unsurprising.

Q. Yes, and with hindsight you can make that call today?

A. Exactly.

Q. But at the time did you think that he was exaggerating perhaps or what was your impression?

A. I think the only -- as far as I could go on that was

that he wasn't a confident person.

Q. At paragraph 26 you describe the fact that Captain Gemmell in his account that he gave to police in 1982 is clearly confused, because he definitely wasn't with you at the second meeting with Garland, and he's confused about that?

A. Yes. I can't offer you any explanation for that. It just didn't happen the way he's saying it did.

Q. At paragraph 27 of your statement you say you have no reason to doubt that Captain Gemmell passed on Mr Garland's information about abuse at a boys' home insofar as it was referenced in my report through the chain of command, but given what we have just been discussing about what is in the document at exhibit 3 of your statement and the fact that he is likely to have removed any reference to sexual activity or sexual abuse, then would you still conclude that, or would you accept that maybe he may have passed on the information about those matters that you were told to speak to Garland about and left out other matters?

A. I suppose that is possible, but notwithstanding that, he must have passed on the verbal report from our very first meeting. The information which we had wasn't so much different from following the interview.

Q. Yes, and I think --

A. If he hadn't passed on -- if he hadn't passed on the information verbally I see no reason for him to come back and say in the first instance: "Don't see him again" and then in the second instance "See him again but steer away from any of the sexual aspects and keep it solely to the Protestant extremism".

Q. Yes. So, I mean, it is clear that he certainly put in a report of some form, whether written or verbal, to his superiors after the first meeting about what Garland was saying, and given the entirety of what he was saying, but what I am suggesting is that it's possible then, given that he was given the instruction to steer away from those things and he passed that instruction on to you --

A. Yes.

Q. -- that he may not then have passed on the extraneous information, if I can describe it in that way, to the superiors the second time.

A. I actually -- I actually believe that it would be very unlikely to write a report about something we had been told not to do.

Q. But certainly --

A. I can't say that for sure.

Q. I absolutely accept that, but you certainly, as you say in your statement, were never yourself ordered to

suppress any information about the boys' home that you now know to be Kincora, but at no stage during your encounters with Roy Garland were you ever aware of the name of the boys' home concerned; is that fair?

A. Yes. I don't think I heard it until the '80s.

Q. Well, KIN 361 , thank you very much for that. There's nothing further that I want to ask you. The Panel Members may have some questions for you, so I am just going to hand you over to them. Thank you.

A. Thank you.

CHAIRMAN: Well, KIN 361 we do not, in fact, have any questions for you. Thank you very much for coming to speak to us from distant parts, but there is one formal matter I want to go through with you before you leave. Ms Murnaghan, could you just come forward and confirm to us that the person who we see and have been hearing from as KIN 361 on the screen is the person who we believe it to be?

MS MURNAGHAN: Yes. I understand that is correct.

CHAIRMAN: And you will confirm that in writing to the Inquiry in due course.

MS MURNAGHAN: I will.

CHAIRMAN: We know who it is but you are confirming it is the person?

MS MURNAGHAN: Yes.

CHAIRMAN: That's all. Thank you very much indeed, KIN 361 . Thank you for speaking to us, particularly since we understand that you had to go out of your way to fit us in today, but thank you very much for doing so. We are very grateful to you.

A. Thank you, and goodbye.

CHAIRMAN: Goodbye.

MS SMITH: Thank you.

(Videolink terminated)

MS SMITH: Chairman, our next witness is unlikely to be ready much more 10 o'clock. Dr Harrison is due to attend a consultation at 9.00.

CHAIRMAN: Well, normal service will be resumed as soon as possible.

(8.05 am)

(Short break)

(10.00 am)

DR HILARY HARRISON (recalled)

Questions from COUNSEL TO THE INQUIRY

CHAIRMAN: Good morning, ladies and gentlemen. For those of us who weren't here as early as the rest of us were this morning can I for the last time remind anyone who has a mobile phone to ensure it is turned off or at least on "Silent"/"Vibrate" and that no photography is permitted here in the chamber or anywhere on the premises.

MS SMITH: Chairman --

CHAIRMAN: It is always pleasant to see Dr Harrison back. I am sure she too hopes it is the last time, but she has been sworn before.

MS SMITH: She has indeed, Chairman. Before I go to turn to Dr Harrison's evidence, I just wanted to remind the Inquiry that we have received other statements of evidence in respect of the governance and finance module from both the Health & Social Care Board and the Department in respect of finance. It has not been considered necessary to call the witnesses to those statements. That will be Peter McLoughlin, Dominic Burke, Thomas Frawley and Tara McBride and John Hunter I think are the five statements the Inquiry has received. Just to confirm the Inquiry has considered them and not felt it necessary to call any of those witnesses.

Now Dr Harrison returns again. I am going to ask you a number of things, but we are going to deal with both evidence in relation to Module 15, which is the Kincora/Bawnmore module that we have been dealing with in the past few weeks, and then I will return to deal with some of the wider module 14 governance and finance issues.

Just to be clear, the statements from you in

relation to the governance and finance aspect of our work can be found in the GOV bundle. There is a statement that you originally provided in Module 1. That's at GOV13805 to 13869. There is also a supplementary statement to Module 1 and that's at GOV692 to 705. You provided a statement of 15th April 2016, which was technically in response to questions that the Inquiry asked about the findings of the Hughes Report, but it's also of general relevance to the governance and finance issues. That's at GOV001 to 034. There's a further statement of 22nd April 2016, which can be found at 678 to 691. A statement from 10th June 2016 at GOV781 to 786 and I will come back to that. That's a concession statement effectively on behalf of the Department.

There's a further statement that you filed in response to issues raised by the Health & Social Care Board evidence and that was dated April 2016 and that's at GOV787 to 1123, which includes exhibits. In response to that statement the Inquiry received a response from Ms McAndrew on behalf of the Health & Social Care Board, which is at GOV1302 to 1314.

Now, to be clear, Dr Harrison, I don't intending to over all the matters where the Department and Health & Social Care Board are at odds. The statements are

self-explanatory and the Panel will have regard to them in due course. I will raise a couple of points as I go through your evidence.

If I might deal first of all with some issues in relation to Kincora itself. The inspections of Kincora by the Ministry of Home Affairs were dealt with in the Hughes Report at paragraphs 3.38 to 3.42. I don't think we need to look at those, but that's at KIN75223 to 224. They essentially found that those Ministry of Home Affairs inspections were insufficient in the years between 1960 and 1972.

The 1973 onwards were visits rather than inspections by the Social Work Advisory Group, and the Hughes Report refers to its findings about that paragraph 416 to 419, which is at KIN752 to 54 -- sorry -- 75254 to 75255. It talks about the low frequency of inspections and the lack of resources that were available to SWAG during that time period.

Now when we were talking earlier, Hilary, you mentioned the fact that when you were employed as a social worker and as a field social worker you were actually for a period of time based in the Holywood Road offices?

A. Yes, that's right.

Q. You actually visited Kincora yourself. You had some

boys whom you had placed there, and one boy in particular who was there on a long-term basis in Kincora. You were talking to me about the fact that what has become clear to the Inquiry is, quite apart from the abuse that was going on in Kincora, there was issues with regard to understaffing, the fact that this particular institution was set up as a hostel for working boys, but was actually used for school age children. What I was saying to you was that inspections, as I call them, or visits by SWAG would have at least picked up on that as an issue for the running of this particular institution. When we were talking you mentioned that you were present when Bob Bunting gave his evidence to the Inquiry last week, I think it was. You actually had experience of placing young boys, is that right, of school age?

A. Certainly not as young as some of the residents were, but my recall is that on occasions I did place 14 year olds on a very, very short-term emergency basis.

Q. You made the point to me that Mr Mains himself would have been asking, you know "What are you doing about this child?" If the child went in, for example, on an emergency basis over a weekend, he would have been on the phone on Monday morning saying "What is the plan for this particular boy". So he was not anxious to keep the

young boys in Kincora was your experience?

A. Absolutely not. He was very diligent actually about following up in terms of plans for any child, not just the younger boys, but any boy who had been placed on a short-term basis.

Q. I just wanted to ask you a little bit about your own impression and memories of Kincora itself. If you could first of all tell us what you remember about it?

A. Well, I remember in terms of the material standards within the home they were very, very good. There were some unusual features in that despite the fact that there were nine or ten adolescents there, there was very little evidence of that in the material standards of the home, and I mean that in a good way. The home was very pleasant. It was furnished to a good standard. As I was explaining before, I actually had occasion to have dinner with the boys there on occasions. I was invited. Meals were laid out and, you know, there were tablecloths on the tables, which wouldn't have been true of every children's home. Everything was very nicely served. The bedrooms, which I certainly had occasion to visit one of the bedrooms belonging to the one that --

Q. The boy you had responsibility for?

A. The boy I had responsibility for slept in. There were personal effects in those bedrooms. They were very

neat, but they weren't impersonal. That's the material standards.

In terms of staffing and the general atmosphere in the home, there was always an impression of a home that was very well controlled, that Mr Mains, who was the Superintendent, was confident, had a very -- you know, he had a good administrative mind, that he was caring. He, for example, was excellent at finding boys employment situations, sometimes boys who were very hard to place. And I can recall, for example, that the boy that I was responsible for supervising, it was Mr Mains rather than me as a social worker who helped him complete his Army application form. So there were many -- there were many good things about the home that really, you know, in terms of what was discovered afterwards there were no -- to me there were no obvious signs that there should be any concerns about the care of children.

Q. Just to be clear, you were telling me that you were visiting from about 1974 until '77/'78?

A. Yes.

Q. To that time period. During that time period it would have had three members of staff?

A. Yes, that's right, yes.

Q. You have talked about Mr Mains. Did you have any

contact with the other two gentlemen?

A. I knew Mr Semple. Interestingly I didn't have any contact with Mr McGrath. In fact, I didn't even particularly recognise his name. When I saw a photograph of him I realised that he had been the person on duty, say, when I might have been leaving the boy I was supervising back to the home, but I didn't have much contact with him. My main contacts were with Mr Mains and occasionally with Mr Semple.

Q. In respect of Mr Mains you said that he was certainly a man who was not -- the home reflected him in the sense that it was run fastidiously and his own personal appearance, he was image conscious?

A. Yes.

Q. And he was fastidious about his own look, if I can put it that way?

A. Yes, that's right.

Q. And you did say that there two things that you remember particularly. The front door was always locked and always opened by a member of staff; is that right?

A. Yes. My recall is that any time I went to the home the front door was always locked. Now that was unusual in that in other children's homes normally, you know, that wasn't the case, and often a child in other situations would open the door. In the case of Kincora it was

always a member of staff, but I didn't see anything sinister about that, because the boys were adolescents. Many of them had perhaps paramilitary contacts. The home was in a very vulnerable position in that it was right on the front of the road and in the midst of very severe troubles at the time. That seemed to me to be a security precaution.

Q. And you were interested to see that there was a three-tier cake stand in the photographs that were shown to the Inquiry when Mr Aiken was producing to you --

A. Yes, my memory --

Q. That was something else that was unusual?

A. Yes. I had remembered that. This was before I saw the photographs. It was nice, because at the end of dinner these cake stands were brought out. They were placed on the tables and there was, you know, obviously very nice things on them. That is an abiding memory with me as well. So I was interested when the evidence came through to see that, in fact, one of the tables still had its three-tier cake stand.

Q. Just in respect of the fact that you were invited to dine, was that something that was a formal invitation or was it something more spontaneous or what was the position?

A. My memory is it was quite spontaneous, that if I had arranged to see the young person in the evening, as we had to -- the boys were all working. Of course, it wasn't unusual for social workers to be visiting in the evening. Often Mr Mains would say, "Well, look, if you are coming straight from work, why not join us for dinner," and it wasn't -- you know, there was nothing that had to be pre-arranged many weeks or days in advance.

Q. You have described having access to the bedrooms. So you had full access to Kincora once you got past the locked door; is that right?

A. Yes, yes.

Q. In the time that you were there was there anything ever that caused you to think that there was anything untoward going on in Kincora?

A. Absolutely not, no.

Q. I think you said to me that it didn't take you by surprise to learn later that Mr Mains was a homosexual, but again that was just something, a sense that you had about rather than anything --

A. Yes, I had a sense rather than anything concrete at all.

Q. And, in fact, you said that he, like many men at that time in the mid '70s, would have made heterosexual --

A. Heterosexual comments.

Q. -- comments and innuendoes?
A. Yes, that's right.
Q. You overheard him on the telephone doing that?
A. I do recall that. It certainly wasn't a kind of routine feature of his interactions, but I did pick have up on occasion.
Q. Nonetheless, despite that you had -- as I say, you were not taken by surprise to learn --
A. No.
Q. -- his sexual orientation was something other than what he was maybe portraying?
A. Yes.
Q. Just about the fact that the hostel was being used for school age children and it was at some point in time understaffed, not perhaps when you were there, although I will come back to the staffing levels in a moment, but if there had been more frequent visits do you think those issues would have been picked up on? I know we were having a discussion about how many visits there actually were taking place in terms of what the documents were showing and what Hughes found and what may actually have been happening?
A. Uh-huh.
Q. Because you were saying the visitors' book certainly wasn't recording all the visits that were taking place;

isn't that so?

A. Yes. Well, I think we were pointing out, for example, Mr O'Kane's visit in 1972 -- sorry -- '79 when he did an inspection, his name doesn't appear in the visitors' book. I know that the first time my name appears is in conjunction with a colleague, but I was actually taking her as a new member of staff to introduce her to the home and staff. So I had been well acquainted with the home before that, but I'm not there. However, apart from that we do know that Miss Hill visited at least 12 times during the 1960s and she completed formal inspection reports I think in '65 and '72 and would have been --

Q. We were looking earlier -- I don't think we need to call it up, and I am not even sure I have the page reference number, but certainly her inspection report from 1972 made reference to the staffing levels being the same as in her earlier report?

A. In her last report.

Q. In her last report?

A. Yes.

Q. We know that at that stage in 1972 whenever she was reporting or giving that inspection report, Mr McGrath had started working there. So there would have been a full complement of staff as it continued?

A. Yes.

Q. From that time?

A. Yes.

Q. So she was certainly not identifying any understaffing at that time?

A. Uh-huh.

Q. Yet in 1965 neither Mr Semple nor Mr McGrath were working at Kincora. So, therefore, it wasn't the last report from 1965 that she was referring to, so there must have been something in between times. Is that what you are saying?

A. Yes. I think from that we are assuming that reports were made of visits and she does not say "Since my last inspection". She says she stated it was since her last report.

Q. Just for completeness, the monitoring recommendations of Hughes are set out in KIN75356 at paragraph 13.42. If we could just maybe look at that, please, briefly. 75356, paragraph 13.42 there says:

"We have made the point that some of the monitoring activities to which we inquired where by their nature of limited value for the prevention of detection of homosexual offences. This did not, however, lead us to the conclusion that the activities were not worthwhile."

I am not going to read out the whole paragraph, but

if we scroll down to 13.53, which I think is three pages ahead. It is at 75353. It talks about the SWAG inspections. It says:

"In June 1980 the Department introduced a more formal and detailed system of inspection of children's homes and hostels. Under the new system two social work advisers spent at least three days in each home and the inspections covered."

And it sets out there. It goes on to talk about annual inspections and then full scale inspections to be carried out at five yearly intervals and what they were going to cover.

So the plans had already been put in place by the Department prior to Hughes Reporting. Once the Kincora scandal arose the Department took steps to essentially improve the regime, the inspection regime; isn't that correct?

A. That's correct.

Q. Now if I might turn to the statement which is at GOV003, and this is your statement of 15th April 1916 (sic), because I am going to look at what, if we can term in short terms the Seebohm issue. Can we go, please -- that's GOV003.

EPE OPERATOR: Give me a minute.

MS SMITH: Just checking we have the bundle there. Sorry.

Just before I move on from that, Hilary, I am moving on now to more general governance issues, but is there anything else you wanted to say specifically about Kincora itself or anything before I do move on?

A. Well, I just think it might be worth mentioning something we didn't discuss earlier. That was that I actually did investigate a complaint against Mr Mains made by the boy whom I was supervising. I think I gave evidence to this effect in the Hughes Inquiry. It was nothing to do with inappropriate -- certainly not inappropriate sexual behaviour, but the boy concerned had felt quite free to call me and say "This happened to me and I am not happy he about it". I mean, I can explain the circumstances if necessary, but it was just to say that even that boy himself who was in the home for a number of years was completely unaware of any of the activities taking place within it, and certainly had he been the subject of any kind of assault, sexual assault, then I have no doubt that he would have immediately notified us to that effect.

Q. I think that is certainly helpful information?

A. Uh-huh. Uh-huh.

Q. So what you are essentially saying is that not only were you as a visitor to the establishment not aware of anything untoward going on, but a resident who had been

there for a long time was unaware of anything going on?

A. Yes, and he --

Q. -- certainly he never told you of anything.

A. Yes, and he gave a statement to the police.

Q. To that effect?

A. To that effect, yes.

Q. The statement on the screen here, if we can just maybe scroll down, please, to paragraph 2.2. I am going to paraphrase this and please forgive me if I misstate anything that's in your statement, because it is certainly not my intention to do that.

Essentially in paragraph 2.2 you are saying that -- and we have looked at this in previous modules -- the lack of inspection of voluntary homes established by the Ministry of Home Affairs diminished regularly during the '70s, and you are saying that reflected a conscious shift, a policy shift on the part of the DHSS when it was reorganised. I should say when the Social Services' landscape was reorganised in 1972/'73. You are saying that that policy shift was influenced by the Seebohm report, that was a UK report and that the ethos, if you like, of that report was not so much regulatory as promotional and educational, and that even the very title -- we had this discuss in previous modules -- the

very title, Social Work Advisory Group"?

