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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 Tuesday, 9th December 2014

commencing at 10.00 am

(Day 76)

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

1 Tuesday, 9th December 2014

2 (10.00 am)

3 WITNESS DL503 (called)

4 CHAIRMAN: Good morning, ladies and gentlemen. Before we
5 start can I just remind everyone, as before, that mobile
6 phones must be turned off or at least placed on
7 "Silent/Vibrate" and that no photography of any kind is
8 allowed either in the chamber or anywhere on the
9 premises.

10 MS SMITH: Morning, Chairman, Panel Members, ladies and
11 gentlemen. The first witness today is DL503. He is
12 "DL503". He wishes to take a religious oath and he
13 wishes to maintain the anonymity afforded to him by the
14 Inquiry.

15 WITNESS DL503 (sworn)

16 CHAIRMAN: Thank you very much, DL503. Please sit down.

17 Questions from COUNSEL TO THE INQUIRY

18 MS SMITH: DL503's statement can be found at RUB5545 to
19 5547. If we just go to the last page at 5547, please,
20 DL503, can I just ask you to confirm that you have
21 signed this statement? This is the statement you have
22 provided to the Inquiry and you signed it on 27th
23 October 2014?

24 **A. That's correct.**

25 Q. And is this the statement that you wish the Inquiry to

1 consider as your evidence together with anything else
2 you tell us this morning?

3 **A. Yes, it is.**

4 Q. Paragraph 1 of your statement you set out your social
5 work career history. You retired in , but you were
6 employed as a until , but prior
7 to that your statement -- this statement was prepared in
8 response to a statement that you had seen from a witness
9 to the Inquiry known as "HIA41", who I will call HIA41,
10 but the name obviously isn't to be used outside this
11 room.

12 **A. Okay.**

13 Q. You were HIA41's for a period of time from
14 to . Is that correct?

15 **A. That is correct.**

16 Q. And one of your specialisms at that time was in
17 aftercare. Is that so?

18 **A. We were beginning to develop an aftercare service at
19 that point in time. It was at the very embryonic stage.
20 So we were beginning to develop it. So I wouldn't call
21 myself a specialist at that point in time, but we had --
22 that was the origins of that development of that
23 service.**

24 Q. And this is where the concept of independent living for
25 those children who were leaving care started in around

1 the . Is that right?

2 **A. It really took off in the and in some ways the**
3 **circumstances we were facing in were very different**
4 **to what we developed in the .**

5 Q. Well, you -- HIA41 had had a number of social workers
6 and he has told the Inquiry that there were several
7 people involved in his care that he remembered. I am
8 just going to give you some names of people that he
9 remembered. He remembered a , DL 502 and
10 yourself. You all -- you actually took over you say
11 from someone else whose name he had not given to us.

12 **A. Yes. There was a social worker preceding my involvement**
13 **by the name of , who would have been**
14 **I think working with HIA41 from --**
15 **through until when I took over working with**
16 **HIA41.**

17 Q. And at that time that you took over what you have said
18 in your statement at paragraph 4 is that the focus of
19 your role was to re unite HIA41 with his mother in the
20 community.

21 **A. That had been an unfolding direction which had been**
22 **a long-held wish by HIA41's mum and it was a direction**
23 **of travel which I inherited, if you like, but one which**
24 **I would have developed at that point in time.**

25 Q. Now HIA41 has told the Inquiry and -- sorry. Just let

1 me ask you to look at one document, because this is
2 again something HIA41 takes issue with. It is at 30547.
3 When HIA41 gave evidence, I put it to him that part of
4 the social work records we had suggested that his mother
5 had visited him during his time in Rubane on a monthly
6 basis. This is a document which appears to be -- it is
7 not quite clear, but the date seems to be
8 I think that is. The reason I say that is if we scroll
9 down through the document, it says:

10 "Date of visit since last report."

11 Those are all in the period of , but the -- if
12 you see there that it says:

13 "Mother visited monthly."

14 This was before your involvement with HIA41. Is
15 that correct?

16 **A. That would be correct, yes.**

17 Q. So you would not have put that on to that report?

18 **A. No.**

19 Q. Are you aware of who compiled this report?

20 **A. I think that period of time, given it was Kircubbin or
21 Rubane, it would be likely to be DL 502 .**

22 Q. Now HIA41 takes issue with the fact that it is recorded
23 there that his mother visited monthly. He says in his
24 entire time in Rubane he saw his mother once during that
25 time. You, I take it, can't assist us any further than

1 what is written there.

2 **A. No, I am afraid I can't.**

3 Q. Social Services had, however, been involved with HIA41's
4 mother and her children for some period of time. Isn't
5 that correct?

6 **A. I think since -- well, since HIA41 first came into care,**
7 **which would have been -- and before that. So you're**
8 **talking the .**

9 Q. You say that -- sorry. Just going back to your own
10 statement, if we can, at page 5546, can I just confirm
11 that HIA41 was the only child for whom you had any
12 responsibility in Rubane? Is that so?

13 **A. That's correct.**

14 Q. And, as you say, the focus during your time was to
15 reunite him and his mother. Now he -- you say in your
16 statement there that you would have had meetings with
17 HIA41 in Rubane. Where did those meetings take place?

18 **A. My recollection is that they took place in some more**
19 **formal setting, not in his unit, some kind of reception**
20 **area. That would be my recollection, and I -- I may**
21 **stand corrected on this, but I think I also saw HIA41 at**
22 **on one occasion, but ...**

23 Q. You say -- sorry. Going back to your statement, when
24 you say you saw him , is that because he was
25 working ?

1 A. Yes. I mean, I would have gone down to with
2 him on. To be honest, I can't actually recall the exact
3 detail, but my general contact was in the -- in the more
4 formal setting of the main building. That would be my
5 recollection.

6 Q. What were your impressions of Rubane when you went
7 there?

8 A. It was an establishment where there were clear --
9 clearly -- clear procedures, clear boundaries, clear --
10 clear -- more of an institutional setting than many
11 children's homes I would have been visiting, which would
12 have been much more relaxed. So there was a sense of
13 this is where you saw the youngsters. So that was my
14 impression of Rubane at the time.

15 Q. It's been suggested that certainly in sort of early
16 , sort of , that social workers would have
17 had open access to go where they wished in the home.
18 Was that your experience in ' ?

19 A. I mean, it wasn't my experience. I'm not sure I can say
20 to you I was looking for that. That wouldn't be
21 correct, but my experience was of a much more controlled
22 setting to meet with HIA41.

23 Q. One of the things that you say in your statement is that
24 there was about 18 months involved in the preparation
25 for HIA41 leaving Rubane. Now he would dispute that.

1 Can I just ask you what you remember doing to prepare
2 him for leaving?

3 **A. I suppose in terms of preparation beyond the assessing**
4 **of mum's situation and -- which did seem from my**
5 **experience of HIA41's mum and indeed my predecessor's**
6 **experience of HIA41's mum to have improved**
7 **significantly, then the preparation with HIA41 would**
8 **have been focused on developing his home contact, and my**
9 **recollection is that HIA41 was due to go home for the --**
10 **for overnights around the then**
11 **for a period beyond that up until his discharge in**
12 **, in and in terms of**
13 **preparation it was building the contact which had**
14 **already begun prior to my intervention.**

15 **Q.** You are aware, because you have seen HIA41's statement,
16 that at paragraph 44 of that at page RUB507 he documents
17 what he says was his experience of those home visits in
18 preparation for him leaving. If we can just -- it has
19 just been put up on the screen here. He talks about he
20 took -- you there, which is DL503:

21 "... start arranging for you to go out to her on
22 a Saturday now and again, return on the bus at 4.00 to
23 5.00 pm. I was left to walk miles to get the bus from
24 the home and walk in the dark on my own. It was very
25 frightening. My biological mother met me at Oxford

1 Street bus station and instead of getting to know me at
2 her bed-sit took me to a pub on with a man
3 and I stood at the bar until 4.00 and got the bus back
4 to the home. This happened often, sometimes to a bar
5 called ' ' beside . It was on the
6 corner next to the boats."