A. Yes.

Q. Rather than Social Services Inspectorate, which it eventually morphed into, the clue was in the title, as it were.

At 2.4, if we can scroll down, you are saying that this was essentially a deliberate policy intent on behalf of the DHSS to move away from inspections to this Seebohm influenced regime. Regime is maybe too strict a word for what was happening?

A. Uh-huh.

Q. You certainly can't point to any minutes of any meeting to show that there was in deliberate shift; isn't that correct?

A. That's correct, and I would have to stress that we are proposing this. We are not saying that this was an actual case. We are suggesting that this may have explained the shift, but whilst we can't point to any policy documentation or minutes that actually set that out as a fact, it is interesting that when Mr Wilde, who was the then Chief Social Work Adviser, was writing to the Permanent Secretary following the Kincora scandal actually uses the words in his minute "Regulatory and Expectorial" and "Promotional and Educational" with reference to the role of SWAG, which is actually

virtually a direct lift from the Seebohm report. Now I don't think those words would necessarily have been in his head. I think he may well have been referring to some documentation to hand.

Q. I think perhaps if I might just sum up, as it were. You sitting here in 2016 and, in fact, the years that you have been involved in representing the Department for the Inquiry, you were trying to work out: why did we move from what had been happening under the Ministry of Home Affairs where we had these formal inspections being carried out to this situation where there's this gap?

A. Yes.

Q. And attempting to answer that question of why did this happen, you set about doing your own research; isn't that correct?

A. Yes.

Q. You examined the position with regard to England and what social work service did in respect of inspections of voluntary homes in England, and we have seen correspondence -- I don't know that I need to call it up -- there is correspondence between yourself and Sir William Utting which is at GOV1224. You also wrote to David Gilroy?

A. Yes.

Q. I think that letter is at 1227. Sorry. Yes. I think

it is maybe 1297. For completeness there is a history that he wrote of the Social Services Inspectorate in England. That history is at 1229 to 1296. So it's in the bundle there.

Maybe if we just look -- after writing to Mr Gilroy you then had a telephone discussion with him. You followed that up with a letter to him, if we look at that, please, it is 1299. That letter sets out the summary of your conversation with David Gilroy and you asked him to confirm the accuracy of that and he subsequently does that. So it is GOV1299.

EPE OPERATOR: It is not just coming up at the moment. Are you sure that's it?

MS SMITH: It should be. Maybe the bundle has not been updated. 1299 to 1300. Two pages. Well, while we are doing that I actually have it here. So I will maybe read out just what you said in that, obviously I have not lifted it. I have got 1298.

MS DOHERTY: 1297.

MS SMITH: 1297 is the first letter to Mr Gilroy, but after the telephone conversation you wrote to him again?

MS DOHERTY: 1299 or it's at LIS13818.

MS SMITH: Perhaps if you have the LIS bundle.

EPE OPERATOR: Yes.

MS DOHERTY: 13818.

MS SMITH: Look at 13818, please. Thank you.
EPE OPERATOR: No. I just need a minute.
MS SMITH: I haven't got the LIS bundle.
EPE OPERATOR: I do, but that particular one is not coming up. I will just check with the machine.
MS SMITH: We are having some difficulties.
CHAIRMAN: Perhaps you would just read out the relevant passages.
MS SMITH: Unfortunately, I have got his response but I am not sure whether I have actually got the ...
CHAIRMAN: Ms Doherty will pass it up to you.
MS SMITH: I am very grateful. Thank you. Thank you very much. Yes. This is your letter to him which is dated 18th May 2016. I will just read it out in full. It says:

"I really appreciate our helpful discussion on 12th May 2016 and the details you were able to provide through this and subsequent e-mail correspondence in relation to your experience of the work of the Social Work Service and the Social Services Inspectorate in England.

You are a former Deputy Chief Inspector SSI England. You explained that you joined a regional team of the SWS/SSI's predecessor body in 1976, some five years after the SWS had been established by the Department of

Health and Social Security.

With reference to the question of inspections of children's homes by the SWS during the 1970s, you did not have access to documentation to support the following information, but it reflects your recollection of the position at the time."

You then set out a number of points:

"1. Voluntary homes 'were visited' by SWS officers rather than inspected by inspectors in accordance with the corporate SWS style. Though the overall programme of visits was conducted under powers of inspection vested in the Secretary of State."

So if I might pause there, essentially there was a power of inspection for children's homes and for voluntary children's homes and that was interpreted as being visits rather than inspections; is that correct?

A. Yes. Yes, that's right.

Q. "The DHSS/SWS policy was that such visits should be made to each voluntary home annually."

You believe this policy was in place from the inception of SWS in 1971. You yourself undertook some visits to voluntary children's homes and confirm that these were conducted in an advisory, supportive and developmental style as described in the extract from page 8 of your history of the Social Services

Inspectorate.

This you learned was in contrast to a more formal style of inspection which you understood to have been formally adopted by Home Office Children's Inspectors, some of whom had joined the SWS when the Home Offices's childrens homes inspection functions passed to the DHSS in 1971.

Again, if I might pause there, that's consistent with had happened in Northern Ireland?

A. That's right.

Q. There was a more formal regime under the Ministry of Home Affairs and then the DHSS moved to SWAG.

When you joined SWS in 1976 there were no centrally devised protocols or guidelines to support the conduct of SWS visits to voluntary homes or the issues to be considered during the visit. Nevertheless, the procedure was that following each visit a report on the home was to be forwarded to child care branch within the DHSS. These reports were not shared with the administrative authorities of the home or local authorities again similar to the situation in Northern Ireland. A follow-up letter which provided feedback in relation to the visit was to be sent to the homes administrating authority. If issues of concern or matters requiring further attention were identified, an

agreement was made with the Childcare Branch to undertake a further visit to the home or take such other action as deemed necessary.

With reference to the statutory homes, to the best of Mr Gilroy's knowledge there was no SWS practice of systematically visiting statutory homes either formally or informally within your regional team between '76 and '85.

Indeed, when we spoke he commented in 1985 when the newly formed DHSS Social Services Inspectorate undertook a programme of inspection of a large sample of statutory homes, there was a sense that this was an important first priority for the SSI.

I should be very grateful if you would confirm that this is an accurate reflection of our discussion."

He did confirm that by letter of 18th May 2016, which is in the bundle -- we now have things up on the screen -- at 1301, GOV1301.

Essentially those were the points that he was confirming that you had had a discussion with about him in the letter which is now there on the screen.

What you were trying to do there was try to ascertain what the position was in the UK versus Northern Ireland. Certainly from 1980 in Northern Ireland the position was different to that in England,

1 although in the '70s it seems to have been very similar?
2 **A. Yes. Well, if I could perhaps trace the history of why**
3 **the contact with David Gilroy was made. I had been in**
4 **touch with Sir William Utting, who had confirmed his**
5 **understanding also of the fact that Seebohm influenced**
6 **the establishment of the Social Work Service in England**
7 **and that it was a deliberate policy move away from the**
8 **old style inspection regime that existed within the**
9 **Department of Home Affairs -- sorry -- the Ministry of**
10 **Home Affairs.**
11 **I contacted Sir William Utting again, because**
12 **obviously questions were asked. We were wanting to ask**
13 **questions about then having moved away from a more**
14 **formal mode of inspection, what did happen with**
15 **voluntary homes, etc? He had mentioned in his letter**
16 **that he believed voluntary homes were visited regularly**
17 **because they were required to be registered by the**
18 **Secretary of State.**
19 **He, however, had no direct knowledge of how this**
20 **worked out. He was not able to tell me how frequently**
21 **this happened, and he referred me to David Gilroy, whom**
22 **he had said, "Well, if I can trace him, he is the person**
23 **who has direct knowledge".**
24 Q. And having done that, what Mr Gilroy was telling you was
25 "Well, actually yes, the regime was for annual

inspection of voluntary homes in England."?

A. Yes, he was quite clear this was the policy. He didn't have access to documentation, so we are really unable to tell whether that policy was adhered to, but certainly his recall was that was the policy.

Q. Nonetheless, the policy would appear to have been different from that in Northern Ireland?

A. I think it's fair to accept that we have no evidence that Northern Ireland prior to 1976 had adopted a policy of annual visitation of voluntary homes and, you know, I was pointing out earlier that it is interesting that Mr Gilroy joined SWS in 1976 when it would appear that our own SWAG revised their policy.

Q. I will come back to 1976 but the fact that in 1976 SWAG were saying "We need to move to an annual inspection basis" actually confirms the fact that it wasn't taking place annually prior to that?

A. Yes. They stated that they wished to move to provide an annual report, a report annually on each voluntary home. So yes, that does imply those reports --

Q. Were not happening?

A. -- were not happening annually in every case.

Q. At paragraph 2.5 of your statement at GOV005, you say that that policy intent was not known to the Hughes Inquiry. It is possible you think if the policy intent

had been known and made more explicit within the evidence of the Hughes Inquiry, this might have tempered some of the comments in the Hughes Report regarding the DHSS record of frequency of inspections during the 1970s period.

I think it is fair to say certainly from our perspective, perhaps not from the Department's, but the Hughes Report was critical of the Department for not carrying out inspections between the period '72 to '83. I know '80 moved on, but that was post Kincora and is a reaction to that, if I might suggest, once the Kincora scandal broke.

But surely if it was a deliberate policy and given the fact that we cannot find, you in your searches cannot find anything to suggest that it was such a deliberate policy other than the fact there was this clear movement in terms of what was happening on the ground, surely the Department would have briefed those senior people who were giving evidence to the Hughes Inquiry and they would have stated that at the time, that "We actually had this move. We moved away from the more formal inspections to visits and to more educational, advisory approach". I was putting it bluntly to you when we were speaking earlier, I am going to ask you: is this not just an attempt to try to roll

back, as it were, from what was accepted by senior departmental representatives before the Hughes Committee as a failing?

A. Yes, and the Department fully endorsed the findings of Hughes in relation to that period, that there was an inadequate attention given to the need to regularly review and inspect voluntary homes.

I think what we were trying to say was that we were concerned -- the Department was concerned as much as anyone about why this major policy shift had taken place, and the interesting thing is when you review the oral evidence given in Hughes and, indeed, the Hughes report, it does not actually comment on what seems to me to have been a very fundamental question as to whether we move from a process of what would appear to have been regular visitation, annual visitation by two inspectors in, you know, up to the '70s to something that certainly didn't replace that with something of the same ilk. It just seems to me that there were questions there that weren't asked.

In terms of why the senior civil servants did not offer up that information by way of explanation, again this is pure conjecture, but they were appointed directly at that time. Dr Hayes only I think came to the Department at the time of reorganisation. Mr Wilde,

who was the chief adviser, and Mr Armstrong, who was the Deputy Chief, they also came just after the decision had been taken to implement the new organisational structures. So it would appear that the policy was already a fait accompli by the time they were actually placed in post at the time, you know, the SWAG group was constituted, and again I was able to view the employment contract of one of the inspectors, who was also appointed around that time. There is no mention of inspections.

So they did not seem to have access to that information. Why I don't know, and why no-one asked the question, which seems to us today to be an obvious question to ask, I cannot explain that, but we would stress we are not trying to diminish the findings of the Hughes report in any way or its criticisms. We are just saying that that might have provided an explanation as to why there was a much more kind of what seemed to be a laissez faire approach, but actually wasn't. It wasn't about complacency. It wasn't about people saying "We don't need to bother to do this any more". It did appear to be a deliberate policy shift towards advisory and supportive relationships.

Q. If it were a deliberate policy shift it wasn't a good policy; I think you would accept that?

A. I think the Department would accept that, and actually have accepted that by 1976.

Q. Yes, because you go on to talk about in paragraph 2.6 here on the screen that SWAG recognised itself that the less formal approach wasn't working by 1976 and resolved to report annually, as we were saying, but that did not happen because of lack of resources. So even though SWAG are saying to the Department "Look, this is not working. We really need to put this on to a more formal footing and go back to the kind of reports we were producing before reorganisation", the Department did not resource them to allow them to do that; isn't that correct?

A. Yes. The resources weren't available to allow them to do that, but we accept that they should have been made available.

Q. Essentially even though SWAG are asking in 1976, you know "Let us do this. This is the route we want to go down", it really was only rectified when the Kincora scandal broke. So it would be speculation to say it might never have happened or it might have happened some time much later, but the fact that the Kincora scandal broke, then that actually woke up the Department to the fact that "Actually, we really need to do something about this here"?

A. Uh-huh.

Q. As I have explained, the Inquiry has seen the formal inspections of every children's home that was carried out from 1980 onwards, including the training schools, took place in advance of the Hughes Inquiry?

A. Yes, that's right.

Q. There is further discussion on this in the annexe to your statement, which is at 010 to 14, which is an extract from your statement that you gave us in the Sisters of Nazareth Belfast module. I don't propose to go over it but just to highlight that's where that is.

You then gave a statement of 22nd April 2016, which is at GOV689. Yes. This was again about inspections in England by the social work advisory homes -- voluntary homes. Again there is a further discussion on the issue of Seebohm particularly relating to, I think, Harberton House.

Scroll on down through that, please, to the next page. I am not quite sure -- yes. That's again paragraph 6 there you are talking about the Seebohm and discussing it with Sir William Utting as you have described?

A. Yes.

Q. I am just highlighting that for complete necessary. If we could go back to GOV007 at 4.2, Mr Armstrong, who was

then the Chief Social Work Adviser, conceded to Hughes that there were 1974 guidelines on staffing of homes issued and those guidelines in Northern Ireland were lower than those recommended in the Castle Priory report. The reference from the Hughes material is at KIN70500 onwards where Mr Armstrong was giving evidence.

Why were the guidelines that the Department devised for Northern Ireland lower some six years after Castle Priory reported lower than what was recommended in Castle Priory?

A. Yes. I am afraid the Department is unable to offer any explanation for this. We don't know. We have no documentation that shows on what basis these ratios were calculated. We know that by '74 obviously the Castle Priory staffing ratios would have been very well-known and certainly advisers should have been very well acquainted with those, but I am sorry. We just don't have an explanation as to where the lower ratios came from. We do know, however, that from 1980 onwards when the inspection really -- the rigorous inspection programme was established that the standards under which the staffing ratios in all homes were considered by social work advisers and then inspectors were the Castle Priory standards.

Q. But the -- that was not the case prior to 1980, number

one, because the inspections weren't being carried out; number two, the guidelines from 1974 were only requiring homes to have much lesser standards than Castle Priory, and might one of the reasons -- and I appreciate this is speculation and you have no knowledge of this -- might one of the reasons be -- could it have been costs, because obviously if you need less staff for children in a home, then that's going to reduce the cost of running that home?

A. It's possible. The other -- I didn't really think very much about this before today -- well, before this morning -- but the other -- the other thing I was wondering was the -- the staffing in voluntary homes -- many of the faith-based homes, as you know, had staff who were obviously members of orders and were there much longer hours, etc, and it might have been something to do with the fact of recognising their contribution and that there were -- you know, in terms of calculating those staffing ratios it might have required fewer bodies to have the level -- the kind of ratio of staff on at one any time within child ... -- I am sorry. This is a very circuitous argument, but I find it as much of a mystery as you do as to where these came from, but it might have been something to do with that and therefore they might accept that there were so many bodies to

certain numbers -- a ratio of certain bodies to children as opposed to staff working regular hours.

Q. That would certainly apply perhaps, that argument, to a voluntary home --

A. To the voluntary sector, yes.

Q. -- but it wouldn't apply to the statutory homes.

A. I accept that.

Q. Just to be clear then, I take it -- and I think I know the answer to this from having spoken to you -- but does the Department accept the evidence given to Hughes by its witnesses: Dr Hayes, Mr Buchanan and Mr Pat Armstrong?

A. We do, yes.

Q. If so, then does the Department accept the finding of the Hughes Inquiry? I know -- I am going to tease that out a little bit, because we were having this discussion, and I am just going to refer to page references. I don't need to call it up, but what actually happened -- and please if I have this wrong, correct me -- but the Department received the Hughes Inquiries. It considered them. It accepted some and implemented them. Others it consulted with the boards in respect of and ultimately either accepted or rejected those recommendations.

For example, just to give one example of that would

be the question of vetting people as to their sexual orientation and whether there should be an absolute bar on homosexuals working in children's homes was one of the things they looked at and consulted on and ultimately determined that it should not be a total bar. Isn't that correct?

A. Yes, that's right.

Q. There is a document -- a letter was sent out to all of the boards -- and I don't think we need to look at it, but it is at HIA4307 through to 4325 -- which was the Department informing the boards of their response to the Hughes' recommendations and what progress had been made on those that it accepted and what consultations it was engaging on in those that it was engaging in consultations about. Isn't that correct?

A. Yes.

Q. So while it is true to say that -- I think it is fair to say that by and large the Department accepted the findings of the Hughes and set about implementing most of the recommendations?

A. Yes.

Q. There was nonetheless a discussion about some of those recommendations?

A. Yes. I think we can say that certainly we accepted the findings of the Hughes Inquiry. The recommendations

arising from those findings we accepted -- we implemented most of those, but some we decided not to implement or to give further consideration to.

Q. Equally around the same time there was the Sheridan Report that the Department had sought. Again the recommendations of Sheridan, I think you were telling me that, bar one or two, the Department accepted those. For example, one thing that was rejected was the issue of joint inspection, because that was not seen to be independent.

A. Yes, that's right.

Q. It wouldn't have been an independent inspection if the Department had allowed board members to help inspect homes in which they were placing children.

A. Yes, that's right.

Q. I don't think the boards in fairness to them were either pushing for that either.

A. I don't think they were anxious to have that responsibility.

Q. At GOV682 at paragraph 1.16 you say that:

"The Black Report, the Sheridan Report and Hughes resulted in a raising of the bar in respect of child care services in Northern Ireland to a level beyond what might have been achieved by the introduction of legislation in the period 1968 to 1995."

But what about the argument that has been made and forcibly made by the Health & Social Care Board that legislation and accompanying regulations is essentially at the heart of accountability and that's where accountability really rests? I mean, I am being tautologous, but do you see the point that's being made? I think when we were having a discussion, you said that it is not the only means by which people can be held accountable.

A. That's right, yes. I mean, we don't -- the Department would not dispute the fact that the legislative framework is extremely important and certainly contains core elements, which, because they have a statutory imperative, then, you know, they're -- by virtue of that fact we can be certain that people are giving them attention. They are not always -- even that in itself does not always guarantee that the conditions of regulations, etc, are met, as we know from, well, the evidence before this Inquiry.

I think the particular point that the board was making was really in respect of one issue, which was to do with the monthly visiting of children in residential care, the fact this was not placed on a statutory footing, and we were trying to address the question that, in fact, in relation to that particular issue the

practice by the time the Hughes Inquiry had reported had been so firmly embedded in practice that it would not have appeared to have been necessary at that stage to introduce any changes by way of regulation.

Q. But that practice only came about as a result of steps taken in the Eastern Board, as I understand it. It might not have been consistent across the whole of the region?

A. Prior --

Q. Certainly by the time of the Hughes --

A. -- yes. The Eastern Board was the first certainly to implement that programme of visiting. I think the Southern Board gave evidence to the Hughes Inquiry in effect that it didn't have the resources to implement that in full, but by the time the Hughes Inquiry reported the Department had made it a requirement in its monitoring and standards guidance that all children in residential care had to receive a monthly visit from social workers, and they looked at that particular issue in each of the inspections that took place of both voluntary and statutory children's homes.

Q. But I suppose the point that the board was making, Health & Social Care Board was making was the fact there was an opportunity missed here to put it on a statutory footing whenever the 1968 Act was passed, because it was

a requirement of foster care, children who were boarded out that they had to be visited every month but not the children in residential care, and that was an opportunity missed?

A. Within regulations it is likely to have been placed -- it would have been placed in regulations as opposed to legislation.

Q. Yes. Sorry. The regulations?

A. I can't explain the fact that for many, many years, not just here but in other parts of the UK there has not been a statutory imperative in regulation for children in residential care to be visited monthly. I can only speculate that it has been deemed -- I don't believe that that's because it has not been given any consideration. I can only speculate that it was due to the fact that children in residential care were deemed to be in a much more secure position, less isolated position than a child in foster care because they were surrounded by several staff, by several other children. In the case of the statutory homes, these people who had the charge of children were actually employees of the statutory body, and in the case of voluntary homes they had been appointed by the administering authority who was charged with ensuring the welfare of the children, and it must have been something to do with the fact that

they were deemed to be sufficiently secure without additional statutory safeguards. Now whether that is a plausible argument or not, you know, I don't feel it's up to me to say, but I think that may have been the thinking and, as I pointed out, that it is only very recently that this has been implemented in other parts of the UK. They actually have a lower standard than we have in Northern Ireland in terms of frequency of visiting.

I should also say that when we introduced the Children Order, which would have been the most obvious place for that kind of regulatory requirement to be found, there were several consultation groups established, including a focus group on residential care, and that group considered all of the guidance to the volumes of Children Order -- sorry -- volume 4 of the Residential Children Order Guidance. They considered it in draft form. The regulations were also put out for consultation as, of course, was the primary legislation. We have no evidence whatsoever that this matter was raised in any of those consultations and, in fact, I spoke to someone who would have been responsible for, just recently responsible for being part of that, and he could not recall that it was ever raised as an issue.

So whether it was given consideration and discounted or whether the Hughes recommendations slipped off the radar, I am not sure. I think what the Department is confident about is that regular visitation of children in residential care, monthly visitation has taken place since 1970.

Q. May I just ask another option? The Children's Officer was lost in translation in the move to the DHSS and that layer of safeguarding, if I can put it that way, was lost by the fact that that role no longer existed under the new legislation. Is there anything you wanted to say about that?

A. Well, I think I have tried -- we have tried to address that point in the Department's statement that in fact there was that gap had no practical effect, because the Department had given approval to the children's officer duties being discharged, in some cases by assistant children's officers, and those visits continued, and I think the Board have confirmed that, that those visits continued during the whole of the reorganisation period.

Sorry. I need to correct something I said earlier. I said that the monthly visiting was in place since 1980. I would have to say that we could only suggest it was in place since about 1985 or '86 when the standards were agreed by boards.

Q. That was the monitoring standard?
A. I can confirm that with certainty.
Q. If I might move on to another issue shortly. This was about the sharing of inspection reports with homes. Now in the earlier years the Inquiry has seen that there were extracts certainly of inspection reports that were shared with a home and, indeed, in some cases with the board, but they were not shared -- sorry -- they were shared with the voluntary homes. They were then shared with the voluntary homes themselves, but not with the boards, although some may have been seen informally. I know you talk about this in your response to Ms McAndrew's statement, but Ms McAndrew has come back and said what Mr Carroll actually said to Hughes was he may have seen one or two reports, but did not have any regular access to them.
Is it not the case that if the reports had been made available to the boards they would have been alert to concerns about particular institutions more readily?
A. Certainly there would have been great advantage in the sharing of reports, but it would appear that that was kind of the accepted practice of the day and, in fact, was reflected, as you will see from David Gilroy's -- Mr Gilroy's correspondence that that was also the position in England, and there was no doubt a reason for

that about protecting confidentiality of information we have seen instances where there were concerns about the care of children placed by welfare authorities in boards raised with and discussed with the Welfare Authority and the board by the Department. I would find it very difficult to accept that had there been a major issue with a voluntary home in which there were children of a Welfare Authority or a board placed that the Welfare Authority and board would not have been alerted to that fact.

Now this could be that there were other things in the reports that welfare authorities and boards did not see or weren't aware of but, you know, I would suggest that any kind of material facts that, you know, that suggested there were further concerns about the care of children who were in the care of welfare authorities or boards, I would be surprised if that was not made known to the welfare authority or board. I don't have the hard evidence to --

Q. Support that?

A. Osupport that but, you know, looking at the way the inspectors worked and the fact that they were in continuous contact with both welfare authorities -- not just childrens homes but the welfare authority administering bodies and staff there. I would be

surprised if even information was not sought at times from welfare authorities about how they viewed the care in the home. In fact, I think some of the oral evidence to Hughes shows there was a kind of policy of consultation and that the boards relied on information, if not the reports, but information in relation to the experience of care of other children.

Q. Well, I am now going to turn, if I may, to what the Department accepts. Now this was in specific response to questions asked by the Inquiry about what systemic failings the Department accepts.

If we can go, please, to 782, GOV782. This is a statement of 10th June 2016, which was not available when we were dealing with the governance and finance module back in April. Can we go to that, please, GOV782?

EPE OPERATOR: I don't have that.

MS SMITH: It is important that that be able to be seen. I am going to have to read out from a hard copy, Hilary. It is page 72. You say that the statement has been provided on behalf of the Department of Health, the Department, in response to question 7 of the HIAI request by e-mail dated 11th March 2016. It goes on to say that:

"The contents of the statement have been agreed by

the First Minister and Deputy First Minister on behalf of the Northern Ireland Executive."

CHAIRMAN: Sorry to interrupt. Can we not bring that up on the screen?

EPE OPERATOR: I don't have it.

CHAIRMAN: I see.

MS SMITH: I am not sure why that is the position. We will certainly try to rectify it. Can I just in respect of that -- I will just ask that first point, and maybe we can get the bundle updated for the rest of them.

CHAIRMAN: I think we will rise now until it is updated because it is extremely important we have it on the screen.

MS SMITH: Indeed.

(12.00 noon)

(Short break)

(12.10 pm)

MS SMITH: Hilary, just before I move on to what's on the screen here, I am going to deal with it in a moment, but can I just confirm a couple of other things we were talking about? You boy whom you had care of who was based in Kincora and made a complaint to you, I am not going to ask you for his name, but if you would write his name down so that the Inquiry can check through the papers that it is relevant to him, and particularly I am

thinking of the police material in respect of him so we can check that out. We may need a small statement to that effect if you are willing to do that, just submit it some time.

Can I just also confirm in respect of him when he did complain to you was he still resident in Kincora, he was?

A. Yes, he was.

Q. So it wasn't something he complained about later, afterwards?

A. No.

Q. And there was one other thing that I was going to ask you. It will come back to me I am sure. Oh, yes. Just to highlight that in your statement you make reference to the fact that although there wasn't a statutory requirement to visit children who were resident in children's homes, I think you make the point that nonetheless there was another level of scrutiny in that children's officers were going in to visit homes?

A. Statutory homes, yes.

Q. Statutory homes?

A. On a monthly basis.

Q. And obviously the administrating authority in voluntary homes ought to have been doing that, whether they were or not --

A. Yes.

Q. But the problem for the Department, if I can put it that way, was they did not scrutinise the scrutineers?

A. Absolutely and we accepted that. I think also in relation to statutory homes, members of the Personal Social Services Committee in the case of boards and members of the Welfare Committee in the case of Welfare Authorities were also visiting.

Q. Yes.

A. Monthly and that was subsequently reduced to quarterly but they were going in as well.

Q. Yes, so the homes were being visited but not the individual children resident in them?

A. No, that's right.

Q. Just coming back now to the statement, what I am going to call the concession statement, if I can put it that way. We have now managed to get it on the screen. It says:

"This statement is being provided on behalf of Department of the Department of Health (The Department) in response to question 7 of the HIAI request by e-mail dated 11th March 2016. The contents of the statement have been agreed by the First Minister and Deputy First Minister on behalf of the Northern Ireland Executive."

Now obviously the office of First Minister and

Deputy First Minister have nothing whatsoever to do with the Department in terms of it wasn't the successor body of the Ministry of Home Affairs or the DHSS, so why was the First Minister and Deputy First Minister signing off on this statement, as it were? Could you please just explain that and put it on the record as to why that occurred?

A. Yes. First of all, I want to offer an apology because on reading that statement, which was approved by the Department before it was submitted to the Inquiry, the Department would accept that it is misleading on first reading. In fact, if I could describe the process and then hopefully that will clarify what the statement meant to say and should have -- what the introductory statement meant to say and should have said.

As the Inquiry will know, our previous Minister, Minister Hamilton, when the concession statement was placed before him he considered that the matters were of such gravity, and not just the fact that a Government department was being asked to make concessions, but the nature of the concessions to be made were of such a grave effect and so significant, that this was a matter that he needed to put before his executive colleagues.

When the new Minister also -- when this was put to

the new Minister she was clearly of the same view, and by urgent procedure ensured that this was sent to the First Minister and Deputy First Minister. Really the request was about the Executive being approving, not the statement as suggested by that introductory paragraph, but approving her position in relation to making the concessions, that they were content that she could make these concessions. So they were content that she --

Q. If I might interrupt you just to be clear, I think it was a procedure that the Department of Health and Social Services Public Safety -- I never get that right?

A. They are now the Department of Health.

Q. But in its former incarnation he felt that the implications of the concessions that he was being asked to make on behalf of the Department were such that the executive needed to consider them?

A. Yes. That's right.

Q. And under the Ministerial Code he referred it to the Executive but there is a fast track process.

A. Yes.

Q. If I can put it that way. I am sure I will be corrected if I have got this process wrong?

A. Yes, there is an urgent process --

Q. Whereby the First Minister and Deputy First Minister can approve on behalf of the Executive, as it were?

A. Yes, that's right.

Q. And that's really what happened in this case because of the implications that there are as a whole for the Executive by the Department of Health making these concessions?

A. Yes, that's right.

Q. Is that it in a nutshell?

A. That is it. Very well put.

Q. So to be clear, the concessions that are outlined in this statement are concessions on behalf of the Department of Health?

A. They are concessions on behalf of the Department of Health.

Q. And the Executive have agreed to those concessions being made aware of the fact that there are implications for the Executive?

A. That's correct.

Q. Now if I might then turn to them, paragraph 7.3 is really where we see the first of them. Maybe just to put on the record the question that the Department were asked. If we can just scroll on back up, please:

"Having had the opportunity to reflect on the evidence provided to the Inquiry, are there any systemic failings the Department wishes to concede in relation to the legal and policy framework for residential care for

children from 1922" that should read" to 1995 and the funding and regulation of these Services in that period."

If we go then to 7.30 -- I think I may just read these paragraphs out, Hilary:

"In relation to the question of systemic failings, the Department has reviewed the policies and actions of its predecessor bodies, namely the former Ministry of Home Affairs and the former Department of Health and Social Services. The Department has sought in its evidence to the HIAI to identify specific situations which might have been handled differently to secure a better or more timely outcome for children, but which when viewed in the policy context of the day do not amount to systemic failure."

You then give examples of some of those things. So you are saying "There are things we could have done better but we don't accept there were systemic failings".

You then go on in paragraph 7.6, and I think from here onwards is where you are actually making concessions. In respect of legislation it says:

"The Department has defended its position in paragraphs 1.1 to 1.18 of the Statement of 22nd April in relation to primary legislation and departmental policy

during the 22 to '95 period in respect of their implications for the residential care of children."

It sets out there the legislation that was majoring at that time. If we scroll down, it says:

"The Department has noted that the education (Corporal Punishment) (Northern Ireland) Order 1987 abolished corporal punishment in all grant aided schools and accepts that in light of this a review of the provisions in the 1975 direction and the 1975 regulations regarding corporal punishment should have been undertaken by the DHSS with a view to revoking them at that stage."

So, in other words, when they were abolishing corporal punishment in schools they really ought to have abolished it in residential homes for children?

A. Yes, that's right.

Q. Then paragraph 7.8 and 7.9 go on to talk about inspection and related matters. It goes on to say, 7.9:

"The Department accepts, however, from the evidence of senior DHSS officials to the Hughes Inquiry that in 1976 weaknesses must have been identified in the status quo with regard to this policy."

That's the SWAG visits we were talking about:

"As a consequence SWAG resolved to make a full annual report on each home. According to the Hughes

Inquiry evidence this was not implemented due to staff resourcing issues. This.situation prevailed until 1980 when the Kincora scandal broke and the DHSS subsequently established a rigorous inspection programme. Had the agreed appropriate action been taken in 1976 to strengthen the DHSS scrutiny, this might have helped minimise further opportunity for abuse to occur within children's homes."

That was what we were looking at earlier, that there was certainly a four-year gap there when things might have improved for children?

A. Yes.

Q. Then at 7.10 you say:

"In tandem with the consideration of the inspection programme, the Inquiry has identified a lack of reference within the Ministry of Home Affairs and SWAG reports to the regulatory duty of administering authorities.

The matter was raised by the Hughes Inquiry, which found that the Ministry of Home Affairs and SWAG did not consider whether this and a similar duty imposed on statutory bodies in respect of statutory childrens' homes was being discharged in a satisfactory manner. The findings were that in a number of cases it was not. This provision was an important safeguard for children,

having the potential to alert those ultimately responsible for the management and running of the home to poor care or questionable practice. It was a statutory requirement and a fundamental matter that should have been checked during each Ministry of Home Affairs or SWAG inspection/visit to each home."

So again not properly scrutinising the scrutineers, as it were?

A. Yes.

Q. Paragraphs 7.12 to 7.13, you talk about migration of children and the policy in respect of that. You essentially accept that the migration of children was a misguided policy and endorse the apology that was given by the then Prime Minister Gordon Browne on behalf of the UK Government when he apologised to former child migrants from the United Kingdom who had been sent to Australia and other British colonies. As you said in Module 2, and certainly you will reiterate that this was a systemic failing which the Department accepts its part in that scheme.

Those are essentially the concessions that the Department are prepared to make; isn't that correct?

A. Yes.

Q. If I might just look at a couple of other matters briefly. At GOV797 you gave us a supplementary

statement, as I say, in response to the Health & Social Care statement. At paragraph 4.1 of this you are addressing some of the things that Fionnuala McAndrew said in evidence in her statement to the Inquiry. You talk about the organisational changes that there were in 1973 through to 1995. You say that you don't want to detract from the impact that the significant organisational change may have had on individuals, but the changes were not introduced as whims of the Department, but they were implementing key UK Government policies aimed at strengthening and improving the health and personal Social Services' environment. You talk about the consultations that there were.

I just wanted to be clear. Is it the case that the Department is saying that while it imposed these changes, it just left the responsibility for implementation at the door of the Health & Social Care Board, or what did the Department see as the position?

A. Absolutely not. I think the Department had a responsibility to ensure that the organisational changes took place smoothly, that people were aware of their responsibilities and discharged their duties and responsibilities effectively, and the Department was concerned to ensure that there was a proper support mechanism for them to do that. And if I could refer

back to the evidence given to the Hughes Inquiry, when Dr Hayes, for example, pointed out that in those early days of the organisation he did accept that there were significant changes, that there was upheaval in many services, but he did point out that there were regular meetings with, for example, board officers, in particular Chief professional officers, twice monthly I think he stated the regularity was. There was a constant flow of communication.

It is evident that the Department was on hand to provide advice, for example, in relation to the duties of the Health & Social Care Committee and the people who took on the responsibilities of the Children Officer duties within the 1975 direction, the former Children's Officer's duties within the 1975 direction. So there was constant communication. It was evident that there was a climate that the boards could seek advice, and in relation to training matters, again we have evidence that where boards and, indeed, the Department identified matters that were concerns for regional training, that the Department funded and established regional training programmes to help develop staff skills.