7 He goes on to talk about other people talking about
8 him. Basically he is painting a picture of not what you
9 were expecting was happening with these trips home.

10 **A. It certainly is different to how I perceived the**
11 **situation and -- yes. So I'm surprised at that**
12 **scenario.**

13 Q. But you say in your statement you were unaware that this
14 was happening in HIA41's life.

15 **A. That's correct.**

16 Q. The question I have to ask you, DL503, is what checks
17 did you make about how these trips home were going?

18 **A. Well, realistically the only checks I made were on the**
19 **feedback from -- from HIA41 and his mum and there were**
20 **no indications of this kind of eventuality occurring at**
21 **that time.**

22 Q. Would you accept that he was left very much to his own
23 devices to get home and to get back?

24 **A. Yes. I think I would accept that, that HIA41 was --**
25 **was -- and -- was of an age to manage returning to**

1 **Rubane. I mean, he was of an age to get the bus and to**
2 **walk up the road, but I -- when I read it, I can**
3 **understand that maybe HIA41 found that concerning now.**

4 Q. Looking back on it now, you can see that this was how he
5 felt at the time, but he didn't make you aware of that.
6 Is that what you are saying?

7 **A. No, not at the time, but I understand what HIA41 is**
8 **trying to say.**

9 Q. In his statement in paragraphs 45 through to 52 HIA41
10 continues to describe what life was like for him after
11 he left Rubane, and essentially I have to say it is
12 outside the terms of reference of this Inquiry, but he
13 does have a number of complaints that he has drawn to
14 the Inquiry's attention about the lack of support that
15 he feels he had at that time. You deal with those in
16 your statement at paragraphs 5 through to 7. I am not
17 going to go into those in detail, because the Panel have
18 both HIA41's statement and what he said and yours, but
19 there are a few things that HIA41 did say in evidence
20 that I think it is appropriate to raise with you.

21 He says, first of all, in evidence -- and we can see
22 this at RUB80500 -- that there were different social
23 workers involved in his care. Maybe if we just look at
24 the transcript of his evidence. Just -- so just halfway
25 down there:

1 "So there were different social workers all the time
2 here, not just one social worker coming and interacting.
3 They were different."

4 He goes on to say:

5 "I never knew that any Social Services until three
6 years ago knew any of the De La Salle Brothers or the
7 Sisters of Nazareth and they were scheming between
8 themselves, working hand in glove."

9 He goes on to talk about his time and his movement
10 from Nazareth House to Rubane, which was obviously prior
11 to your involvement with him, but he is essentially
12 accusing you and other social workers of scheming with
13 the Orders who had the day-to-day care for him, and is
14 there any comment you want to make about that?

15 **A. There would have been conversations naturally between
16 myself and staff working in Rubane, but -- but I don't
17 in any way recognise the concept of scheming or working
18 -- which seems to infer working against HIA41's best
19 interests, and I wouldn't recognise that. If it implies
20 knowing people outside of the working environment, then
21 that certainly wasn't the case.**

22 **Q.** Can I ask, apart from meeting HIA41 himself at Rubane,
23 were there case review meetings that you attended there?

24 **A. I can't recall. If there was, it was maybe one, but
25 I can't recall a whole host of case review meetings.**

1 Q. What contact would you have had personally with the
2 Brothers in De La Salle?

3 **A. My recollection of working with the Brothers is**
4 **extremely, extremely limited. I -- if I would have**
5 **spoken to them once or twice, it would have been -- that**
6 **would have probably been the extent of it, but -- but**
7 **it's a long time ago and -- and the fallibilities of**
8 **memory, yes, but I don't have any recollection of any**
9 **specific member of staff in Rubane who I was strongly**
10 **relating to, which is, can I just say, different to**
11 **other establishments, where we would see key worker**
12 **systems and so on. So it -- my memories of Rubane**
13 **are -- are not -- are not memories of a -- of a -- of**
14 **staff who were working strongly and closely with HIA41**
15 **and then relating to myself.**

16 Q. So is it fair to say then you had little contact with
17 people who were involved in his daily care?

18 **A. I think it is fair to say I had less contact than**
19 **perhaps in other establishments.**

20 Q. One of the things that HIA41 has also said is that 90%
21 of the records that he has received or has been put to
22 him by us are all lies, and he said the social workers
23 were busy having cupcakes and coffee rather than
24 attending to any complaints of abuse that were being
25 made.

1 First of all, can I ask did you ever receive any
2 complaints from HIA41 or anyone else about what was
3 happening in Rubane?

4 **A. No, none whatsoever.**

5 Q. And have you any comment to make about, you know, the
6 cupcakes and coffee? Is that your recollection of
7 Rubane?

8 **A. I can recollect that in Nazareth in subsequent years**
9 **that there would always have been a welcome with**
10 **an opportunity to have a cup of tea. I have no**
11 **recollection of that in Rubane.**

12 Q. What about the involvement of children in their care
13 planning, as we would describe it nowadays? Was there
14 involvement of HIA41? Were there discussions with
15 HIA41? You think you had maybe one case review meeting.
16 Was he present at that?

17 **A. My perception would be and my recollection would be that**
18 **the involvement of young people in their care planning**
19 **discussions was -- was certainly far, far behind in**
20 **terms of involvement than it subsequently developed in**
21 **later years, and my -- my perception is it would have**
22 **been -- we would have been taking decisions to the young**
23 **person and their families rather than having their**
24 **involvement actually in the meetings, if that answers**
25 **your question.**

1 Q. So what you are describing -- and if I am being unfair,
2 please do correct me -- but you are describing
3 a paternalistic attitude to the children at the time
4 rather than a child-focused?

5 **A. I think there was a -- at that period of time I think we**
6 **were bringing services to children and I don't think**
7 **our -- the feedback with the involvement of youngsters**
8 **was at that time as significant as it is now and it has**
9 **developed over the years since then.**

10 Q. Well, one of the things -- HIA41 has subsequently
11 written to the Inquiry and he has said that at the time
12 when it was coming up for him to leave Rubane he
13 actually wished to live in Kircubbin and in that area.
14 He has talked about a particular teacher or houseparent
15 trying to find a job for him. Were you aware of that or
16 aware of any attempts by Social Services to do anything
17 other than reunite him with his mother?

18 **A. No, I wasn't aware that HIA41 was looking to live in**
19 **Kircubbin. Well, I can't recall that. I mean, my --**
20 **the direction of travel which we were strongly on was**
21 **towards home, yes.**

22 Q. And would -- I know that you are saying that was the
23 direction of travel. So -- and the fact that children
24 weren't particularly consulted, but was there any
25 general discussion about how happy HIA41 was about this

1 plan for his future that you recall?

2 **A. I mean, I have to say that I was considering HIA41's own**
3 **-- what I felt, that HIA41 was wanting to return to his**
4 **mum's care and I felt that's what his mum wanted, and**
5 **I wasn't looking outside of -- at any other direction.**
6 **There may have been thoughts in HIA41's mind and that**
7 **may well have been something he would have liked to have**
8 **done. I can't recall that being a significant issue in**
9 **our conversations at all.**

10 **Q. Well, one other complaint that he makes -- well, we have**
11 **the transcript there. It is at 80502. Sorry. Can we**
12 **just scroll down there? It says -- again your name is**
13 **here and will be redacted, but it said:**

14 "DL503 took me, the Jack Russell dog that I had,
15 left me in the street and he drove off in his car
16 and that was the first time I had ever stayed there in
17 her bed-sit."

18 Now he is talking here about the day he actually
19 leaves Rubane for good. He is essentially saying you
20 just left him off outside this property. He said that
21 he had never stayed there before, and when he did go to
22 live there, he found that conditions with regard to his
23 relationship to his mother and her situation were no
24 different to what they had been in the , when he
25 was taken from her.

1 The question I want to ask you is, first of all,
2 about dropping him off. Did you go in with him or did
3 you leave him in the street? Can you recall?

4 **A. I -- I would not have left HIA41 standing in the street**
5 **outside his mother's house. So I did go in, yes.**

6 Q. And do you -- were there follow-ups? Did you follow up
7 to see how he was getting on at home or how regularly
8 would that have been done?

9 **A. Well, my view is there was a high degree of contact with**
10 **HIA41 in the weeks and months succeeding HIA41's return**
11 **home, and HIA41 would have been a very welcome visitor**
12 **at our office and very popular visitor at our office**
13 **and, as his mum, would have been a frequent caller, but**
14 **I would have been visiting the house as well.**

15 Q. Because he would say that you only actually visited that
16 address once and that he was expected to go to see you
17 in your office in Lower Crescent. Was that correct?

18 **A. I wouldn't recognise that as being correct. I would**
19 **have been at the flat.**

20 Q. Another thing that he said is that you made appointments
21 to see him in Lower Crescent and that 90% of the time
22 you weren't there, and he described you, as he put it,
23 as "a complete headless chicken". Is there anything you
24 want to say to the Inquiry about that, DL503?

25 **A. If I wasn't present, and I certainly -- that to me seems**

1 incorrect to say that -- the amount of times I wouldn't
2 have seen HIA41 at arranged times seems hugely
3 exaggerated, but there would have been times, and I
4 would accept that, that if I was caught up in being busy
5 with various other things, that I would have had to see
6 HIA41 later in the day or later in the evening, and
7 I would have always tried to see HIA41 as quickly as
8 possible if I had had to break an appointment, and --
9 yes, that would have been very important to me at that
10 time, that -- I would have felt it was inappropriate for
11 me not to be present. If I was busy caught up in
12 something, as I say, that I wouldn't respond by calling
13 to see him as soon as I possibly could afterwards, which
14 would have brought me to his door rather than to the
15 office.

16 Q. Now essentially -- he has written, as I say, to the
17 Inquiry, and essentially if I can distil his complaint,
18 it is that the start to his life after care he has
19 described in one word as "disgraceful". He obviously
20 lays a lot of that at your door, given that you were the
21 person in his life at that time. Is that a fair comment
22 or is there something would you like to say about that,
23 DL503?

24 A. Well, if HIA41 means by aftercare after Rubane in the
25 correspondence, which I haven't seen, then my view is

1 that HIA41 received free support from myself when he
2 left Rubane and that we would have responded to his
3 needs as they arose. There was -- it was a difficult
4 time for HIA41 to reintegrate into Belfast from
5 institutional care into -- into back home where networks
6 had been disrupted, and I was conscious of that and was
7 keen to give him as much support as I could at that
8 time.

9 Q. You describe the fact that HIA41 was one of your early
10 clients and that you felt more invested in him than
11 maybe in some other situations.

12 A. Well, I think I have always been invested in all of my
13 clients, but HIA41 stands out in particular as being
14 a -- yes, as being an important client in -- yes, at
15 that point in my life.

16 Q. You talked about his dog, who we know was particularly
17 important to him. He had looked after the dog in Rubane
18 and that came with him. He describes you leaving him
19 with the dog at the bedside -- bed-sit. Can you give us
20 any assistance with what happened to the dog?

21 A. Well, can I say that one of the things which I valued
22 most about HIA41 was his loyalty to his mum at the time
23 and his loyalty generally and his integrity as a person
24 and that's emphasised by his commitment to his dog and
25 one which I was glad to say that the organisation I work

1 for was able to respond to by assisting him at
2 a financial level, and also he did a great deal of work
3 in keeping in contact with the kennels and so on, and
4 then in the end when there was no -- there had to be
5 a decision made about -- because the dog could not come
6 to live with him in his mum's house, that the dog came
7 home with myself at that point in time.

8 Q. Another issue for HIA41 that he has raised with the
9 Inquiry is that he is quite adamant that he was told by
10 you that there were no records about him and about his
11 family and about his time in care, and he has told us
12 that he approached you in Lower Crescent when he was 18
13 and asked for those records, again upstairs in Social
14 Services' office in University Street. Can you assist
15 the Inquiry with what was the policy about records back
16 in ?

17 A. It certainly was a lot more controlled than it was in
18 the '90s with the data -- the freedom of information and
19 so on, and my recollection of HIA41 is at some point
20 early on after he left care that I went through his
21 records with him and gave him a copy of information
22 which -- from the file, but it was -- in terms of the
23 procedures, as I understand it, we were much more
24 protective of our files in those days.

25 Q. Subsequently he says that he pursued you in later years

1 quite recently. He talks about three years in his
2 evidence, and pursued you over a period of eight months
3 and eventually you gave him about 200 pages which were
4 redacted.

5 **A. Yes.**

6 **Q.** Is that correct?

7 **A.** Well, he -- when I met HIA41, he may well have been
8 looking for the -- looking for his records for some
9 months before I met HIA41. That may well be correct.
10 From when he met me until when I was able to give him
11 his redacted files, the -- and we worked together at
12 that point in time over about three to four months
13 I think, and part of the delay was actually me trying to
14 establish contact with his mum to ask for his mum's
15 permission to give HIA41 access to the whole of the
16 family file, and in the end the mum said she didn't want
17 HIA41 to have access to her file, and so -- and a lot
18 of -- and her file was really the family file, and a lot
19 of very sensitive information within that file, which
20 had to be redacted, and I think HIA41 found that quite
21 difficult.

22 **Q.** Well, we know that clearly in respect of the records you
23 had contact with HIA41, but you did have other contact
24 with him over the years. In the 1990s he would say he
25 would have given you lifts home. You, in fact, went to

1 Rubane with him. Is that correct?

2 **A. Yes. I always valued my relationship with HIA41 and we**
3 **would have had -- he would have always been -- there**
4 **would have been times when he would have dropped into**
5 **the office, and I can recall getting a lift home with**
6 **him, which was lovely of him, and I would have always**
7 **felt that HIA41 felt very welcome to visit our office**
8 **and -- but that's my perception. That's my perception,**
9 **and certainly he did always avail of the opportunity to**
10 **get in touch when he needed to. Now it didn't always go**
11 **smoothly. There were things which he and I would have**
12 **disagreed on and there would have been areas of**
13 **difficulty, but never did he stop calling and never was**
14 **it anything more than a -- I felt an experience which**
15 **was responsive to what he was bringing to the office.**

16 **Q. Just to be clear, DL503, it is clear from his statement,**
17 **from his evidence and what he has said subsequently to**
18 **the Inquiry that he has a deep sense of grievance about**
19 **how he says you treated him. Is there anything you**
20 **would like to say about that?**

21 **A. Well, I would be very disappointed that HIA41 feels**
22 **that. I have to accept that's his perception and that's**
23 **his view. It certainly wasn't and hasn't been my**
24 **perception, and, yes, I didn't view the relationship in**
25 **that way at all.**

1 Q. Thank you. I am going move on to another issue. You
2 were involved in Rubane with HIA41's care in .
3 Were you aware at that time of the suspension of
4 a Brother, a BR1?