I am just thinking, you know, for example, the new focus on child protection. We did establish regional training programmes for there. Had there been serious

concern on the part of the boards reflected to the Department that people were unsure of what their roles and responsibilities were, I have no doubt that the Department would have provided the fora and training, if necessary, for those to be addressed. But it is clear that during that period, admittedly a period of considerable upheaval, that the Department did not just sit back and allow people to get on with it. There was frequent and continuous communication.

Q. Paragraph 5 of your statement, Hilary, if we scroll down to that. I am not quite clear -- just the next page, where you talk about statutory responsibility for children in residential care. You say that:

"The Board has stated that the Department held ultimate responsibility for residential child care and the children placed therein."

Again you are referring to Ms McAndrew's evidence.

You go on to -- I don't mean to -- you know, if I have got this wrong, please correct me, but you seem to suggest that the Department's role was to provide homes for the boards to run and that was it in a nutshell. They delegated responsibility for the running of the homes to the boards, but there is a distinction between statutory homes run by boards and the voluntary homes, because the boards certainly had no

role to play in the registration of those homes, for example. The monitoring statements that you refer to in that, again that came about in the mid '80s post the Kincora scandal again, the monitoring standards guidance that was given.

In paragraph 7.6 of the statement you talk about reviewing registration, and again I am summarising here, but you say in the absence of any communication to the DHSS from the boards about the functioning of a voluntary home, there was to reason to formally review the continuing registration, and I referred you back to the Nazareth Lodge issue where the boards were communicating that there were complaints about Nazareth Lodge. You were saying the reason at 8.1 that there was no deregistration of Nazareth Lodge was these were complaints of a historical abuse. Nazareth Lodge had been inspected just before the complaints came out and there was no reason to be concerned about how the home was being run at that time.

When we were talking about this earlier, I think what I was trying to say to you was; well, no matter what the boards were doing on a day-to-day basis, whether in terms of monitoring their own homes or in terms of monitoring the care of their children in voluntary homes, the children that were placed there by

the latter end of the Inquiry's work -- they were all placed there by Health & Social Services Boards -- that nevertheless the Department had this overarching registration duty -- duty is perhaps not the right word -- but responsibility to ensure that it only registered and continued to register those homes that were fit for purpose, that were fit for children to be admitted to?

A. Uh-huh.

Q. And looked after in?

A. Uh-huh.

Q. And I just wondered, there was never any formal review established; isn't that correct?

A. Uh-huh. Well, yes, but if I might address some of the points you made earlier there in terms of the role of the Department. The Department accepts that it did have ultimate responsibility for the care of children in that general sense. However, the primary duty for the care of children in residential care rested with the boards, welfare authorities and boards in the case of statutory homes, and the administering authorities in the case of voluntary homes. That does not mean the Department had no responsibility. I would see that that responsibility on the part of the Department was to ensure that the statutory and voluntary bodies were discharging their

duties effectively, their duties that they had in respect of the children in care within those homes. I would see that as being the role of the Department. We didn't actually provide homes as such. The onus, for example, was on the statutory authority to provide children's homes in the 1950 Act, but it was up to the Department then to ensure that there was a proper framework in place and that those homes were acting in accordance with the duties and responsibilities placed on them in relation to the welfare of children within them, the duties and responsibilities placed on the administering authorities and the statutory authorities.

In relation to the reason why I did not deal with the position of voluntary homes in that statement, I can't quite remember, but I think I was addressing a specific criticism by the Department. Again the Department accepts that it had a general duty, a general responsibility towards children, but it discharged that responsibility by ensuring that those responsible within the primary legislative context were actually adhering to those responsibilities and discharging them effectively.

Now the Department accepts that we did fail in that respect and we have accepted that, but I would see that as, you know, those distinctions between the role of the

Department vis-a-vis the general care of children and the role of boards and voluntary organisations in relation to the individual care of children.

In relation to the review of registration question, it is true that the only documentation that we have relating to a formal review of registration took place -- I think that was in 1984. Am I correct, suggesting that the first formal review of the registration of all voluntary homes?

Following that review there were a series of annual meetings set up with voluntary organisations which actually for a time were entitled "Review of registration meetings". This was not actually clear when I was giving my evidence in Module 1, but it did become apparent when we received more documentary evidence. So there was a system for review.

In relation to the formal review of registration we have examples of the Department raising -- the Ministry of Home Affairs, for example, raising questions as to whether a home should continue to be registered, and I would suggest that the Ministry of Home Affairs' programme of visitation and inspection was, in fact, a de facto form of registration in that implicit within that would be if an inspector found conditions to be such, as indeed was the case in Manor House Home, then

that would precipitate the question, you know, an answer to the question as to whether the home should continue to be registered.

Q. But I think the point I was making to you earlier was that it is one thing to have an annual report and to be looking at whether the registration should continue after 1984 when the whole landscape has changed in any event after the Kincora scandal and we know that?

A. Yes.

Q. But would it not have been a proper thing for the Department to have done to have had a formal registration scheme to ensure that standards were being met consistently across the board in respect of children's homes?

A. Certainly from the perspective of today that would have been, you know, an important element, an additional element of safeguarding and, as you pointed out earlier, it would have precipitated kind of a formal review of, you know, of what was happening within homes and the standard as per the registration criteria, but we are dealing with a day when there were not any specific registration criteria. That appeared to be the standard of the day, and I would suggest that the inspection programme, the visiting programme, which we knew did happen fairly frequently during the '60s at least, that

that was a form of scrutiny and monitoring and there were questions raised about the continuing registration of certain voluntary homes.

Q. My final question is, and I think you have accepted, the Department accepted that they had the ultimate responsibility for child care in Northern Ireland, and to an extent that certainly extended to ensuring that the safeguarding and welfare and promotion of children, as well as just their material needs and professional care standards in residential homes were met. You put it to me as the responsibility of the Department was to ensure that there were proper processes in place to ensure those who had primary responsibility for the care of the children were met?

A. Yes, that's right.

Q. And the Inquiry will no doubt look at whether or not those proper processes did, in fact, exist over the period of time that it is looking at, but I just remember the question I did want to ask you, which was in connection to Kincora, before I hand you over to the Panel, Hilary, and that was in respect of the visitors' book. You talked about the fact that the first time your name appeared in the visitors' book was when you came to the home with someone else, but you had been visiting and it just wasn't being recorded in the

visitors' book?

A. Yes.

Q. I mean, how reliable, can I put it that way, were visitors' books generally in homes?

A. Not very reliable, because different staff had different policies of whether or not they would ask people to sign the visitors' book and, you know, if you will notice from the visitors' books a number of entries were actually made by Mr Mains' himself. You know, visitors themselves didn't sign. In fact, that particular visit I am talking about, that visit was entered by Mr Mains. That was not the handwriting of myself or my colleague who visited on that occasion.

Q. That might have been something he was doing at the end of the week, say, when he had a spare hour to do it?

A. It might be, and perhaps related to the times he was on duty, but it didn't mean then that other staff were doing the same were or reporting who had visited. Now I am not saying they were completely unreliable by any means, but it is really just as reliable as the staff operating the system and, you know, the extent to which the policy of signing people in was adhered to.

Q. Well, thank you very much, Hilary. That, I hope, is the last question I will ever have to ask you, but I will hand you over to the Panel.

Questions from THE PANEL

CHAIRMAN: Well, Dr Harrison, you may take it that we have read your various submissions and therefore it is not necessary to go over them again with you. Some at least have been gone over on other occasions in essence, although not perhaps in every detail that has been reflected in today, but if I could just take you back to your personal experience at Kincora, because, if I may say so, without being in any way offensive, it is a long time ago and you must have been there as a young social worker.

A. Yes, newly qualified.

Q. And it is easy to forget that we are asking people, as we have emphasised again and again in relation to Kincora in particular, to try and remember details of things that were happening in this particular instance I am about to ask you about, more than 40 years ago?

A. Yes.

Q. So a professional lifetime has passed since those days, but when you were arriving at the home, as I understand it, one thing that has stuck in your mind since is that the door was always secured?

A. Yes, that's right.

Q. In other words, it wasn't just out of politeness you had to wait at the door for someone to let you in, as might

be the case even if you are visiting in an official capacity where there was not a lobby and reception desk and so on. Did that strike you in any way as unusual or unique to Kincora, as compared to say Bawnmore where I think you may have gone?

A. Yes.

Q. Or Macedon, where I think you had occasion to go?

A. Yes.

Q. I know it was run by Barnardo's, but just taking those two as examples?

A. Yes, it was unusual and I think for that reason that fact sticks in my memory, and the other slightly unusual bit was that the door was always opened by a member of staff. Now the key was in the inside of the door inside so it would have been perfectly possible for boys in the hostel to have turned the key and opened the door, but it seemed to be a policy within the unit -- again I am only speaking from the times that I visited, other people may have a different experience, and we have to remember too that most of my visits, a lot of my visits would have been in the evening, that it did seem unusual, and quite honestly I don't ever remember asking why that was the case. I assumed it was to do with security precautions, the age of the young people in the home and the fact that, you know, we were in a very

difficult situation in relation to, you know, the Troubles at the time. You know, I don't believe I thought to ask why that was the case. I assumed it was to do with the safety of the young people inside.

Having said that, once inside the home there was no sense at all that young people were restricted in their coming and going. There was no sense that they weren't allowed to leave the home. There were no kind of what I would call authoritarian process in place that they had to give account of their whereabouts or anything like that. So I assumed it was a security measure.

Q. And the general atmosphere that you have described in those words you have just used, would it be fair to suggest that coupled with what you said about being invited spontaneously to remain for a meal, it would not be right to say that there was an unwelcoming attitude or a feeling of discouraging visitors or keeping visitors, whether actually or metaphorically, at arm's length from the children?

A. I have never experienced that at all. I didn't get that impression and, in fact, from my recall of the times that I did share a meal with the young people there was very free, open discussion about all sorts of issues and there was no attempt to keep me away from other young people or anything like that.

I have to say that I do appreciate that memory is very -- well, we know from the evidence that memory can be quite unreliable, and the point of the fact that I am recalling events 40 years ago but, of course, in 1980 the news about Kincora was so stupendious that naturally then all of the experience that one had of that home then remains firmly entrenched in the mind. So I can recall those details quite clearly.

Q. And you referred to visits in the plural. I am not asking you, of course, to remember whether it was five or 70 or whatever, but would you have been there more than let's say half a dozen times throughout the four years we are talking about?

A. Oh, yes. Oh, much more than that. On occasions I have been there maybe twice a month at least, yes. The particular boy that I had long-term supervision for, his understanding was he had been placed by Barnardo's and I am not sure where. Now I can't actually recall whether he was being paid for by the welfare authority -- by the board. There was a situation where at one stage the board could hand social work visitation, responsibility for calling reviews on certain children over to Barnardo's and they took on responsibility for the fieldwork and the social work support of the boy -- not just of the boy, with other

children.

This particular young man had sisters in who were fostered, and I think those may have been foster carers recruited by Barnardo's. So part of the reason for visiting, and visiting this particular boy so often, would have been to ensure that he maintained contact with his sisters who were placed at quite a distance away. Aside from that experience I did place boys in Kincora on a short-term basis. I can't remember their names.

Q. No. We will come to the short-term basis in just a moment, if you may. The boy you were referring to I think you said he was in Kincora for several years?

A. A few years, yes. I would need to check that, but his statement actually gave the dates -- the statement to the police gave the dates.

Q. We will be able to do that from the material we have --

A. Sure.

Q. -- gathered, but the point is one of some importance, because if I understand what you are saying correctly, it is an indication, for what it is worth, that here was one boy who first of all clearly had in terms of time a lengthy association?

A. Yes.

Q. Did you regard your relationship with him one that you

hoped he would confide in you if he had been subject to some forms of sexual abuse?

A. Yes, I would have expected that that would have been the case, because he did raise a minor issue with me in relation to an incident that happened in the home. So I would have found it very surprising if there were other matters that he didn't, you know, more serious matters that he didn't raise with me. He was actually quite an articulate, quite a volatile personality, and I would have been very surprised. Now this particular person did say in his statement to the police, but one has to take account of the fact that this was after the Kincora scandal broke and rumours were rife, that he had heard rumours about Mr McGrath inappropriately touching some boys, but he had never said that to me, and I would be obviously concerned if he had made any disclosures to that effect. He personally claimed not to be a victim of abuse, and after the Kincora scandal broke -- I will not say where this boy was employed, but you will see from the statement, but he called me from England to say that he was completely amazed that this could have happened, and I did meet with him afterward when he was in Northern Ireland for a short time and, you know, where he discussed the fact that this had happened and he didn't have any knowledge of it.

Q. So this was not the same type of assertion by boys that we find in many of the police statements, because they are asked a formal question to this effect. This is someone who spontaneously rang you to say --

A. Yes.

Q. -- how surprised he was?

A. Yes.

Q. By these developments?

A. Yes, yes. Now he would have been discharged from care, of course, by that stage.

Q. Yes.

A. I didn't have a formal relationship with him, you know, continuing formal relationship with him. So, yes, he did call because he was so surprised and wanted to check out that it was the same home and so on. He shared a bedroom. Of course, he was in a three-bedded bedroom to the best of my recall, because I did see it. So there were other boys in that bedroom and it is not as if they were -- you know, he didn't have occasion to be in very close contact with other residents.

Q. I am sure that with your very extensive experience in this whole area for many years you would agree that some, particularly -- perhaps more than now, but some adolescents could be more naive than others?

A. Oh, of course. Yes.

Q. Was he somebody who would have been at that time in more towards the naive end of the spectrum?

A. Oh, no, no.

Q. He would he have been very streetwise?

A. Yes, astute, yes. Very astute.

Q. It is perhaps obvious-

A. Perhaps that's one of the things that protected him.

Q. The significant point you have just made about being protected perhaps is important for us to bear in mind, because much of the evidence that has been gathered and that we have heard now many years later is to the effect that not every boy was abused. Not every boy was the subject of an approach that might have led to abuse, and many of those who went through the home, and there were a great many of them over the 22 years of operating?

A. Yes.

Q. A little more than 22 years, had no conception that this type of dreadful abuse, which is now an established fact?

A. Of course.

Q. Because of the prosecutions and convictions and pleas of guilty was happening at all?

A. That's right.

Q. So far as Mains is concerned you have said that he was good at finding employment for the boys, and we have

seen at least one example in detail of where that happened, someone who has given evidence to the Inquiry, but was that part of his expected duties in a formal sense or was it something he took on himself over and above what he was expected to do?

A. Oh --

Q. Or can I put it another way round?

A. Yes.

Q. Was someone who was the warden of a working boys hostel --

A. Uh-huh.

Q. -- required as part of his or her work to take on that function, if necessary?

A. Yes. I don't know whether he was required to take on that function. I just could not answer to that. If he wasn't required, he certainly did take it on and actually performed it very well.

Q. Did he take it on for many children to your knowledge? I appreciate some boys may have been found a job by their social worker, but ...?

A. Yes, yes. I think in the main now I would have been aware that where boys had lost jobs and some of these boys were not the easiest to place in employment, that he often had networks he could call. In fact, I think I remember being in his office when he was trying to get

a boy placed. He probably had more networks, more employment networks than social workers at the time. I noticed from the reports of the inspectors that each time they reported, Miss Hill and Mr O'Kane, all of the boys who were of working age were in what appeared to be stable employment situations with the exception, I think, of one who actually had just done 'O' levels and was going on to do 'A' levels. So that seemed to be characteristic of the way the hostel was run, and I think we accepted that certainly he would have had a lot more networks than I, as a young social worker, would have had at that stage. One of the issues I noticed that Mr O'Kane pointed out was that the boys had very little -- were being given very little preparation for independent living, and obviously that again at that time, '79, I think there was concern about the fact generally that children who had been in long-term care were not being given sufficient preparation for life on their own. So, you know, obviously there was some consideration as to what the home might do so enable independent living, but sadly then, of course, the news came a year later about the abuse that was taking place in the home.

Q. You have said that the material standards in the home were good. You described in what way that was the case.

Would it be a fair observation to say that when one looks at Mr Mains' stewardship of his responsibilities in the widest sense of the word, and if, and it is very difficult to do this because of what he admitted that he had done to the boys in his care, but if one puts that to one side for the moment, the rest of what he did and the way the home as a unit on the ground was run, how would you describe that?

A. I would have described it as a very efficiently run home with an officer in charge or superintendent who gave the impression of being extremely competent. He was very good at communicating with social workers in relation to what was happening with the boys in his care. Other homes you know, we might have had to make a bit of effort to get the information, but Mr Mains was very diligent about communicating information back on significant events or anything like that. I know he wasn't trained by any means, but certainly apart from one incident, an incident very early on I had no reason to doubt that he was extremely competent and this was an incident where very early on in my social work career as a fully qualified social worker I remember my first exchange with Mr Mains was -- well, first difference of opinion was I had admitted a boy in an emergency situation under Section 103, which was a voluntary

admission and the boy was admitted with agreement of his parents. This boy had a particular problem with running away and he was not -- I think it was a weekend. I think it was coming to a weekend and he was determined that he was going to take off at the weekend. We were very concerned about his security and safety. We didn't know what he was doing, and he was about I think he maybe was about 14. I admitted him and then I got a call on I think it must have been the Friday -- I got a call on the Monday morning to say that the boy was no longer there because the parents had come along on the Saturday or Sunday and decided they had changed their mine. They didn't really want him to be in care, they wanted to take him home. My concern with Mr Mains was that he had not in any way attempted from the information I received, had not in any way attempted to dissuade the parents from doing that. He had more or less said "That's okay. He is in under 103, I have no responsibility for keeping him here. He can go home". Now that, in fact, was true, he didn't have authority to keep the boy there, but I was a bit concerned that there had been no attempt to persuade the parents otherwise, and the boy did take off then and was missing for the rest of the weekend, and that was my first -- well, my only -- my only apart from the incident reported to me

by the boy who I had long-term responsibility for. He accepted what I was saying. You know, we agreed that that would not be a way of working and I think he had my home phone number and, you know, he agreed that that would not happen again and that, you know, there would be a different way of approaching that situation if it ever happened again. That was very early on but he was quite right. He didn't have the authority. I was more concerned about the fact that the boy seemed to have been handed over without any decision.

Q. It may seem a dramatic way to put it, but taking into account everything you have said, would it be fair to say he was a Jekyll and Hyde character. One part of him is a very effective, hardworking, good person who gives every sign of being not merely conscientious but being competent?

A. Yes.

Q. In discharging his responsibilities to the child, and unknown to you and many others at the time the scenario he had taken advantage of his position on a good many occasions to gravely abuse his truth and sexually abuse children in his care even if it was a question of corrupting them rather than forcing them?

A. Yes. Absolutely. I think that's what's so distressing.

Q. Thank you.

MS DOHERTY: Thank you, Dr Harrison. Can I just ask, I mean, we know that for a significant period Mr Mains was working in the hostel alone and this would have been during the period when Miss Hill was visiting. Are you aware of any concerns being raised by the Ministry in relation to that level of staffing where he was on duty all the time without any other support?

A. Yes. That was really very concerning. I fully accept that. Unfortunately other than the 1965 inspection report, by which time there were more staff in post, sadly we don't have the reports of visits or inspections done before that, and so it's impossible to tell whether this was a matter raised by the inspectors during the 50s, '60s. It would be unthinkable I think that an inspector would go to a home and find that there was only one member of staff, and apart even from the kind of level of supervision then -- the kind of impossible level of supervision that that created for the children, the burden on that particular staff and the fact that he was having to be there and sleep in every single night. I saw bizarrely a letter on file from the Welfare Authority I think excusing him for having been absent.

Q. For an evening?

A. For an evening and not disciplining him. So that is just unthinkable.

Q. I would consider it unthinkable, but if it continued it would suggest that even if it was raised by an inspector it did not result in any action?

A. Yes, for a long time. Yes, that's right.

Q. For a long time?

A. Uh-huh.

Q. I was going to raise the issue about Mr O'Kane's perception about the issue about preparation for leaving care, because I thought it was quite interesting what he commented was it wasn't just about a lack of preparation, he thought there was a dependency culture being created because the boys needs were being met in terms of domestic needs and whatever. I wondered if that your experience?

A. Yes, up to a point. What we have got to remember is that a lot of these boys went home. They were not being discharged into single independent living situations. They were not all being discharged that way. Also a large number of them went to further institutions like the Army, the Navy, the Merchant Navy, Royal Navy from what I can gather, from the evidence that I was reading. So they went from one institution essentially into another, and to be fair, it was only around about the 1970s that social work in general began to wake up to the fact that there were a large number of children who

maybe didn't have homes to go to and who, having been institutionalised, were ill-equipped to live on their own.

I think Mr Bunting at one stage referred in his statements to the Board then encouraged organisations like Barnardo's to establish homes that would actually have an element as part of their purpose and function, an element of independence training, and the home that I would have been responsible for in Barnardo's I think had been ongoing since the '60s. Now I didn't work in the home but it was part of my management responsibility, but it was the first unit in Northern Ireland to have first of all, a self-contained flat within the hostel and then some like kind of apartment type accommodation with a common kitchen and so on. Of course, we then went on to develop that into sheltered housing, but I think people were only beginning to wake up to that fact. The Members of the Panel with their vast experience will maybe know differently, but that is my sense.

Q. I mean, I appreciate that when you were giving evidence today and trying to look at the issue about why were the guidelines less than Castle Priory, and one of the things you said was there is a possibility that it could have been about faith-based services?

A. Uh-huh.

Q. And an expectation you would have nuns or brothers actually working longer hours and whatever. I mean, not putting you on the hop, but in a sense is that a good recipe for good care that you are actually expecting people, I mean, we have heard about Termonbacca, two nuns looking after 80children. If the policy was dependent on that would that be a good policy?

A. No, of course not. We know that in some of those institutions not only were they working long hours in residential care, but some of the staff had teaching responsibilities as well.

Q. That's right. We have gone through Seebohm quite a lot and through correspondence and whatever, but just to kind of clarify and confirm the understanding from today's evidence, that if it was Seebohm that influenced it, that in Northern Ireland it went further than what actually happened in England. In England where you had annual visits where you had the ability to follow up in terms of child care branch, and whatever, we didn't have that in Northern Ireland and that was indeed a failure at that time?

A. I think yes, I would draw the distinction between having a policy and knowing that there was definite adherence to that policy. We have no evidence to suggest that we

had a policy of annual visitation, so we are, yes, different from England in that respect, but --

Q. And we do have evidence --

A. Of homes that weren't visited.

Q. So we know that there are homes that were not visited for a number of years?

A. Certainly according to the Hughes evidence the voluntary homes were visited more frequently than statutory homes, but --

Q. -- statutory homes. That relates to the point, you know, where you set out the respective responsibilities and you are saying the Department's responsibility is to make sure in a sense, the boards meet their responsibilities in relation to children and monthly visiting and whatever, but if the inspectorate is not actually visiting how do they ensure those responsibilities are being met, because that's their main channel for doing that?

A. Yes. Well, that and monitoring information, documentation being returned to the Department as to visits, and again it's probably a weak argument, but we have to remember too that in the case of the statutory homes, the Children's Officers had to make reports to the welfare committee and subsequently the board officers had no make reports then to either the PSCC

Committee or the equivalent committee within the district. The Department got copies of all of those reports, the Welfare Authority reports. I need to make it clear that the Department got copies of the Welfare Authority Committee meeting minutes. The reports by the Children's Officer then did not have to be written reports. They could be clearly given verbally, but within those minutes the Department had access to the Children's Officer's report about each of the homes and, you know, what they found. I am not saying it's a substitute for visiting, but I am just saying it was an element. It was another piece of information -- a piece of information that they did have to hand.

Q. Within the Department was there a formal process for consideration of those reports?

A. I can't speak for former days, but I certainly know that the Board Committee minutes were circulated to Social Services Inspectorate, inspectors in my day, and we could comment on anything that we felt needed further questioning and --

Q. But in your day you were also inspecting?

A. That's right.

Q. And in a sense you could pick things up?

A. Yes. There must have been some level of scrutiny of those otherwise one would hope --

Q. And that would be another conversation to be had completely?

A. Yes.

Q. Okay. Thank you very much for all your evidence. Thank you.

MR LANE: Just to follow up again on the question of preparation for independence. It was obvious the home was criticised for that in one of the reviews, but was that something that struck you as a visiting social worker at all?

A. No, because I am not sure that in those early days I would have been particularly aware of that myself. You know, I didn't have any experience of young people at that stage having to leave and live independently. Most of my young people were going home.

Q. The boys you had there, presumably their cases were reviewed?

A. Yes. Yes.

Q. Where did you hold the reviews and who would have attended them?

A. Now that's an interesting question. I think at the beginning there were paper reviews. I am trying to think if Mr Bunting had introduced a series -- a three monthly review paper review process where we had to list the number of times we visited the child. There was

a review on each child, what the salient features were. And I should say that in the case of the Eastern Board that if you had missed out on those visits, even though those reports went to the district Social Services Officer who had executive responsibility for services, Mr Bunting, you know, would have been wanting an explanation for that. Now I think those were paper reviews in office. As we began to have more understanding of the preview process and parents and children became involved, then my recall is that certainly I remember some reviews being held in Kincora, and that would have been the procedure for most of the other children's homes too, the reviews were actually held within the children's home.

In terms of who was there, there would have been the equivalent of Assistant Principal Social Worker, Ms McGrath, for example, who was the visiting officer for Kincora and other senior members of staff within the home.

Q. And you would have been presenting to them how the case was proceeding?

A. Yes, that's right. I think at the time that was happening it was a six monthly he review process. It moved from three month to six monthly review process.

Q. Mr Mains wouldn't have been there or anybody else from

the hostel?

A. No. Again I hope I am not misrepresenting practice, but my understanding was that we completed a paper review but we liaised with the home staff as to progress and so on and relied very much on their information and the information from the parents about, you know, what we needed to -- and the child -- what we needed to be putting in the review.

Q. Did anybody else at the hostel have to present a short report on progress?

A. No. I don't remember that happening, but that's not to say it didn't happen.

Q. There were at least a couple of other hostels run by the Eastern Board?

A. Yes. Ettaville Girls's Hostel.

Q. Did you visit that hostel?

A. Yes. Ettaville Girls' Hostel. I did, yes.

Q. How did that compare with Kincora, was it run along the same lines, the same levels of staffing?

A. I cannot be definitive about that.

Q. Right?

A. Material standards maybe weren't quite as high as they would have been in Kincora, but in terms of staffing, I remember in the case of the girls' hostel there was also one particular prominent member of staff who we

related to who would have been the equivalent of Mr Mains in the boys' hostel, yes.

Q. One of the elements in calculating whether staffing is adequate is obviously how many hours the workers are expected to do. Now I can speak from the point of view of England, but I think it was about 1972 that a 48-hour working week was introduced which then gradually got reduced down to 45 and 40, and at that stage a lot of the homes had to have much increased staff?

A. Yes, that's right.

Q. Because they relied on people working quite unreasonable hours. Do you know what the situation was in Northern Ireland, or whether limits like that were introduced?

A. Well, I wasn't in a management position in the boards, but I was in middle management in Barnardo's and I do recall that -- again because I was responsible for the oversight of that project which contained a residential home. I do remember that there were agreements about, for example, not just the numbers of hours staff worked, and this would have been in the late '70s, early '80s.

Q. Uh-huh.

A. But things like staff should have days off together. They shouldn't, you know, have one day off and then, you know, four days off and another day off. Where possible days should be given together. There should not be

split shifts, which was a big problem in terms of attracting -- well, all of those conditions were problems in relation to attracting people to work in these homes in a very, very demanding, intensive atmosphere. The staff were not to work in -- you were not to be off, away at 9 o'clock in the morning only to be back on duty at 5.00. So Barnardo's certainly tried to adhere to those standards, and I am sure that was reflective of practice -- I shouldn't say I am sure, but I would imagine that was reflective of practice throughout the Province really in the statutory sector as well. Whether other faith-based voluntaries met those standards quite so quickly or not I am afraid I can't say.

Q. Thank you very much?

A. Right.

CHAIRMAN: Dr Harrison, could I perhaps just ask you about one more thing which I overlooked? One of the children that you placed there was still under a school age?

A. At least one, yes.

Q. At least one?

A. Yes.

Q. Now this was designed to be operated as a working boys' hostel for boys over school leaving age; isn't that right?

A. That's right.

Q. In general terms in your experience why would children under school age be placed in Kincora at all, and if so was that suitable and for how long?

A. In my experience Kincora was only ever used as an emergency stopgap when no other places could be found -- no other suitable places were available for underage boys. And in my experience children were there for a matter of days, it wasn't weeks, and I said earlier that, in fact, Mr Mains himself would have been the first on the phone if he felt there was not an exit strategy for a younger boy. The boy whom I mentioned earlier, he would have been one of the ones that was underage and there was a problem with him running away. You know, there was no kind of central bed bank in those days, so it was very much up to social workers to ring round the various homes. If you were faced on a situation on a Friday evening, for example, when places were closed, there were no mobile phones. There was nothing. You really had to ring round several homes, you know. You might have been told "No, we can't, because we have already got three children over our quota as it is. We have had to squeeze them into bedrooms," and so on. So it really was the only really available choice and, no, it wasn't, it absolutely

wasn't suitable for young children to be placed there but in my experience it was a matter of expediency and in my experience those children were moved on very, very quickly.

Q. And may we take it that at least one of the reasons why it was not suitable was is that if you say you have a 13 or 14-year-old boy going into an establishment where many, if not the preponderance of the other young men are effectively almost adults, and in practical terms are adults, they are working?

A. Yes.

Q. They are coming up to 18. They have maybe been out of school two or three years. There are a number of problems that can arise. You can get bullying, introducing them to bad habits, underage drinking?

A. Yes.

Q. Gambling and then, of course, there is the risk we now know of peer sexual abuse?

A. Absolutely, yes.

Q. You said really that was a last resort. In that context can I ask you specifically, I think we have heard somewhere that there was a problem with the Palmerston Assessment Centre?

A. Yes.

Q. Which in geographical terms --

A. Was very close.

Q. -- was off the Holywood Road?

A. Holywood Road, Yes.

Q. In a different module we have heard an indirect reference I think to what one might nowadays describe as bed blocking?

A. Yes.

Q. You know, or silting up I think was the expression social workers used?

A. That's right.

Q. Because one might have assumed many of these admissions might have gone to Palmerston first. Is that a fair comment, or is it perhaps incorrect to make that assumption?

A. Palmerston, again I was acquainted with Palmerston. Palmerston was established as an assessment unit, but that did not mean that it was meant to take emergency admission. The idea was that a child would be admitted to some form of care, possibly foster care, or another residential unit. Once problems became evident that, you know, the fact that the child had greater issues than perhaps the traditional homes were capable of dealing with, then there would have been a referral to Palmerston, which was a multi-disciplinary assessment unit, you know, Dr John Barcroft was the psychiatrist

there. As far as I remember he assessed virtually all children coming to the unit. There was a psychologist as well. Then, of course, experienced residential care staff. So it wasn't being used for emergency admissions. I am not saying that didn't happen, but certainly we wouldn't have seen that as an appropriate place to admit a child in an emergency.

The reason for the bed blocking or silting up, was that when assessments took place much like Harberton House, then the pressure on the Service was such that there may not have been an immediate, you know, place for that child to go if, for example, it was determined that the child needed specialist foster carers and, you know, there needed to be a waiting period before those people might be recruited, or again if residential care was needed again, further periods in that or, indeed, if work with the family was required in order to rehabilitate the child back home. Sometimes those issues could not be resolved quickly while court cases were pending and so forth. So, yes, but I didn't ever see it as an emergency admission facility.

Q. And I promise this is the question last question, last topic. Were you ever aware of a significant problem of boys absconding from Kincora? There must have been occasions?

A. There must have been, yes.

Q. We know of at least one?

A. Yes, yes. I personally wasn't aware of that, but I didn't have an overview of the home. I didn't have a formal overview of the home. So it certainly wasn't ever reflected to me as being a problem.

Q. Thank you very much. Well, we are very grateful to you, Dr Harrison. I think you have had the unenviable distinction of being the person who has been called most often to give the view of the Department in, I think, every module, or almost every module, and we are very grateful to you for doing that. And also, as is evident from the lengthy questions we have asked of you, you are one of the very few people who is able to give their personal experience from a social worker perspective of Kincora and, indeed, you also found yourself in the same perhaps rather unenviable position in the Barnardo's module.

A. Yes.

Q. But thank you very much for all the assistance you have given to us?

A. Thank you. Thank you very much.

(witness withdrew)

MS SMITH: Chairman, Dr Harrison was our hopefully last witness certainly today.

CHAIRMAN: Yes. Well, ladies and gentlemen, we have now completed the finance and governance module, which unfortunately we were not able to bring to a conclusion earlier. We will now revert to the Kincora module, and what we propose to do is now rise for an hour or so to 2.30. At this stage, as in every other module which we have dealt with in the Inquiry, we propose to invite the representatives of each core participant to make short oral closing submissions and, as in every other module, or the great majority of them in recent times, we will provide an opportunity to each core participant to make more detailed written submissions if they so wish, and that I think you have already been notified about. This afternoon from 2.30 onwards those who wish to make short oral submissions will have the opportunity to do so. So we will rise now until 2.30.

(1.35 pm)

(Lunch break)

(2.30 pm)

CHAIRMAN: Now, ladies and gentlemen, we have reached the stage in the Kincora module where I propose to offer the core participants the opportunity to make a short closing oral submission, bearing in mind, I hope, that you will all be able to write in greater detail those matters which you wish to draw to our attention

subsequently.

Now, Ms Smith, the Health & Social Care Board in a sense should go first --

MS SMYTH: That's fine.

CHAIRMAN: -- because we opened the module with your clients. So if you wish to either speak from where you stand or come forward to the lectern. You may choose whichever you find more convenient.

Closing submissions on behalf of

THE HEALTH & SOCIAL CARE BOARD

MS SMYTH: I will come forward, Chairman.

Chairman, Members of the Panel, this submission addresses the abuse that occurred in Kincora. Other issues which concern the running of the hostel including the staffing and issues in relation to underage admissions will be developed in a written submission to be filed by the Health & Social Care Board by 22nd July.

Kincora opened its doors in May 1958, a Welfare Authority hostel for working aged boys. The first of its type in Northern Ireland. According to a report in the Belfast Newsletter on 7th May 1958, Kincora was officially opened by the Lady Mayoress of Belfast, Mrs Cecil McKee, on behalf of Belfast Corporation Welfare Committee, on which occasion she said:

"I hope that Kincora will be to the residents a true

home in every sense and that its influence on their lives will be a lasting one for good".

From October 1973 the responsible authority for Kincora was the East Belfast & Castlereagh District of the Eastern Health & Social Services Board. Kincora then closed its doors in October of 1980, its three caring staff members having been placed on precautionary suspension from March of that year following complaints that each of them had sexually assaulted boys in their care. Each of those three staff members were subsequently convicted of multiple sexual offences against the boys who were entrusted to their care and supervision, and they lost their jobs.