5 **A. No, no, I wasn't.**

6 Q. When did you first become aware that there was anything
7 untoward or there had been this police investigation?

8 **A. My recollection is that when HIA41's files were called**
9 **in in the -- , something like that, and that**
10 **would have been the first awareness I would have had,**
11 **when I was speaking actually to the police officers, who**
12 **were indicating they were investigating a couple of the**
13 **Brothers, but I hadn't been aware at all that BR1 had**
14 **been suspended at the time when I was -- was working**
15 **with HIA41.**

16 Q. Were you ever told in , even though -- I mean, it is
17 clear that -- just to be clear, there was a number of
18 police interviews carried out in . HIA41 left
19 in , but he was still a child in your care. We
20 have documentation that shows those social workers who
21 were involved in those police interviews recommended
22 that every social worker involved in Rubane be told
23 about the police investigation. Were you ever told?

24 **A. No, no.**

25 Q. HIA41 never spoke to you about any abuse that he

1 suffered while he was in Rubane?

2 **A. Absolutely not. Absolutely not.**

3 Q. DL503, those are all the questions that I have for you,
4 but is there anything that you feel we haven't covered
5 in your evidence today or anything further that you wish
6 to say to the Inquiry that -- now is the opportunity to
7 do that.

8 **A. Only to reiterate that I felt that what I said about**
9 **HIA41 earlier was he had at that point in his life**
10 **a strong loyalty to his mum and wanting to make things**
11 **work at home, and in the -- as things unfolded for**
12 **HIA41, obviously that didn't work, and I think that has**
13 **been -- that's a significant disappointment for --**
14 **particularly for -- for HIA41's experience, but also**
15 **from my perspective that that did not work as we hoped**
16 **it would work.**

17 Q. Okay. Thank you. As I say, I have no further
18 questions. The Panel Members may wish to ask you some
19 questions.

20 Questions from THE PANEL

21 MR LANE: You mentioned that you were setting up the
22 aftercare system as a new development when you moved
23 into that post in Belfast. How did that compare with
24 and ? Did they already have
25 systems like that?

1 WITNESS DL515 (called)

2 MS SMITH: Chairman, Panel Members, ladies and gentlemen,
3 the next witness is DL515. He is "DL515". He wishes to
4 take a religious oath and he also wishes to maintain the
5 anonymity afforded to him in this module.

6 WITNESS DL515 (sworn)

7 CHAIRMAN: Thank you, DL515. Please sit down.

8 Questions from COUNSEL TO THE INQUIRY

9 MS SMITH: Now DL515's statement can be found at RUB1660 to
10 1668, including the exhibits. If that could be called
11 up, please. If we just scroll down to the bottom of the
12 second page, DL515, can I ask you to confirm that this
13 is the witness statement that you have provided for the
14 Inquiry and that you have signed it on 21st August 2014?

15 **A. Yes.**

16 Q. That's the evidence that you wish the Inquiry to
17 consider in this module together with anything else that
18 you tell us today.

19 **A. That's correct.**

20 Q. Now your career path is set out in paragraphs 2 through
21 to 7 of your witness statement.

22 **A. Yes.**

23 Q. It is clear that you -- you only have just retired
24

25 **A. That's correct.**

1 Q. But you had achieved a high level of seniority within
2 the Health & Social Care Board before your retirement.

3 **A. Uh-huh.**

4 Q. But back in the you were a -- at that time
5 a , and
6 your involvement with Rubane and Kircubbin relates to
7 that time. Isn't that correct?

8 **A. That's correct, yes.**

9 Q. Now you were a based in the
10 North-West District and in the
11 At that time you had responsibility for a child whom
12 I'll just simply call DL107 --

13 **A. Yes.**

14 Q. -- to make it -- for ease of reference, but his name is
15 not to be used outside the chamber. Can I ask was it
16 normal for a to have had
17 responsibility for an individual child?

18 **A. Not in those circumstances. It was slightly unusual,
19 and from memory my involvement was -- DL107 was already
20 placed in Rubane, and I think it was because I was
21 a male on the team, and I had no difficulty with that
22 particular thing.**

23 Q. So that's how you came to be involved with him.

24 **A. Yes.**

25 Q. Had you been to Rubane before DL107 was assigned to you?

1 **A.** Not -- not a lot. I would have spoken to a couple of
2 the Brothers when I was down, but not really, because
3 the amount of time that I was directly involved with the
4 staff down there was really rather limited.

5 Q. Well, generally what was your impression of Rubane?

6 **A.** I think for boys coming from the area it
7 felt remote and a long way away. Rather austere I would
8 describe it as just in terms of atmosphere. It felt
9 a little bit like a boarding school type environment as
10 far as -- as far as that was concerned.

11 Q. Well, one of the things that you did was to speak to
12 DL107 about a particular aspect of his care there. We
13 can see this in Appendix 1 at 1162 of your statement.
14 Can I just -- sorry. 11... -- I beg your pardon. 1662.
15 I called the wrong number out. 1662. It is quite
16 difficult to make out the writing --

17 **A.** **Yes.**

18 Q. -- the typing at the top, but can I just ask you to
19 confirm, first of all, this is something that you would
20 have prepared as a file note --

21 **A.** **Yes.**

22 Q. -- for DL107's file?

23 **A.** **Yes. I'm assuming that's correct, yes.**

24 Q. We see here the first date is at 10.15
25 am.

1 **A. Yes.**

2 Q. DL107 -- at that stage he says you had known him for

3 .

4 **A. Yes.**

5 Q. Prior to that I think is the surname --

6 **A. Yes, uh-huh.**

7 Q. -- was the social worker.

8 **A. Yes.**

9 Q. "DL107 and BR 8 are both ..."

10 It is quite hard to make that out.

11 **A. " is the language at**
12 **the time, yes.**

13 Q. "... Admitted to care about years
14 ago. Both based in La Salle, Kircubbin. DL107
15 transferred to , when it opened."

16 **A. Yes.**

17 Q. So your involvement would have been prior to his
18 movement to --

19 **A. Briefly prior to his movement, yes.**

20 Q. In . So you had not heard of any adverse comment
21 about the situation in La Salle from DL107 himself at
22 that stage. Is that correct?

23 **A. No.**

24 Q. But is it correct then, going by what you said in your
25 statement, you were asked to discuss certain allegations

1 that had come to light about the home with him --

2 **A. Yes, that's --**

3 Q. -- as his social worker?

4 **A. That's correct, yes.**

5 Q. He stated there was inappropriate sexual contact between
6 the boys and also between the boys and BR1, and he also
7 referenced physical discipline administered by BR77.

8 You talk about this in more detail in this note, which
9 you say -- I am not sure if the meeting took place at
10 11.40 am or whether you recorded this at 11.40 am.

11 **A. I suspect if I put down 11.40 am, that's probably the**
12 **time of the meeting, but I wouldn't normally have**
13 **recorded it. I can't really recollect why it has**
14 **"11.40" at the top.**

15 Q. You say you:

16 "... talked to him this morning. DL107 was not
17 anxious to talk. All incidents related to BR1 but
18 nothing had been done directly to him. He said it was
19 common knowledge in La Salle that 'fruiting' went on.
20 There was activity between the boys and there were
21 incidents in which BR1 was involved.

22 On admission BR1 gets boys to strip and generally
23 fondles private areas. DL107's mate, DL47, was directly
24 apprehended by BR1 and asked to expose himself. BR1
25 also asked DL47 if he could fondle his buttocks. In the

1 showers BR1 will give the boys shampoo, but will
2 generally look at the boys in the showers. BR1 would
3 not allow any girls in La Salle, as did he not like
4 them.

5 DL107 said that he liked BR1."

6 You go on to then say:

7 "I got the impression that there was quite a bit of
8 homosexual activity amongst the boys. DL107 had
9 witnessed this."

10 **A. Yes.**

11 Q. I just wanted to ask you about the conversation about
12 this. Obviously there was more than you have recorded
13 there if he is telling you that he had witnessed
14 homosexuality between other boys. Is that correct?