Whilst most of the 329 residents of Kincora passed through the hostel without evidence of harm, the convictions of Messrs Mains, McGrath and Semple are a grave and permanent reminder that the aspiration of Mrs McKee all those years ago were not fulfilled. Rather, since the newspaper report in 1980, Kincora has become synonymous with abuse and has attracted ongoing widespread public interest and debate.

Throughout this module the Inquiry has kept a clear focus on the facts, on finding out what happened and why things happened the way they did. Mr Aiken posed the following questions in his opening of the Kincora

module:

Who was abused?

By whom?

Who knew about it?

What did they know?

When did they know about it?

What did they do with that knowledge?

What ought they to have done with it?

Always coming back to the central question of whether system failures by the State caused, facilitated or failed to prevent abuse occurring in Kincora.

Aided by the forensic approach of the Hughes Inquiry, as evident in the transcripts of evidence and the Hughes Report itself, the Health & Social Care Board filed a written statement with the Inquiry before the public sittings of this module began, acknowledging nine missed opportunities by its predecessor organisations to prevent abuse occurring at Kincora across two decades.

In other written statements, amplified in oral evidence by Ms McAndrew, the Health & Social Care Board also identified multiple system failures attaching to the same period. As the Panel knows, many of these failings relate to aspects of good social work practice: record-keeping, communication, making referrals to the police and operating a monitoring system designed to

ensure that the hostel was being run in a manner so as to further the well-being of its residents.

It is clear that practice in these areas fell short in respect of Kincora and its residents too many times, and in the Health & Social Care Board's submission many of the missed opportunities and failings have their roots not just in the structures but also in the decision-making, some of the people who worked in the structures at the time.

The care giving staff in Kincora, Messrs Mains, Semple and McGrath, abused their position of trust in harming boys placed in their care and placing other boys at sexual risk of harm.

It is known that Mr Mains, warden of the hostel, did not report abuse to his superiors. This no doubt was a significant personal failing on his part. However, the care giving staff were only part of the system. They worked within a wider system of monitoring and supervision which ought to have provided vital protective mechanisms for the residents in Kincora. Yet these systems failed to protect residents of Kincora, and the Health & Social Care Board has identified that there were deficits in the monitoring activities of its predecessor organisations.

Crucially monitoring reports did not communicate

vital information of a child protection nature to people who needed to know at board headquarters level.

The Health & Social Care Board has accepted that the systems to implement statutory monitoring during Kincora's operation were underdeveloped and the Inquiry has heard from Mr Bunting, a most experienced and highly regarded practitioner in this field, who has said he regards the lack of policy for monitoring post reorganisation as a significant flaw in the system.

There are other significant failings, however, in the areas of record-keeping and communication. There was a lack of effective working together, as vital information was not shared between different levels of management within the Health & Social Care Board's predecessor organisations, and from senior management to Committee and board level.

The lack of records about key matters such as what happened after Mr Mason's August 1971 memo was sent to the Town Solicitor leaves unanswered questions about why no further action was taken, and this is unacceptable.

The lack of record about the outcome of the 1971 complaint also signalled the beginning of an uncoordinated individualised response to similar fact allegations. This might have been different if a process was put in place in 1971 to ensure that the

previous matters would be looked at again if more matters of concern came to light.

In the Health & Social Care Board's submission the failure to draw together the complaints and put in place a process for dealing with subsequent complaints chimes with practice evident from other modules when serious complaints made by children in care in the pre-Kincora era were handled on an individual basis with the possibility of institutional abuse not appearing to register as a cause of concern.

The Panel will recall the response to allegations made in Rubane in 1980, April of 1980. This response was on an institutional scale, with practically all of the boys in residence being interviewed by police. This coincided with the police investigation into Kincora, and in the Health & Social Care Board's submission this may signal a watershed in the evolving state of knowledge about institutional abuse of children in care.

As the Panel knows, events at Kincora first came to public attention in January 1980, when two social workers spoke to the press. They have said they felt driven to take this step as nothing appeared to have been done to resolve the suspicions about the hostel which had been known to them in the late 1970s through their involvement with R20.

Just prior to this R18's social worker told her managers about her concerns regarding Mr Mains and Mr McGrath, which were appropriately passed on to those with supervisory responsibility for the hostel. You will see that the knowledge or lack of knowledge held by the many social workers that visited Kincora over its years of operation is a matter that will be developed further in the written submission to be filed by the Health & Social Care Board.

It is, however, important to say at this juncture that the Inquiry's detailed analysis of what the residents themselves have had to say lends weight to the secret nature of the sexual abuse that occurred with the three members of staff operating as individuals within Kincora and reflecting on all the evidence, the Health & Social Care Board's view is that those who were abused in Kincora were not abused as part of a vice ring or child prostitution, rather, this was abuse of individual boys by individuals.

In the Health & Social Care Board's submission there needed to be stronger, lateral and vertical relationships within its predecessor organisations encouraging the sharing of information and an effective monitoring and investigation process. However, there is no evidence that indicates there was any effort, attempt

or decision to cover up the activities in Kincora by staff in management positions within the welfare system. There was further no evidence that actions were taken with a deliberate intent to protect the institution.

It is important to remember, however, that this is a reflection upon the past. Systems in place today are unrecognisable with major developments and multi agency working, particularly through joint protocols between police and Social Services to investigate complaints of abuse.

It is with sadness and regret that the Health & Social Care Board recognises that the systems in place to protect children in care failed to protect those residents of Kincora who experienced abuse, and that repeated opportunities were missed over a prolonged number of years to detect and prevent abuse and report complaints of abuse by some former residents to the police.

As was said by Mrs McKee all those years ago, the intention and aim was that all Kincora residents would have a true home which would have a lasting good influence on their lives. This chimes with the Board's intention when receiving these children into care, which was to offer them support and protection, and the Health & Social Care Board is sorry that abuse occurred which

has had such devastating impact on the lives of some former residents.

The Health & Social Care Board, therefore, offers a whole-hearted apology to all those former residents of Kincora that suffered abuse.

Chairman, Members of the Panel, that concludes the submissions of the Health & Social Care Board.

CHAIRMAN: Thank you.

Now, Mr Robinson, I think that in one sense the RUC, for whom you appear in the guise of the Police Service of Northern Ireland, must conveniently follow Ms Smith and then I will invite Mr McGuinness to speak on behalf of the Department.

Closing submissions on behalf of THE RUC

MR ROBINSON: I am obliged, Mr Chairman and Members of the Panel. If I can firstly start by recognising the work conducted by your team, and I wish to thank both counsel and your team of solicitors and researchers. I would also like to thank the team on behalf of the PSNI. We had a disclosure team, a liaison team and also analysts that have worked and lived in these papers in excess of two years. Certainly my task has been made a lot easier using their work and meeting with them and discussing the case. I hope when the materials are published on the website it will be clear to the public just the

level of cooperation and dedication exhibited by the PSNI to assist the Inquiry.

The approach of the PSNI has been to provide the utmost cooperation to the Inquiry far beyond merely the provision of the disclosure, and letting the Inquiry work away with that. It has been there to answer queries, explain the contents of documents and provide context to those documents.

It was important to the PSNI to set out at the start of DCS Clarke's witness statement where the police stand now in relation to these issues, and that essentially shows a stark contrast between what takes place now, the multi agency approach, the communication. I think that's a key theme throughout this module; communication.

The system now involves dedicated officers who have been trained. They are aware of these issues. They liaise with Social Services and the aim, as you heard from DCS Clarke, is to ensure as much as possible that this does not happen again.

It is also important on behalf of the Police Service to highlight the context within which policing existed at that time in the '70s. People were being bombed and named and killed on a day-to-day basis. In 1974 there were 220 victims arising from 185 terrorist incidents,

89 of which were in Belfast. In 1976 there were 289 victims arising from 213 incidents, 13 deaths within Belfast. That excludes people who are injured and maimed. I would wish to draw the Panel's attention to paragraph 19 of DCS Clarke's statement in which he said:

"Routine policing would frequently have been secondary to dealing with, whether responding to or seeking to prevent murder and violence that was so common."

If I may touch on three issues that arose in the oral evidence for the PSNI. There was the anonymous call in May 1973, 23rd May. Constable was tasked to go and investigate that. He was essentially given possibly the weakest form of evidence of evidence of an offence, an anonymous call. You cannot go back and speak to that person to get further details. You don't have an injured party to obtain a statement from to put that before a court. Constable was then faced when he attended Kincora with Mr Mains, who was the head of the house, who vouched for Mr McGrath. At that stage Mr McGrath was in his 50s. He was married with three children. He was a religious man. The view of the PSNI is that at that stage the way in which that call was dealt with was appropriate and reasonable in those circumstances.

The second issue touched upon in oral evidence was linked to Detective Superintendent Graham and his contact with Valerie Shaw in June of 1974. DCS Clarke was in agreement with the criticism of Detective Superintendent Graham in the Terry review. He failed to pass on the information he received. He was a senior officer. He failed to engage a skilled officer to take charge of the investigation, and he failed to record any information.

The third area of concern for the Inquiry and the PSNI was the inter-relationship between Detective Constable Cullen and ACC Meharg. That was explored not only in the Hughes Inquiry, but through the Terry report. The view of the PSNI is that DC Cullen was not the right person for this task. To quote DCS Clarke:

"It was the investigation -- his task was not within his province of knowledge or expertise. It may well have been a more appropriate matter for a generalist detective CID officer."

The training that DC Cullen had returned from in early 1974 was his initial training as a detective. This task was simply beyond him. That failing was added to by the lack of any structure imposed by ACC Meharg. We heard very clear evidence from DCS Clarke that the ACC is not there to supervise an investigation on a

day-to-day basis. He should have put someone in the layers of rank below between him and DC Cullen to look after this and that did not happen.

Mr Aiken drew attention to the acknowledgment by ACC Meharg in the Hughes Inquiry as to his failings. It will not gain anything from repetition today, but the Inquiry will remember a couple of days ago the frank admissions from ACC Meharg that more should have been done and back in 1974.

Now an issue arose during the course of the Inquiry about the Cullen documents that he refers to in the Hughes Inquiry and whether or not his three reports from January 1980 were actually part of the Caskey investigation, part of the Sussex investigation. Work was conducted to look through the papers again to find the various links, and the PSNI have produced to the Inquiry the documents that evidence, in fact, a direction -- the Irish Independence article was 24th January 1980. There was a conversation when ACC Meharg returned from Scotland. That conversation was condensed into writing, and the second item on that list was that DC Cullen was to update his 1974 report.

Also in that memo he states that Cullen is to obtain a copy of what we now know as the Mason report from Mr Bunting and provide that. Also in that paragraph is

mentioned by ACC Meharg that he had no recollection of receiving that, and that DC Cullen claims he sent it but had no copy of that.

So to dispel the suggestion of a cover-up, that's the ACC putting in black and white at the start of this investigation that there was an issue about the communication of that report, and it certainly does not smack of someone who is attempting to cover up that aspect.

Now we then have the three documents that were compiled by DC Cullen and they are at 50573 of the bundle. They were compiled by DC Cullen. They are dated 26th January. They are labelled Intelligence Documents, because they were first of all six years old and the contents of the documents related to previous interaction between Mr Garland and Mr McGrath in the '60s. We see reference to that made in DC Cullen's 30th April statement to Caskey where he actually talks about receiving information from Garland. Then states:

"There was no evidence William McGrath has been involved in any irregular behaviour at Kincora Boys' Home. All the Intelligence", and I stress that word, because this was background information, "related to two events that were not current. They were not current information and did not relate to any direct allegations

of any irregularities at the Kincora Boys' Home other than what had already been investigated."

I looked over the 24th January 1980 newspaper article. There were current allegations of a vice ring and boys being abused by way of prostitution. That's what Caskey was investigating at that time. The information from Mr Garland was from an alleged injured party who had married, had a new life and was not going to provide a witness statement about that abuse. So it was background information.

Now we have cross-referenced Mr Caskey's journal and we have exhibited that. We have sent that through to the Inquiry. That details a meeting on 29th January with Cullen, and we can't imagine any other reason but to discuss the contents of his report. We then have investigations carried out on 30th April. He provides the statement. Phase One results in convictions on 16th December 1981. Into 1982 was the start of Phase Two of Caskey's investigations.

Now what we do have is a letter he sent to Special Branch on 1st March 1982, and there was a suggestion that the Cullen documents did not make their way to Caskey or Sussex, but this Caskey letter to Special Branch, it is sent to ACC Crime. It states:

"In view of the recent allegations in the press it

may be necessary to further some inquiries before re-interviewing the defendants in the Kincora case Mains, Semple and McGrath. I would appreciate some background information from Special Branch on the following persons."

Now there is a list of 17 individuals. When one compares that list to the Cullen documents, they are lifted from the Cullen documents. Crucially, Members of the Panel, I draw attention to the very last sentence in that communication:

"Please see attached Intelligence log provided by D/Con Cullen on 26th January 1980."

So he is not referring to a report dated 26th January. It is provided on, and that attached the document that's set out at 50573 of the bundle. So it was known to Caskey, and when the allegations moved from simply the vice ring in Phase One to a wider aspect of prominent individuals, that's when he used this document to seek further background information.

We cross-referenced that communication with Mr Caskey's journal entries and we find for the very first number of days of March 1982, and that's the same date as this memo to Special Branch, he's briefing the Sussex team all over the early days of March 1982, and they were there to oversee what he was doing. So that

must have been an issue that was discussed at the time.

We also have a response from Special Branch on 4th March 1982 as well answering the queries relating to the 17 individuals. So that's clearly background information that Caskey was seeking through his investigation.

We also have at 40736 of the bundle Flenley's statement. He meets Detective Constable Cullen on 12th March 1982 and it expressly records him receiving the three Cullen documents. That ties in, Mr Chairman, Members of the Panel, with a communication at 79261 of the bundle from Vincent Lynagh, who was the legal adviser to the police at the time of the Hughes Inquiry. When the issue regarding JC1 through 8 was raised in the Hughes inquiry the question was raised whether or not they reached Caskey and whether or not they reached the Sussex team.

The response from Legal Services was that they had been compiled and sent. They are addressed to Meharg. It was unknown whether or not he got them, but they were sent to the investigators conducting the investigation at the time, which is Caskey's team. So that appears to logically fit, that Caskey had them and then deployed them in 1982 when the investigation expanded.

Members of the Panel, I don't intend to go into

detail on any other aspects and I will reserve those for the written submissions. What I can say is that the evidence before the Panel shows what failings can take place when there is a lack of communication. I know that the Inquiry's report will be a communication to the public about the truth of Kincora, and no doubt that your counsel has explained that all the allegations are going to be set out clearly from every individual complainant. I think that will bring clarity for the public to demonstrate exactly what was alleged, because there will be an absence of the vice rings, the prostitution, the prominent people, and it will dispel the sordid headlines that have reached the press and fuelled this ongoing episode.

No doubt where there are failings the Panel will highlight those so the public can learn what exactly went wrong. I hope that the cooperation of the PSNI and the frank acknowledgment of those failings forms part of that report and the PSNI welcome that.

Where there is evidence of false perpetuated allegations I would invite the Panel to strike them down, because they serve no further purpose except to prolong the torment experienced by the abused. The whole episode from the 1980s has been fuelled by the actions of a small number of individual who have failed

to cooperate with this Inquiry, their one chance, their venue to vent every aspect of their allegations.

Finally, Mr Chairman, Members of the Panel, I hope that the Panel find that the PSNI have assisted to the utmost degree, and that assistance will continue until the end of the Inquiry's journey and the report is completed.

Unless there is anything further?

CHAIRMAN: Thank you. Mr McGuinness?

Closing submissions on behalf of
the DEPARTMENT OF HEALTH, SOCIAL SERVICES & PUBLIC SAFETY

MR McGUINNESS: Chairman, Members of the Panel, the Inquiry has now heard the evidence in relation to this module relevant to Kincora and Bawnmore. The Department of Health who I represent have not sought in this module or, indeed, in any of the other modules to challenge the evidence of any of the complainants in relation to their allegations of abuse or the extent of that abuse, and we trust the Inquiry will, like in all of the modules, turn a forensic eye to all of the allegations, but it is important to note at the outset that the Department of Health regret the abuse which undoubtedly took place in relation to this module, and condemns both the perpetrators of the abuse and any others who by act or omission allowed abuse to take place.

It may be appropriate at this stage to highlight a number of aspects which have been identified in this modules and in other modules in relation to sexual and other forms of abuse of children. In this module in particular evidence has been heard from the victims of abuse, many of whom were amongst the most vulnerable in our society by virtue of emotional and intellectual difficulties. What is striking about the abuse identified in this module is how it was perpetrated in secret, even though in the case of Kincora it was the three members of staff responsible for the care of the children who were responsible for the abuse.

In the evidence of victims during this module you will have heard the abusers described as cunning. That's Day 209 and that's HIA199, described how they abused boys when they were alone. That's HIA185 and Day 210, and in a manner that they attempted insofar as they could to ensure that nobody found out.

What you might regard as a striking feature was some boys who were being abused were not aware that others were being abused, or that other staff members were abusing other boys. As Dr Harrison indicated this morning, there were boys who were in the home who spent a considerable amount of time there who were unaware of any abuse or any suggestion of abuse taking place.

In relation to both of the homes in this module the predecessors of the Social Care Board, that is the Belfast Welfare Authority, later the Eastern Health and Social Services Board and the Northern Health and Social Services Board in relation to Bawnmore, had the immediate and direct responsibility for the running, management and monitoring of the homes. The Department's predecessors, that's initially MoHA, the Ministry of Home Affairs until direct rule, later the DHSS and the DHSSPS had a general responsibility for the provision of welfare, later the Social Services, and that derives from Article 72 of the 1972 Order whereby the Department was obliged to provide and secure the provision of Social Services, and that included Social Services for children. Obviously the Department had responsibility where it delegated the duties to the boards as it did in these circumstances, to ensure that the duties were appropriately discharged in relation to children in residential care.

You will have heard this morning from Dr Harrison that there were concessions made by the Department in relation to the manner in which they ensured that those duties were being discharged, particularly in relation to the monthly visiting which we have dealt with this morning.

The Hughes Inquiry in 1984 heard evidence in relation to the various statutory functions and all of the other issues over a 60 day period. That Inquiry had the benefit of hearing first-hand and in particular of observing the demeanour of the 66 witnesses who were called and extensively cross-examined. While the terms of the Hughes inquiry were more limited than this Inquiry you have had the advantage of hearing from witnesses at a much closer remove.

In fact, the Hughes Inquiry has been invaluable in the sense that the Department has had to rely on the files that were made available to the Hughes Inquiry to deal with this module. The Hughes Inquiry made a number of findings in respect of the inspection regime which the Department was implementing. The Department did not challenge those and does not seek to resile from the findings of the Hughes Inquiry, save that it feels the Hughes Inquiry did not have the benefit of a clear exposition from the witnesses of the role the Seebohm report is likely to have had in the apparent change of practice post 1972.

I make that point, and Dr Harrison made that point this morning in particular to attempt to dispel any suggestion that the retraction of inspection activity was some gradual lapse into complacency rather than

a change in focus in which the SWAG were seeking to be supportive and provide an advisory relationship with social care providers with the emphasis on visits rather than regimented inspections.

Obviously this Inquiry is not obliged to accept the findings of Hughes, but it is respectfully submitted that weight will be put on those findings in the absence of new and compelling evidence to the contrary.

The most significant findings, and I propose to shortly deal with some finding of Hughes in relation to Bawnmore and Kincora and then comment on those. Effectively they can be more generally described in relation to the frequency and nature of departmental inspections, in particular in relation to Bawnmore, the Hughes terms of reference commence in 1960 and there were 13 reports of inspection of Bawnmore between 1962 and 1970. I submit that given the evidence in other modules in relation to annual or bi-annual inspection of childrens' homes by people whose names will by now be familiar to you all: Miss Hill, Ms Forrest, Dr Simpson, it is likely that MoHA did carry out inspections between the opening of the home in the mid 1950s and 1962.

Despite the criticism of the methodology which was employed by the Department in Bawnmore, and the scope of the inspections Hughes did find that these inspections

were not without effect. It is noteworthy that with regard to the inspection information on Bawnmore considered by the Hughes Inquiry, there was evidence of inspectors' concerns having been followed up and having led to improvement by the time of the next inspection. That can be found at HIA867.

Whilst there is no reference in the Hughes Report to inspections by MoHA or SWAG after 1970, the Hughes Report stated at HIA867:

"Specifically in regard to Bawnmore we consider that the record of the Ministry of Home Affairs inspectors during the relevant period was more than adequate in terms of frequency. Our view that the scale and nature of the inspections was not entirely satisfactory is qualified by the commendable frequency and regularity of them. The opportunity which the Ministry of Home Affairs inspectors would have had for detecting the homosexual offences involved in Bawnmore residents, however, was minimal."

Now to turn to what Hughes said in relation to Kincora, you have heard this morning that there were three inspections of Kincora in '65, '72 and '79, and there was evidence from the record book in relation to the various visits. Hughes did find that the inspections by MoHA had minimal potential for preventing

or detecting homosexual offences against residents. However, while Hughes did not believe that there could be any defence of the record of formal inspections, it did acknowledge that inspectors' less formal visiting would have alerted them to overt signs of deteriorating standards.

So while there may have been an issue with inspection, nonetheless, this less form of visiting would have alerted them to signs of deteriorating standards. Hughes commented favourably in respect of the intention, if it can be put that way, that was evidenced in and from February 1976 to change the process. It's been accepted that that change was not affected. It wasn't affected because of, amongst other things, constraint on professional resources, but Hughes did find that the Department's evidence satisfied us that the low frequency of inspections arose more from constraint on professional resources than from inspections being given a deliberately low priority.

Most importantly, it's clear from the Hughes Report and it is consistent with the Department's position that the Department were unaware of any of the allegations or suspicions that were held by various parties about Kincora before 24th January 1980.

A number of points can be made in relation to the

various conclusions of Hughes. First, it is clear that the Kincora allegations and the convictions in 1981 and the findings of the Hughes Report were a watershed in relation to knowledge of the systematic abuse of children by staff members.

Dr Harrison on behalf of the Department confirms that whilst there may have been individual knowledge amongst social work professionals of the potential for abuse by adults or peers, institutional sexual abuse of children by staff was not recognised as a phenomenon until the early 1980s.

It is of note that there were a number of regular visitors to the home to include social workers, other staff members, all of those people who appear to have been unaware of the abuse. The Hughes Inquiry noted the monthly visits from the Children's Officer, later the social worker of the child, and the various committee members might have presented a deterrent to abusers, an opportunity for atmospheres to be detected or complaints receive. However, that did not occur.

Now, those monthly visits were found by Hughes to be unlikely to have detected cases of homosexual misconduct unless there was some sign of distress in a resident which had become apparent or a complaint was made.

I respectfully suggest that whilst inspection is

important in the framework of factors which work to safeguard children, even if SWAG inspection visits had been increased, taking into account the contemporary standards that were being applied at the time and the cunningness of the abusers, there must be even greater momentum to reach the conclusions that Hughes did, that the inspections would have been unlikely to have identified misconduct in the absence of direct observation of abuse.

I wonder can I turn to how the Department responded to the allegations in Kincora? In respectful submission the Department responded robustly. In May 1980 the Permanent Secretary of the DHSS concluded that whilst no system of inspection can guarantee either to prevent or detect abuse, the Department had to put the system of inspection onto a more formalised and regular basis with greater resources channelled into inspection. That led to a more rigorous robust inspection methodology being developed and a general inspection taking place of other residential homes between October 1980 and March 1984.

Following from these inspections a further follow up inspection took place to ensure that implementation of any of the findings. A programme of regular annual inspections of voluntary homes and three-yearly inspections of statutory homes was devised and

implemented thereafter. This would continue to be developed and adapted so that residential child care was examined against defined and measurable standards of quality and care until the inspection function was transferred in 1986 to the board's registration and inspection units.

Evidence of this continued to develop and to adapt is found in 1986 whereby SWAG collaborated with the Board to agree a comprehensive set of standards for residential child care. In 1994 further standards were developed for inspection and monitoring. That can be found at GOV683. This latter 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 aspect of care in the home.

The Sheridan Report was commissioned from the DHSS in England. It reported in June 1982. It's of note that many of the recommendations from this report were already in place before the Hughes Committee reported.

In January 1985 the Department issued a paper entitled "The Statutory/Voluntary Relationship in the Provision of Child Care". This sought to address the financing and wider future of the voluntary sector residential child care. The Department, as you have

heard from Dr Harrison this morning, embraced the recommendations of the Hughes Inquiry published in 1986, and this implementation is described by Dr Harrison as the most significant milestone in the development of the residential child care policy and practice with the regulatory framework and associated guidance in Northern Ireland until the 1995 Children's Order.

It is important to note that these initiatives led from what was a difficult period to having a residential child care workforce which had the highest proportion of professionally qualified social work staff in residential care anywhere within the United Kingdom.

It may well be that the Inquiry reflect that given the manner in which the Department and the other statutory bodies reacted to the Kincora allegations, that the Department reflects on whether if missed opportunities identified in the evidence during this module had been brought to light, whether this is likely to have brought forward the abuse and this watershed moment which resulted in significant changes.

The Department, as I have already indicated, had no knowledge of the allegations until January 1980 and notes the media allegations which resulted in a number of police inquiries and the setting up of the Hughes Inquiry. It is unfortunate that some of those who have

been responsible for these allegations have not come forward to give evidence and have it tested. The Department, however, recognises the endeavour of the Inquiry to leave no stone unturned in its efforts to address these issues and is confident that a forensic eye will be turned to these, like all of the issues in the Inquiry.

In conclusion I suggest that the present child care landscape bears little, if any, resemblance to the landscape dealt with in this module. That's not to say that statutory bodies have become complacent. Rather, it is to reflect the positive change and constant vigilance that is a watchword for today's residential child care environment.

Finally -- I know I said in conclusion -- I want to acknowledge the fact this has been somewhat of a long march, this Inquiry, that at times it has dealt with significant volumes of material and evidence, and I want to acknowledge the courtesy, patience and at times humour of the Inquiry Panel, counsel, staff and everyone who has been working collaboratively to enable this Inquiry to come to a close today.

Unless there's anything further.

CHAIRMAN: Thank you. Now, Ms Murnaghan, it falls to you on behalf of the core participants on behalf of whom you

appear to address us in conclusion.

Closing submissions on behalf of
the NIO, the MoD, MI5 and MI6

MS MURNAGHAN: Yes. Chairman, Members of the Panel, as you know I appear on behalf of four of the core participants, that's the NIO, the MoD, MI5 and MI6, which is sometimes referred to SIS somewhat interchangeably. Given that I represent four of the core participant, I have tried to keep my submissions as brief as possible, but possibly it should come under half an hour, if that's of any assistance, but do feel free, Chairman, to stop me at any stage if there is a perception that I am going into too much detail.

If I could commence by saying that critical to any assessment of whether as regards my four core participants there was a cover-up of abuse of the children in Kincora, is the extent to which these four core participants have to, in effect, prove a negative. As you know, the entire exercise of proving a negative goes completely contrary to the usual course of how legal proceedings are conducted.

However, the position that these core participants find themselves in is such that this is an exercise with which they have embarked with gusto, and they have accepted that they have had little option but to

approach it in the correct spirit of proving this negative. To that end it is now contended that this Inquiry should be able to conclude firstly, that each of the four core participants knew nothing relevant about child abuse in Kincora until after the scandal broke in the media in 1980, and that, secondly, all of the assertions to the contrary are both without foundation and do not withstand scrutiny.

So what the Intelligence agencies knew during the 1970s when William McGrath was working in Kincora, has been examined, as you know, in considerable depth over the previous few weeks. The knowledge of each of the four core participants has been analysed in the context of the key questions articulated by Mr Aiken at the beginning of this module, being:

Who was abused by whom?

Who knew about it?

What did they do with that knowledge?

Whether systems failures caused or contributed to the problems in Kincora.

We have had a detailed examination of the security grouping and the complex interplay of responsibilities as they lay between the four core participants as they were shared in the 1970s. The Inquiry has been advised of how MI5 lent assistance to the MoD and the RUC, and

then there was the established the Irish Joint Section from 1972. The Inquiry has learnt how the IJS, the Irish Joint Section, was staffed by MI5 and MI6 on secondment and how operations were run both in Northern Ireland and in London.

Although there was clearly a degree of overlap between what each of these agencies did, it is my contention that that particular overlap does not require an analysis for the purposes of this Inquiry in any greater detail.

Now in this submission I do not propose to conduct a detailed analysis of what was known about Mr McGrath and when, and by which core participant, because frankly it would just take far too long. That will be dealt with in written submissions. However, I do propose to draw out some key themes and points in the evidence which are felt merit additional particular consideration.

Firstly, might I say that it is clear that evidence and intelligence was collected in relation to the organisation known as Tara. Because of his involvement in Tara, evidence or intelligence was also gathered in respect of Mr McGrath. This, however, should not be confused with the core participants being imputed with having any knowledge that as a member of this

paramilitary style organisation Tara, or even as someone who was reputed to be a homosexual, that there was some equivalence that the participants knew that Mr McGrath was abusing children in Kincora.

As to the witnesses, the Inquiry have heard a reasonable number of witnesses from the core participants and been the benefit of additional witness statement from others. Primarily the Inquiry benefitted from the evidence given by two deputy directors of SIS and MI5, who both submitted fulsome statements which were added to with a number of exhibits. Both Officer A and 9004 confirmed that MI5 and SIS take the issue of child abuse very seriously. They also confirmed that everything possible has been done to identify files to support this Inquiry's investigation.

They further confirmed that every effort had been made by their respective organisations to identify relevant documentation, discovery files, using experienced and trained staff. To this end Officer A made three statements and in his evidence he confirmed certain key factors which deserve some repetition:

Firstly, that Tara was not a major threat or organisation in their opinion at the relevant time and.

Secondly, although SIS was aware of reports indicating that McGrath was homosexual, the fact of

Mr McGrath being a homosexual was not of any particular significance to SIS, and he emphasised that SIS would not use someone's homosexuality, whether now or then, to blackmail them.

In October 1976 it became apparent that there was some reference held on SIS files to McGrath being what was termed as a sexual deviant. That is not to be equated with knowledge that he had abused boys, whether in his care or elsewhere, and one might also consider the fact that those same records record the following year in 1977 that consideration was being given to whether Tara as an organisation could be penetrated, a factor which has particular vision in the context of the allegations that Tara itself was a construct of the Security Services and, in fact, ran it.

There is one lacuna, potential lacuna which remains in the evidence of the SIS officer and which only became apparent during the exposition of his evidence, and that is the remark at paragraph 5, a remark attributed to an agent made in October 1989. Both MI5 and SIS have carried out extensive searches to locate any basis that would support this unmerited assertion, and to this end I would like to confirm that additional statements will be submitted to the Inquiry illuminating and confirming the extent of those searches and explaining the complete

paucity of any basis for that remark to have been made.

Now a number of individuals were referred to. I don't propose to look at all of them, but I do think that perhaps James Miller's case is a case that merits some additional consideration. His case would seem to be a paradigm example of the extremely deleterious effect that the involvement of some journalists have brought to bear on what has been known as the Kincora scandal.

This was demonstrated by Mr Miller being quoted in a Sunday Times article in 1987 wherein it was alleged that he claimed specifically that Intelligence Services had known about the abuse at Kincora for a number of years and had used it as a trap. However, the evidence that this Inquiry was able to access in an unprecedented manner was able to conclusively show that in a subsequent interview in April 1987 Mr Miller confirmed that he had absolutely no personal knowledge of Kincora and the entrapment story and, in fact, he had been misrepresented by the press.

Another individual who merits some particular remark is that of Sir Morris Oldfield. The evidence of the SIS witness was able to demonstrate that there was simply no basis on which national security had been compromised by Sir Morris Oldfield, or that he had been in any way

connected to Kincora, but nonetheless his involvement was one which was no doubt a construct of certain journalists' actions in the 1980s.

Additionally the Inquiry was able to hear evidence from the MI5 Deputy Director, that was Officer 9004. He made two statements. He confirmed that MI5 had provided all relevant files and that importantly the Inquiry had been able to view all files that it wished to see in an unredacted form. Officer 9004 spoke to the role and the nature of MI5, both in the 1970s and today, being that its principal concern is one of safeguarding national security, and it is important that that is understood in analysing and understanding MI5's actions, particularly in relation to the request of Detective Superintendent Caskey to interview the then ASP, Mr Cameron.

Importantly 9004 was able to categorically make a number of significant assertions. The first was that MI5's first knowledge of Kincora was when the scandal broke in 1980. Secondly, that no intelligence operations were linked to Kincora. Thirdly, that MI5 was not involved in any operation to exploit abuse taking place in Kincora for intelligence purposes and, fourthly, that there was no involvement of MI5 in any type of paedophile ring connected to Kincora.

So all of that is notwithstanding the fact that in the 1970s there were certainly a number of rumours circulating about homosexuality, and it is a point which was made and bears repetition, that although there was intelligence gathered about Mr McGrath, intelligence is not fact and needs to be assessed. In that period there was also a particular action wherein it seemed that a number of paramilitaries and those involved in politics were each calling each other, in an attempt to smear their reputation, homosexuals.

The Deputy Director, 9004, also discussed the perceived tensions that existed in relation to Mr Cameron, and the general perception that he was unwilling to assist the police investigation. The fact of the matter is I hope that the Inquiry can now conclude that the perfectly straightforward and compelling explanation offered by 9004 was that MI5 quite properly was concerned at the prospect of losing control over matters touching on national security and the inherent security risks to agent running activities in the wider context.

It is commendable indeed that 9004 emphasised that those individuals who had trusted MI5 with their lives by being sources or agents, that MI5 in return owed them a very strong duty of care, and that in those

circumstances their actions were not only understandable, but they were reasonable.

This current day analysis is supported by the contemporaneous document, amongst which was Mr Bernard Sheldon's note of 1st October 1982, wherein he accepts that the reluctance to provide Mr Cameron was not to impede the investigation into Kincora, but to ascertain the depth of the problem and how MI5 could assist without breaching issues of national security.

It is also relevant to note that, of course, the questions from Caskey were put to Cameron. He provided written answers and those answers were provided to Northern Ireland, albeit it seemed that they were perhaps not forwarded on to the police at the intervention of the Attorney-General as being "Hearsay upon Hearsay." Again this is something which hopefully this Inquiry is able to conclude has been resolved without any shadow of a doubt.

Now on a separate theme there is the evidence relating to McGrath. One might question what particular significance there was in the fact that MoD and MI5 and SIS at various times attempted to find out information about Tara and McGrath. One might ask why this was done, and if there was any truth in the various allegations about agents of the state or alleged

intelligence gathering operations in Kincora.

The fist evidence in relation to Mr McGrath derived from an MI5 summary card in 1973, and that first evidence is fairly innocuous. He was recorded as being the leader of Tara, and we did see over the previous weeks how that intelligence was amassed and added to at various points, but importantly at no stage in the gathering of the intelligence in respect of McGrath was there any reference to Kincora being a place of interest or that abuse was happening there.