15 **A. Yes. I mean, my recollection is that I wrote a file
16 note just to give a synopsis of the debate and
17 discussion that went on, and certainly again from memory
18 it was clear in that conversation that there was
19 inappropriate behaviour going on between boys and
20 certainly some inappropriate behaviour between the
21 religious order and boys.**

22 Q. And what did you do with that information?

23 **A. Well, that information I discussed with the then
24 District Social Services Officer, , and he
25 subsequently asked to speak to me at some length. He**

1 read, but certainly refer to the typewritten version in
2 any event. This is dated .

3 **A. Yes.**

4 Q. It says:

5 "Following a report from the RUC we were present
6 during the one and a half days they spent at Kircubbin."

7 I am just going pause there to ask you a little bit
8 about how many police officers arrived at Kircubbin to
9 your recollection?

10 **A. From my recollection there were four or five police**
11 **officers arrived on that day. We were to meet the**
12 **police officers, that's and myself, at**
13 **Kircubbin first thing that morning. Again my**
14 **recollection is that we met around about 9 o'clock that**
15 **morning with the police.**

16 Q. It goes on to say that:

17 "In total 59 boys were interviewed. Two boys were
18 unavailable for interview. One had absconded ..."

19 I think that might be. I am not quite sure.

20 **A. Yes. Uh-huh.**

21 Q. It is quite difficult to make that out.

22 **A. Yes.**

23 Q. "... and the other was recovering following
24 an appendectomy."

25 **A. Yes.**

1 Q. So those two were unavailable for interview.

2 **A. Uh-huh.**

3 Q. You say:

4 "Sergeant Austin Wilson was in charge of the
5 investigation."

6 **A. Yes.**

7 Q. "He is at CIA Branch Police Headquarters."

8 **A. Uh-huh.**

9 Q. "It was established with the RUC that a social worker
10 would be present when or if a boy was either under
11 13 years of age, he appeared upset or distressed or the
12 boy was giving a caution statement."

13 **A. Yes.**

14 Q. Is it fair to say that all of the boys, all 59 boys, had
15 a social worker present when they were interviewed?

16 **A. My recollection is that, if not all of them, the vast
17 majority did, yes.**

18 Q. And you say that:

19 "Throughout the period the RUC were well disposed
20 towards the use of social workers ..."

21 The next bit is hard to make out, but it says:

22 "... and the interviewing was sensitive and direct."

23 **A. Yes. Certainly there was no issue as far as either I or
24 my colleague were -- we didn't feel in any way any
25 hostility from the RUC. I had been present at the**

1 interviews, and my recollection of the interviews is
2 that the police conducted them well and that they
3 didn't, if you like -- they weren't -- there was no
4 sense of overbearing or aggressive questioning. It was
5 formatted in the form that they were here to help and
6 they wanted the boys to help them and the boys didn't
7 need worry about anything they said.

8 Q. Can you help us just a little bit about where the
9 interviews took place?

10 A. Yes. My recollection is that I -- I had to walk through
11 I think a gymnasium area into a room that was set up
12 specially for it -- two rooms, because they were
13 operating, and that's my recollection of where it was.

14 Q. This was an organised event. Is that correct?

15 A. Oh, yes. When -- this was an event where it was clear
16 that we were there. The rooms were ready and all of
17 that. So --

18 Q. So obviously the Order were aware?

19 A. Well, at least some personnel in the Order were
20 definitely aware of the fact that the interviews were
21 going to take place that day -- two days.

22 Q. How were -- sorry. How were the boys interviewed? Were
23 they brought to the interview room?

24 A. Yes. They came and, as I recall, there was a -- they
25 had -- the police had a list of names and sort of ticked

1 off once someone had been interviewed, and they
2 obviously recorded and took some notes at the point in
3 time with regards to the individual comments that were
4 made by each boy.

5 Q. If we just scroll on down to the next page there, it
6 says:

7 "All boys interviewed were asked to make a voluntary
8 statement, although in the case of some very small boys
9 no written statement was taken."

10 **A. Yes.**

11 Q. "Four boys gave witnessed caution statements admitting
12 full homosexual relations between them and other boys.
13 One boy apparently implicated refused to make
14 a statement. No such allegations were made against the
15 staff."

16 Now can I just pause there to say you have
17 underlined that:

18 "No such allegations ..."

19 Sorry, DL515. I should have asked you: this is
20 actually your handwriting?

21 **A. It is my handwriting, yes. Uh-huh.**

22 Q. "No such allegations were made against the staff."

23 So there were no disclosures of full homosexual
24 activity between staff and boys?

25 **A. That's correct. That's correct.**

1 Q. You say:

2 "In general only two members of staff were named by
3 the boys, BR1 and BR77."

4 **A. Correct.**

5 Q. "Allegations against the former were at worst
6 suggestions of indecent assault.

7 Principally those allegations stated BR1:

8 (a) gave medicals to the boys.

9 (b) watched them in the showers.

10 (c) patted them on the backside.

11 (d) fondled or cuddled them.

12 (e) one boy alleged BR1 fondled his genitals."

13 If we just scroll on down:

14 "It should also be noted that the boys spoke of BR1
15 as 'the old fruit'."

16 **A. Yes.**

17 Q. "However, many of the alleged contacts between BR1 and
18 the boys seemed more open to a more natural
19 interpretation."

20 **A. Yes. There were instances, for example, that a boy
21 would describe he was upset or distressed and BR1 put
22 his arm around him. Unless you were actually physically
23 in the room at the point in time when that occurred, it
24 might have been a natural thing and reasonable thing to
25 do to comfort a young boy, but it may not have been, but**

1 -- mountaineering rope."

2 A. No, I think it is -- yes, "mountaineering". It is
3 "mountaineering", yes.

4 Q. Can I just pause there? These were pretty serious
5 allegations of assault that you were hearing from boys.

6 A. They were, and they were quite disturbing when you heard
7 them. There was no sense at all that anything here
8 could have been interpreted in other than in a very
9 aggressive and violent manner.

10 My recollection is that the boy who was kicked until
11 he vomited, there had been an incident on the sports
12 field where a young boy had done something which he
13 shouldn't have done, and that led to virtually a full
14 blown what I would call assault.

15 Again my memory of the stage incident was that the
16 boys were rehearsing for a show. A young boy was
17 misbehaving. BR77 was standing on the floor. The stage
18 is about a metre high, and he grabbed him by the ankles
19 and pulled him off the stage cracking his head on the
20 floor as he came off.

21 So they were sort of -- they struck me as the
22 response to someone who had lost control of himself in
23 dealing with young boys, the nature of the physical
24 assaults were such. That was the impression I was left
25 with.

1 Q. We were speaking earlier, and one of the things you said
2 to me is that the impression -- you found the physical
3 assaults that were being alleged and talked about more
4 shocking than the --

5 A. They were more profound. There is no doubt about that,
6 and there was much more substance to the detail of them,
7 and they were -- you know, the discussions about what --
8 the alleged sexual offences seemed of a unpleasant
9 nature, but this was a very -- these left a very marked
10 effect on me at the time. I remember at the time
11 thinking very strongly that this man was entirely in the
12 wrong place and he should not actually have the custody
13 or should not in any shape or form be allowed to
14 supervise these boys.

15 Q. One of the -- these interviews -- the boys were still
16 living in Rubane at the time these interviews were
17 carried out. Isn't that correct?

18 A. That's correct, yes.

19 Q. Do you believe that had any effect or any restraining
20 effect on how open they might have been with police?

21 A. I certainly don't think so in regards to the physical
22 violence, because they were very graphic and they were
23 very straightforward about it. Again I guess with
24 hindsight one might reflect on whether or not the whole
25 sensitive nature of the sexual contact, given that it

1 was the place in which they were living, and we as the
2 team asking the questions were going home that night and
3 they were staying there, one could conclude that that
4 perhaps may have had some impact or some view on things.

5 Q. Just going on through the note that you made about the
6 time there, you say:

7 "The atmosphere in Kircubbin during the day and
8 a half is worth note. On Thursday when we were present
9 all day it was cordial, with BR6 much in evidence."

10 **A. Uh-huh.**

11 Q. "On Friday afternoon it seemed other. Houseparents
12 complained to the RUC, but this reflected their apparent
13 ignorance of what was going on."

14 The next part is quite difficult to make out:

15 "... what was going on when they", something --
16 "when they realised social workers were available."

17 "Was other", is that perhaps what that says:

18 "... and was other when they realised that several
19 social work... -- when they realised social workers were
20 available."

21 **A. Yes.**

22 Q. Now can I just ask: this, as we know, was a structured
23 event of these interviews --

24 **A. Yes.**

25 Q. -- they were carrying out. Accommodation had been

1 provided for the interviews to take place. In your view
2 would anyone who was in Rubane during that day and
3 a half have been unaware that there was something
4 happening?

5 **A. I would be very surprised if they were unaware that**
6 **something was happening. I could well appreciate that**
7 **one or two senior personnel would have known that the**
8 **investigation was to take place and others may not have**
9 **known, but I think given the period of time and the fact**
10 **that all of the boys were attending, it would have been**
11 **very difficult I think for this not to have become**
12 **knowledge on the site.**

13 Q. What about -- I mean, boys were taken out from school
14 lessons.

15 **A. Yes. Well, they came from -- they came from their**
16 **normal activity and they came across to be interviewed.**
17 **Certainly in my case they came to the room. I think it**
18 **was exactly the same for my colleague .**

19 Q. So when you were talking here about the houseparents
20 complaining about their apparent ignorance of what was
21 going on, is that because they believed that the police
22 were interviewing these boys without someone present?
23 Is that what you were trying to get at there?

24 **A. I think it may well have been because they didn't know**
25 **that there was a police investigation in the first**

1 instance happening, and then I think there was some
2 anxiety on their part what was the nature of the police
3 investigation. Did it involve them in any shape or
4 form?

5 Q. Did you have conversations with houseparents?

6 A. No. I have no recollection of talking to houseparents,
7 no.

8 Q. If I can just continue on through the note that you have
9 written:

10 "The boys in general did not seem upset by their
11 experience. However, we both felt they looked poorly
12 dressed and several mentioned they received birthday
13 money of £2, which seemed very low.

14 We were given to understand by the RUC that the next
15 developments would be as follows."

16 Those were:

17 "Medical examinations on those boys who admitted
18 full homosexual activity.

19 Interviews with certain of the boys' social workers.

20 Requests for certain files.

21 Interview BR1 and BR77.

22 Further interviews with some boys."

23 A. Yes.

24 Q. Now the impression that you were given about the poorly
25 dressed, obviously it was sufficient for you to note in

1 this record.

2 **A. Yes, it was. It was. I mean, the boys looked rather**
3 **dishevelled essentially. I mean, it is not they didn't**
4 **have clothing on or anything of that nature, but it**
5 **looked sort of old and didn't look particularly modern**
6 **and that -- it was noticeable. We both observed that.**
7 **Both my colleague and I observed that.**

8 Q. And they talked about birthday money of £2.

9 **A. Yes. I mean, I couldn't -- I can't remember just now**
10 **what birthday allowances were, but that did seem low at**
11 **the time. There were regulations about what was**
12 **available for youngsters with regards to allowances and**
13 **things like that and that did seem quite low.**

14 Q. But again can I suggest that, because you have remarked
15 on these two factors in this report on what was
16 essentially a report about how the interviews had
17 unfolded ---

18 **A. Yes.**

19 Q. -- they were sufficiently marked in your mind that you
20 felt the need to pass this information on.

21 **A. Yes, yes. That's correct, yes.**

22 Q. You say then just finally:

23 "Following the investigation we both consider that
24 all the social work staff involved with Kircubbin be
25 made aware of the police action as soon as is

1 practically possible to minimise potential problems in
2 a very difficult situation."

3 It is signed by yourself and by --

4 **A. Yes.**

5 Q. -- your colleague. What did you understand happened
6 then --

7 **A. Well, clearly --**

8 Q. -- first of all.

9 **A. Well, clearly my understanding was that the report went**
10 **to , who was the Assistant or District Social**
11 **Services Officer. He would have -- I believe he**
12 **discussed that with his colleagues at the Board and his**
13 **colleagues in the Department, or the report in some way**
14 **found its way through to that. My understanding is that**
15 **that would have led to information being made available.**
16 **I have nothing on which I can say that that definitively**
17 **took place, because I was no longer -- that wouldn't**
18 **have been a responsibility of my own. I can only**
19 **indicate that the office in which I was working was**
20 **aware of the difficulties and issues, but that may, of**
21 **course, have been because there were a number of kids**
22 **from our area and there were a number of staff who were**
23 **involved in that situation. That would have meant it**
24 **was known in the office.**

25 Q. We have heard from the last witness this morning, who

1 had responsibility for a child who was there certainly
2 until , that he was never told about the
3 investigation and he first became aware of it whenever
4 his file on that child was asked for --

5 **A. Yes.**

6 Q. -- by police. This would have been one of the children
7 who was --

8 **A. Yes.**

9 Q. -- interviewed by police at that time.

10 **A. Yes.**

11 Q. Does that surprise you?

12 **A. Yes. Certainly we were very clear about the fact that**
13 **it would have been important for the social work staff**
14 **who were involved with the children to have known, just**
15 **given the whole sensitivities of the issue and the fact**
16 **there was going to be a whole set of other further**
17 **actions follow, that it would be really important people**
18 **knew that. Hence why we put it in the note.**

19 Q. One of the things that the Order would say is that they
20 were never notified of the revelation by boys that the
21 boys themselves had been involved in homosexual
22 activity. They were never told that by either the
23 police or by Social Services. Is there any comment that
24 you can make about that?

25 **A. I would just be very surprised that at certain levels at**

1 least the very senior people didn't know. I can't make
2 myself -- I have no evidence on which to say that, but
3 given the fact there was going to be further
4 investigations and that there was indeed a criminal
5 prosecution which took place and a potential criminal
6 prosecution which would have taken place had there
7 not -- the individual not been outside jurisdiction, it
8 seems to be remarkable that people would say they
9 couldn't have known about that, given those events.

10 Q. You do talk at the end of your statement about how
11 police advised you what steps they were going to take,
12 and right on that day at the end of that day and a half
13 the police were telling you that they felt they had
14 evidence to proceed to prosecution.

15 A. Yes, yes. The police were quite clear to both
16 and myself that they had evidence to proceed on two
17 lines of prosecution against -- some form of assault
18 charges against BR77 and potentially some form of
19 inappropriate sexual behaviour charges against BR1.

20 Q. Well, DL515, one of the things that I wanted to ask you
21 about was you described Rubane as austere and certainly
22 remote for those children who were coming from your
23 area. In general can you say how it compared to other
24 children 's homes that you had experience of?

25 A. I think at the point in time in children's homes

1 weren't great places would be my memory and reflection
2 of it. Some were more austere than others. My
3 overriding impression about children's homes at the
4 general point in time was that the children fitted into
5 the rhythm of the institution as opposed to the
6 institution having a child-focused or child-centred
7 approach to the individuals who were placed there.