Indeed, it was only in 1977 that a permanent file was opened by MI5 in relation to Mr McGrath, and Officer 9004 explained the criteria necessary for that file to be opened. It is also important to note that it was because of his activities as an Irish Protestant extremist rather than anything to do with children that the file was opened.

Now another factor that has taken a considerable amount of time is the extent to which the MoD knew about what was happening in Kincora. The waters have been somewhat muddied by a report provided by an intelligence researcher called Mr Noakes and his analysis in December 1982 as to a reading -- a partial reading of some of the files that were available to him.

Now unlike Mr Noakes, this Inquiry has had

unrestricted access to all documents held which are currently held by MoD which permits the Inquiry to reach quite a different conclusion, but Mr Noakes, although the MoD contends he reached an erroneous conclusion for the wrong reasons, his report is nonetheless relevant, because it reveals that at that time, in common with some others, such as Mr Rucker, there were other MoD files available to him, but it would seem that those files do not and did not contain anything that would impute a reference to the MoD having knowledge of abuse happening in Kincora.

In fact, Mr Noakes' conclusion was that the only document of any concern was that written by KIN 366 of 6th July 1974. The Inquiry has also had the opportunity to hear evidence directly from KIN 366 who not only provided a witness statement but his oral evidence hopefully has allayed any concern that this document was not to indicate that he had ever, or that the MoD had ever run Mr McGrath as a source. It was confirmed that KIN 366 as a desk officer and had never met Mr McGrath and was purely painting a pen picture of him.

KIN 366 was able to emphasise on behalf of the MoD a number of significant factors; firstly, that Tara as an organisation was of limited interest to the Army; secondly, that the suggestion of McGrath's homosexuality

was not of any material importance to the Army work. He also emphasised the division in geographical as well as hierarchical terms between his intelligence section and the location of Mr Colin Wallace in the Press Relations Information Policy Unit.

In his statement KIN 366 was also able to state with complete certainty that he had never seen the document we have referred to as GC80, which was reportedly written by Mr Wallace on 8th November 1974.

One might also impute some significance to the fact that KIN 366 's pen picture of William McGrath drawn up in 1975 revealed absolutely no reference to the document which one would have expected to have been available to him if it had been penned by Mr Wallace in 1974.

The Inquiry has also benefitted from substantive statements from Mr Jonathan Duke Evans. He has furnished three statement, the third of which has dealt with the MoD's policy and position in relation to the Government policy of neither confirm nor deny, and drawn the Inquiry's attention to some factors which it considers relevant as regards the missing documents. And it is with all of that, Chairman, Members of the Panel, that the MoD are confident that they can say that the conclusions reached by Mr Rucker in his report were correct, that there was no knowledge on the Army's

behalf of any abuse in Kincora or, indeed, of any involvement with Mr McGrath.

The Inquiry also heard evidence from the former ASP, Officer 9047, and the relevance of his evidence to the Inquiry was primarily to shed some light on the confused picture painted by the former Captain Brian Gemmell in relation to his interaction with the then ASP, Ian Cameron.

Additionally the ASP, 9047, was able to cast some light on why Mr Cameron would have made the representations to Brian Gemmell that he did. It is clear that the Security Service had no interest in investigating one's sexuality. He was able to directly give evidence to the Inquiry that had he been in Mr Cameron's position he would have acted in exactly the same manner.

In fact, over the years Brian Gemmell has indulged in much unmerited and unjustified speculation as to the reason why Mr Cameron initially told him in his belief not to interview Roy Garland, and then advised him to stay away from matters of homosexuality. It is contended that this Inquiry now can understand the rationale for that in light of the evidence it has received. It is also clear that Gemmell is confused and has conflated a number of events, both relating to the

number of times that he met Roy Garland to when the instruction came from Mr Cameron, and the identity of the person with whom he was instructed to break off contact.

What he has referred to as the bawling out by Cameron must have happened after the initial interview with Mr McCormick, when he was asked for permission to interview Garland. KIN 361 this morning has corroborated this analysis, and importantly there was no indication at that stage that Kincora had been mentioned. The contemporaneously made documents that the Inquiry was referred to of the Roy Garland interview are worthy of particular note. Nothing in those records suggests that there was any suggestion in relation to Kincora or that indeed McGrath's past conduct would be a good indicator of his likely future conduct.

Additionally there was the matter of the missing four-page MISR that Gemmell claimed that he had written, and it would seem that Mr Aiken after many years has located that lost MISR. Perhaps predictably the lost MISR makes no mention of any of the salacious allegations that were subsequently made by Mr Gemmell.

The Inquiry has also received a statement from a Mr Clifford Smyth, who confirmed that he has and had no evidence for the propositions put forward in Chris

Moore's book "The Kincora Scandal", namely that either McGrath was an agent of the state or that Kincora involved an operation run by the Intelligence agencies. Mr Smith categorically confirmed that he was only aware of Mr McGrath abusing children in his care after the scandal broke in 1980, and so had made no prior allegations against him.

Now the last individual who merits some mention is undoubtedly Colin Wallace. Colin Wallace has made the greatest single contribution to the allegations that abuse perpetrated in Kincora was the product of an intelligence plot. It is highly significant, it is contended, that Colin Wallace had considerable motivation in the 1980s to exploit what he alleged to know about Kincora, and that was information which he blatantly attempted to use in order to ameliorate his position, as it was then, in prison.

It is also to be noted that Mr Wallace's specialist skills lay in the manipulation of media. Consideration indeed of how events have unfolded since his revelations in the 1980s demonstrate the degree to which his undoubted skills have continued to manipulate the media, but most tellingly is the fact that Mr Wallace has steadfastly refused to cooperate or participate in any inquiry, to include this inquiry, that was likely to

scrutinise his allegations with any degree of rigour and the inferences that should be drawn from, in this circumstance, his non-cooperation.

I would also like to emphasise that this Inquiry has had unprecedented and encyclopaedic access to all relevant document relating to the many limbs of Mr Wallace's complaints which touch upon Kincora, and these documents include many secret documents which were never previously available and which provide the clearest and most comprehensive picture of his claims. This evidence reveals that Wallace's claims that the MoD knew of child abuse in Kincora and/or were aware of or participated in the cover-up of that abuse, are completely and utterly devoid of any merit.

I do not propose to rehearse all of the reasons why Wallace's claims are so implausible and impossible of belief. However, I would make some very brief comments.

Firstly, any examination of the judgment in the Court of Appeal reveal in his criminal case the extent of his willingness to lie and deceive.

Secondly, Mr Wallace's propensity to lie is not simply restricted to circumstances of his own particular crimes. One can also appreciate his fundamental dishonesty by a consideration of the volt face that he made in relation to the murder of Brian McDermott.

Thirdly, Mr Wallace has repeatedly lied about the reasons why he was forced to leave the Army.

In this Inquiry we did consider the reasons for his dismissal, and one can see now that we have seen all the relevant documents, that his dismissal was not in any way connected to Kincora, but rather was considered at the highest level of Government across a number of departments because of the very real risk that he posed to security at that time. These documents contain no hint whatsoever that Kincora or child abuse was in any way connected to the dismissal. Rather, his dismissal was solely related to the fact that the investigation established that he had passed classified material to the journalist Robert Fisk on a number of occasions, and the Inquiry can, of course, appreciate the significance of the conclusive proof that not only had he leaked documents to Fisk, but that he intended to continue leaking documents to Fisk before he left Northern Ireland.

The Inquiry is now in a position to conclude that there can be no credibility in Wallace's claim that he was in contact with a female social worker in 1972 who advised him McGrath was abusing a boy in his care. Quite apart from the fact that there is no rational explanation why such a social worker would have

approached him, none of the relevant individuals have ever been located, namely, the boy, the social worker, the police officer to whom she allegedly spoke, the intelligence officer to whom Wallace allegedly spoke. There is no evidence that he tried to alert the press, as he has claimed, and it is simply not possible that the document that the MoD has referred to as GC80, and to that extent I would refer the Inquiry again to the specific statement in relation to that document lodged by Mr Duke Evans, as to how it was quite impossible for the document to be authentic, namely that it was not written in the Army in the 1970s.

Consequently we can say that there's absolutely no single shred of cogent evidence that Wallace's claims that MI5 were running an intelligence operation in Kincora. It is quite clear that Wallace himself had considerable motivation to make these allegations at that time when he was in prison, and he remains motivated to this day to perpetuate this myth.

I don't wish to rehearse the point made in relation to the GC80 document. It is perhaps telling that none of the journalists with whom he was in continued contact after he left the Service recorded any note that he had rehearsed to them the contents of GC80 and, in fact, it only surfaced after the scandal in relation to Kincora

had emerged in the media.

Indeed, after Mr Wallace was arrested for the murder the SIS searched his property and they were able to conclude that he had had no access, and this was, of course, before there was any suggestion that he had in his possession the GC80 document, but that he had had no access to or knowledge of Irish joint sector operations, and in this context the repeated hurdles presented by Mr Wallace justifying his refusal to assist the police, or assist any subsequent inquiry, simply do not with stand scrutiny. No-one has ever seen any of the source documents for GC80 and, indeed, none of his colleagues have ever corroborated that that document was in existence. Even his greater supporter, Mr Peter Broderick, have all denied all knowledge of GC80.

Now this morning the Inquiry heard evidence from another Army officer, an Army officer who worked with Brian Gemmell, and it is contended that it is clear from KIN 361 's evidence that Brian Gemmell was confused about the evidence that he gave to Detective Superintendent Caskey. KIN 361 was also able to accept that he has erroneously conflated the abuse of Garland and other boys at a religious event, or bible camp possibly in Faith House, with the idea that if McGrath was involved with a children's home then abuse must have

occurred there.

It is quite clear from KIN 361 's references to the involvement of both religion and the politics and the future political future of the boys which McGrath was said to intend abusing, are much more indicative of Faith House type of environment than Kincora, a place where, of course, Garland had never resided or attended.

It was also useful to contextualise the period in which the assertions made by Roy Garland were made, and his remark that if the activities recounted by Roy Garland sound outrageous now, they were quite beyond the pale in the 1970s.

He also emphasised that the abuse that Roy Garland complained of was as an adult in his 20s who was making allegations which, quite frankly, KIN 361 had some reservations about accepting as being entirely reliable. He also cast some important light on the perfectly proper instructions from Ian Cameron not to focus on issues of homosexuality and recounted that, in fact, Brian Gemmell himself excised parts of Garland's account in the reports that were prepared for their superiors to include removing parts of KIN 361 's oral report and handwritten notes from the typed report.

So in conclusion in relation to KIN 361 's evidence, we would say whilst it was clear he was doing

his best it is also clear that his recollection is imperfect, and has been overlaid with current day views and assumptions about child abuse and inappropriate behaviour.

Panel, that would conclude my remarks. I would like to say that for all of the above reasons the four core participants that I represent, it is their earnest and sincere aspiration that this Inquiry will be able to conclude that there is no merit in the various allegations of state involvement, and that this appalling and horrific abuse suffered by the victims of Kincora can finally be laid to rest with the conclusion that there simply was no state knowledge of or involvement in it.

Unless there is anything further?

Closing remarks by THE CHAIRMAN

CHAIRMAN: Thank you, Ms Murnaghan.

Today completes our programme of hearings which started on 13th January 2014. All but a handful of the 223 days of hearings since then have been conducted in public. On a small number of occasions we conducted closed hearings from which the press and public were excluded because publicity of the matters we were then considering could have prejudiced criminal trials that were imminent at that time. The vast majority of our

hearings have been open to the public and to the media. The transcripts of the evidence and the documents we have considered are placed on our website as soon as possible after each day. This enables anyone interested in our work to see the relevant evidence for themselves, as indeed has been the case during Module 15, which has now finished. 19 of the 20 sitting days of the Kincora module, which concluded with the evidence we have just been referred to that was given very early this morning, have been devoted to a very public and detailed examination of evidence relating to Social Services, to the RUC, to the RUC Special Branch, to the Ministry of Defence and Military Intelligence, to the Secret Intelligence Service and to the Security Service.

During that process we have heard from serving representatives of the Secret Intelligence Service and the Security Service as well as from now retired members of both services, retired former officer and non-commissioned officers of the Army, and from members of the then Royal Ulster Constabulary, all of those people who were able to give evidence as to what they did or what they learnt about the events surrounding Kincora all those years ago.

We also heard from others such as Bob Bunting, who served in the then Belfast Welfare Authority and its

successor, the Eastern Health & Social Services Board. The Inquiry has examined and will continue to examine a larger group of documents as part of its investigations into Kincora before we complete our report, and to which we will refer as necessary in the report and publish on our web site with the report.

The next stage of our work will be to complete the drafts of our report. These drafts will cover not just Kincora, of course, but all the other homes and those topics related to residential homes that we have investigated so far throughout the life of our Inquiry.

Our terms of reference require us to deliver our report to the First Minister and to the Deputy First Minister no later than 18th January 2017 and then to publish the report.

Under the Act of the Northern Ireland Assembly under which we have carried out our functions, we are obliged to deliver the report to the First Minister and Deputy First Minister at least two weeks before we publish the report. Therefore the Panel will be working over the summer to prepare our draft report. Before we can finalise the report Rule 14(3) of the Inquiry rules states as follows:

"The Inquiry Panel must not include any explicit or significant criticism of a person in any report of the

Inquiry unless:

(a) the chairperson has sent that person a warning letter;

(b) the person has been given a reasonable opportunity to respond to the warning letter."

Every organisation that has taken part in the Inquiry as a core participant, and every individual against whom allegations of wrongdoing have or might be made, had the opportunity to participate, to give evidence and to answer actual or possible criticisms during the hearings. They have also had the opportunity to make oral and written submissions after each module that involved them and, as we have just seen in relation to the Kincora and Bawnmore module, almost all have chosen to make submissions.

A small number of individual have chosen not to engage with the Inquiry. If any of them were to be criticised in the report, then fairness and Rule 14(3) require them to have the opportunity to respond to any criticism before the report is finalised and then published.

Once those sections of the draft report that may contain any such criticism of core participants or individuals, whether the individuals gave evidence or not, have been drafted, then warning letters will be

sent to the core participant or to the individual concerned. The warning letter will be accompanied by the part or parts of the relevant passages of the draft report. Those passages will refer to the evidence on which any criticism is based. The warning letter will specify the date by which the recipient must submit any written response to the Inquiry. The specified period will vary according to the volume of material which may be referred to in the draft, but will not be less than two weeks and will not be more than four weeks.

The actual period for each recipient will take into account the evidence the core participant or individual has already given to the Inquiry as well as their submissions to the Inquiry. We do not expect recipient of warning letters to repeat at length what they have already submitted, nor will we accept any new evidence not previously submitted to the Inquiry unless that evidence relates to a criticism in relation to a matter that the recipient did not have the opportunity to deal with in their earlier evidence or submissions.

In what we anticipate might be a very small number of individuals, namely those who may be criticised but who, for whatever reason, did not or chose not to engage with the Inquiry, the warning letter and the relevant part of the draft of the report will be accompanied by

copies of any documents the Inquiry considers relevant to that person, that is whether or not those documents are referred to in the draft sent to that individual with the warning letter.

Where the Inquiry considers that the individual may wish to have legal advice when preparing any response that the person may wish to make, then depending on the person's financial means he or she may be eligible for legal representation at the expense of the Inquiry. If an application for legal representation at the expense of the Inquiry is made, it will be dealt with in accordance with the Inquiry's costs protocol and in accordance with the principles already applied by the Inquiry when previous awards have been made to witnesses who have given evidence and have been given legal representation in the past.

I must emphasise that the time limit for responding to warning letters will be strictly enforced. Only in the most exceptional circumstances will the Inquiry consider responses that are received by it after the specified time in the warning letter. That is because the Inquiry does not have an unlimited period of time, an unlimited period which can be infinitely extended to engage in repeated debates with those who receive warning letters. That is because, as I have already

stated, the Inquiry is obliged by its terms of reference and the statutory framework that governs our work to deliver its report by 18th January next year.

Once the responses have been received then they will be considered by the Inquiry Panel. We will then take the necessary steps to finalise the report and to prepare for its publication after it has been delivered to the First Minister and to the Deputy First Minister. We will give further details of the publication process nearer the time, but we can say that the report will be published in both a printed version and an electronic version which will be placed on the Inquiry website.

In conclusion, it would be remiss of me were I not to place on public record the appreciation of myself and my colleagues of the efforts made by everyone to assist the Inquiry over the last two and a half years or so of our public hearings. This includes, of course, the applicants, other witnesses and the core participants, who have all taken part in our proceedings.

In particular, I wish to thank on our behalf those who have provided the technical and administrative support to the Inquiry hearing in Banbridge, support without which it would not have been possible for us to conduct our proceedings in the way that we have without much, much greater time being devoted to bringing up

documents, leafing through lever arch files and matters of that sort.

Not only have they given technical and administrative support to us, but many have given much time and effort to providing sympathetic support to the witnesses who have come to us to give evidence. Giving evidence to a public inquiry such as ours, and in particular a public inquiry dealing with the topics we have been considering is, as we have always appreciated, an emotional and stressful experience for so many. We have done the best that we possibly can to minimise the stress inherent for those who have had to give evidence to our Inquiry, particularly for those who are giving evidence of matters of such a deeply personal nature as is included in and, indeed, dominated by the experiences of those applicants who have recounted their experiences to us.

We hope that our work and the work of our colleagues who conducted the private and confidential hearings of the Acknowledgment Forum has helped in some degree to ease the pain and distress suffered for so long by so many of those former residents who came forward to help us by telling us, and through us the wider community in Northern Ireland and elsewhere of their experiences in residential homes and other institutions within our

terms of reference.

Thank you, ladies and gentlemen, for your attendance today and throughout the work of the Inquiry.

(4.20 pm)

(Inquiry Concluded)

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