8 Q. I think you give an example of that in respect of
9 a completely different home.

10 A. Yes, as something I complained about at the time. I was
11 in -- as a student placed in a children 's home where
12 tea was at 4.30 I recall in the afternoon, and if you
13 were late for tea, you were asked to go and stand in the
14 corner and sing grace out loud, and I didn't think that
15 was appropriate, and complained about it at the time,
16 and I think it is -- that's not to say there weren't
17 very caring staff worked in children's homes. There
18 absolutely were some very caring staff and I met
19 a number of them, but somehow the way they were
20 organised I felt at the time was more to do with the
21 functioning of the institution and keeping it running
22 for 365 days a year, 24/7 than it was to say, "Here is
23 this child, and what are we doing with this child, and
24 what's the best for this child?"

25 Q. Well, DL515, thank you. You will be glad to know I have

1 no further questions for you unless you think there's
2 anything else that you want to say at this point in
3 time.

4 **A. No.**

5 Q. Certainly the Panel Members may have some questions they
6 want to ask you.

7 **A. Okay. Thank you.**

8 **Questions from THE PANEL**

9 CHAIRMAN: Well, DL515, you will be relieved to hear that
10 apart from one matter that's all we need to ask you
11 about. That one matter is you presumably sat in on
12 approximately half of the investigation.

13 **A. Yes, about half of them, yes.**

14 Q. The questioning of these two children -- of these
15 children on these two days. You have described the
16 children with whom you were involved presumably as being
17 quite brisk and straightforward when they are discussing
18 physical assaults.

19 **A. Yes.**

20 Q. They did, however, some of them at least, describe some
21 forms of sexual behaviour --

22 **A. Yes.**

23 Q. -- and some boys accepted -- not necessarily all the
24 boys who did it were -- you sat in on, but did you sit
25 in on the interviews of some of the boys who did admit

1 full homosexual activity?

2 A. I have no recollection of that. I have more
3 recollection of boys complaining about inappropriate
4 observation, inappropriate behaviour in the showers,
5 inappropriate behaviour at what were described as
6 medicals as such. I cannot directly recall. I think
7 I would recall actually if I had.

8 Q. Well, you may not, therefore, be able to answer this
9 question, but was there any reluctance on the part of
10 the children whose interviews you sat in on to refer to
11 sexual matters as opposed to physical matters?

12 A. I think there was some reluctance. It is not an easy
13 subject for boys of that age between 12, 15, 16 to have
14 that sort of conversation and I am sure there was some
15 reticence as regards some of the things they may have
16 felt able to say.

17 On the other hand, I think the interviews that I was
18 involved with were handled well and the boys were
19 enabled to say things as they felt they should do, but
20 just by definition I think this is a very difficult
21 area. So I would be very surprised if it wasn't
22 difficult for the boys and perhaps they may not have
23 completely revealed everything, of course.

24 Q. But that is a view that you have come to I think you
25 make clear with the benefit of hindsight --

1 **A. Yes.**

2 Q. -- rather than --

3 **A. At the current time.**

4 Q. -- feeling at the time there was something more that you
5 weren't being told.

6 **A. No. At the time I think, given the nature of what was**
7 **uncovered, the -- sort of, if you like, on the sexual**
8 **side the clear information that there had been**
9 **inappropriate -- let's put it like that, at its most low**
10 **level -- inappropriate behaviour on the part of one or**
11 **two of the Brothers, plus also things that were of much**
12 **more concern, and also behaviour amongst the boys, all**
13 **of that was revealed during the interview. So I think**
14 **there was clear evidence that things were not as they**
15 **should be at the facility.**

16 Q. But it wasn't the case that you were left with
17 a distinct impression that there was more on the sexual
18 side that you weren't being told at that time?

19 **A. No.**

20 Q. That is not defeating you --

21 **A. No, I think -- I think we were reassured that there was**
22 **going to be further investigation, as I said in my**
23 **report, by the police at that point in time, because**
24 **there was enough evidence, as they had said to us, to**
25 **move with charges of a sexual nature against**

1 is not in a position to give evidence to the Inquiry.
2 The position that his legal representatives have set
3 out, they have provided an affidavit from him in
4 relation to the civil set of proceedings that he was
5 subject to and then the Inquiry has substantial
6 documentary material, including his police interviews,
7 where he maintained throughout that at no time did he
8 ever sexually abuse any boy in his care.

9 The Inquiry has heard in some form from sixteen
10 witnesses who make allegations against BR3. I say in
11 some form, because there will be sixteen witness
12 statements the Inquiry has received, but not all of
13 those individuals either were in a position to or did
14 give oral evidence to the Inquiry.

15 The sixteen individuals concerned are firstly,
16 HIA262, who is "HIA262", who was in the home between
17 and . He didn't give evidence to the Inquiry. His
18 allegations were of -- he didn't give oral evidence to
19 the Inquiry. His allegations were of physical abuse.
20 He may have -- the Order's position is he may have been
21 punished for absconding, but nothing overly physical
22 beyond that.

23 The second individual was HIA26, who was "HIA26",
24 who was in the home between and . His
25 allegations were both of physical and very serious

1 sexual abuse. He didn't give oral evidence to the
2 Inquiry. You will recall that I set out at considerable
3 length in public session the material that the Inquiry
4 has in relation to the allegations that HIA26 makes.
5 I will return to those briefly.

6 The third individual was HIA379, "HIA379", who was
7 in the home in . He makes allegations of sexual
8 abuse -- the Inquiry has heard his evidence -- and also
9 witnessing physical abuse.

10 The fourth individual was HIA152, "HIA152", who gave
11 evidence -- who was in the home between and .
12 His allegation was that he told BR3, as he then was,
13 about abuse of older boys on him, but that BR3 didn't do
14 anything about it. The Order point out that they would
15 have -- if BR3 was told, he would have then reported it
16 to BR6, who was the Provincial at the time -- sorry --
17 who was the at the time.

18 The fifth individual was HIA19, who was "HIA19", who
19 was in the home between and . He makes
20 allegations of physical abuse and you heard from him.

21 The sixth individual is HIA511, "HIA511", and you
22 heard oral evidence from him by way of videolink. He
23 was in the home between to . He makes
24 allegations of physical abuse and also of BR3
25 introducing him to DL 230 that you

1 heard of, who lived adjacent to Rubane. The Order
2 pointed out in their reply statement they don't accept
3 that BR3 knew that DL 230 was abusing
4 boys.

5 The seventh is HIA128. Again you didn't hear oral
6 evidence from him. He is "HIA128". He was in the home
7 between and . He makes serious allegations of
8 sexual abuse at the hands of BR3 and others. The Order
9 has described those allegations as incredible.

10 The eighth individual is HIA56, who is "HIA56". He
11 was in the home between and . His allegations
12 are of being physically abused, having been caught
13 smoking in the toilets. The Order accepts he may have
14 been punished for smoking in the toilet, but not in the
15 way that HIA56 was describing, as BR3 was not a vicious
16 individual in the way that's alleged.

17 The ninth individual was HIA21, "HIA21". You heard
18 oral evidence from him. He was in the home between
19 and . He made an allegation in paragraph 23 of his
20 statement at RUB879 of physical abuse, that BR3 struck
21 him across the face on the first night for no reason.
22 That the Order has accepted and BR3 accepted that
23 occurred, and it was out of character for him, that it
24 was a loss of self-control, and that he thereafter had
25 a very good and positive relationship with HIA21.

1 The tenth individual is HIA18, who is "HIA18". You
2 heard oral evidence from him. He was in the home
3 between , and then left, and a period then from
4 through to . His allegations are that BR3 witnessed
5 -- or he would have been potentially BR3 at the time --
6 witnessed DL149 punching and kicking HIA18 and he gave
7 a warning about DL149 beating boys and about potentially
8 sacking, and the Order pointed out in the reply
9 statement about the difficulties with that account and
10 don't accept the allegation.

11 The eleventh individual is HIA25. He is "HIA25".
12 He was in the home between and , and his
13 allegation related to physical abuse for -- being beaten
14 for running away and being hit without reason. That
15 account isn't accepted.

16 The twelfth individual is HIA31. Again you heard
17 oral evidence from him. He is "HIA31". He was in the
18 home between and , and the allegation that's
19 made by HIA31 is that he told BR3, BR3 about DL149
20 interfering with him in the showers and nothing was done
21 about it. Again that's an account that's not accepted
22 by either the Order or indeed DL149.

23 The thirteenth individual is HIA519. He is
24 "HIA519". He was in the home in . You heard oral
25 evidence from him, and he makes allegations of sexual

1 abuse against BR3, and again those allegations are not
2 accepted by the Order.

3 The fourteenth individual was HIA41, "HIA41", who
4 was in the home between and , and his
5 allegation was that he reported to BR3 that he had been
6 attacked by DL6, the teacher. Then BR3 hadn't
7 really done anything about it.

8 The fifteenth individual, HIA149. Again you heard
9 him give oral evidence by way of videolink. He was
10 "HIA149". He was in the home between and . He
11 makes allegations of both physical and serious sexual
12 abuse. Again the Order does not accept his account.

13 The sixteenth individual was HIA218 and he is
14 "HIA218". He's to . You heard oral evidence from
15 him. He makes allegations of a physical nature against
16 BR3.

17 Of those sixteen witnesses essentially five make
18 allegations of sexual abuse, twelve allege serious
19 physical abuse and four allege the reporting of abuse
20 and then nothing being done about it. The allegations
21 that the Inquiry has heard from the witnesses who have
22 come forward to the Inquiry begin in and they span
23 the next years that BR3, BR3 was in Rubane. As
24 I say, the Order does not accept the veracity of any of
25 the allegations against BR3 save for HIA21's account of

1 being struck in the face on his first night. They
2 acknowledge BR3 as the may well
3 have administered corporal punishment, but that he was
4 not a violent individual, not someone who engaged in
5 excessive force. In respect of the incident involving
6 HIA21 they had been aware of that incident for a long
7 period of time. BR3 accepted the accuracy of HIA21's
8 account, and it was a one-off incident that resulted in
9 thereafter a positive relationship between the two.

10 The Inquiry then has received a significant volume
11 of police material relating to BR3. I will deal, first
12 of all, with the police investigation. The Panel
13 has heard me indicate on previous -- in previous
14 occasions that the police decided that everyone who
15 passed through the home between and should be
16 interviewed. 129 individuals fell into that category
17 and 124 were traced and interviewed. The reference for
18 that is at 60015. You will recall that that
19 investigation produced many allegations, sexual
20 allegations against BR1, physical allegations against
21 BR77, two sexual allegations against DL509 and then a
22 peer abuse problem amongst the boys. None of the 124
23 individuals interviewed covering the period to
24 made allegations of sexual or physical assault against
25 BR3. There are three statements that do relate to BR3

1 in the sense that boys claim to have disclosed to him
2 what happened to them, two in relation to assaults by
3 BR77 and the other in relation to the interference by
4 BR1.

5 The first statement is that of HIA244. I am just
6 going to give you the reference, because we looked at
7 HIA244 when DL40 gave his evidence. His statement runs
8 from 60094 through to 60095. He was in Rubane from
9 to and he was the boy who claimed to have been
10 assaulted by BR77 after he, DL40 and BR13 had been
11 eating peas in the greenhouse. DL40 has given evidence
12 to the Inquiry that HIA244 did tell him of the assault
13 after it occurred, just as HIA244 had said in the
14 police statement. Then he says on the second page of
15 the police statement at 60095 that he thought he also
16 told BR3 about it.

17 At the end of the second page of the statement he
18 also records that BR3 was told of another assault by
19 BR77 on a DL33. BR3 is said to have indicated if it
20 happened again, something would have to be done.

21 The second witness statement is from an applicant to
22 the Inquiry -- that is HIA41 -- of .
23 That can be found at 62431. He indicated that he told
24 BR3 about being beaten by BR77.

25 The third witness statement is that of DL21. That

1 can be found at RUB60058. He was in the home between
2 and . He records the medical check
3 that BR1 engaged in, if I characterise it in those
4 terms. He then says about three weeks later he
5 mentioned to BR3, who is said to have told him it should
6 not have been done. Obviously when I refer to it as
7 a medical check, it was perceived in a different way by
8 DL21.

9 As it turns out, DL21 gave evidence to the Hughes
10 Inquiry on which was , and that
11 was looking at what he described happening to him at the
12 hands of BR1 and then the issue of having informed BR3
13 about it. His evidence runs from 40119 to 40139. He
14 was taken through his evidence by Mr Brian Fee, as he
15 then was, and then cross-examined by two different
16 experienced counsel, Hugh Kennedy, QC and Alan Comerton,
17 QC.

18 By that time BR3 had already given a short witness
19 statement to the Hughes Inquiry of ,
20 which you can find at 40281, in which he says, as he
21 repeated in his oral evidence, that he had no
22 recollection of being told about this by DL21.

23 BR3 gave evidence also on on .
24 That runs from 40140 to 40144. It is just four pages of
25 evidence. He denied being told about the medical

1 examination. He said he would have shuddered if he had
2 been told. He would have been concerned about it being
3 homosexual. He would have been embarrassed to have gone
4 to BR1 about it, but would have gone to the Provincial.

5 If we just look, please, if we can bring up HIA,
6 please, 925, so HIA925 rather than RUB, the Hughes
7 Inquiry did comment on this specific issue trying to
8 address the evidence that it had heard. It said:

9 "This was a direct conflict of evidence between C12"
10 -- that's DL21, and the designation he was given before
11 the Hughes Inquiry -- "and BR3. We found C12 to be
12 a straightforward witness, whose evidence did not appear
13 to carry any malice. Nor did he exaggerate the nature
14 or purpose of his conversation with BR3. However, in
15 the absence of any corroboration on either side we are
16 unable to come to any firm conclusions as to whether
17 an explicit approach was made to BR3. BR3's evidence,
18 that on receipt of any such information he would have
19 consulted the Provincial of the Order, but not the boy's
20 social worker, was in our view based on a
21 misapprehension. While consultation within the Order
22 would be perfectly appropriate in such circumstances, it
23 would be wrong for the body with statutory
24 responsibility not to be alerted immediately to such
25 a matter."

1 Now the Hughes Inquiry was only dealing with this
2 single suggestion of non-reporting something that was
3 passed on. So the material this Inquiry has is of
4 a wider context, but that's the analysis as far as it
5 related to DL21 that the Hughes Inquiry performed.

6 In 1995 then Operation Overview, which produced
7 ultimately 41 files arising from it in respect of
8 Rubane, and, as I have said to the Inquiry previously,
9 as part of that investigation 150 individuals were
10 spoken to by police. The reference for that is at
11 64150. File 7 of 41 related to BR3. Now that file is
12 220 pages and it runs from RUB62373 through to 62593.

13 The police report can be found in particular at
14 62401 through to 62408. It initially records thirteen
15 complainants making allegations against BR3. One of
16 those individuals was an Inquiry witness, HIA41, who has
17 indicated that in 1995 when he spoke to police that the
18 assault he suffered at the hands of DL6, the
19 teacher, was reported to BR3. That's at 62429. Of the
20 twelve who didn't come forward to the Inquiry for
21 whatever reason, I am going to briefly outline the
22 nature of their complaints.

23 The first was **DL 243** . He was in the
24 home between and His statement can be found
25 at RUB62412. He alleges he was given a medical

1 examination on arrival. He was groped in a sexual way
2 and then he was subsequently masturbated in the showers
3 and was the subject of attempts to sexually abuse him in
4 the clothing room.

5 DL124 was the second individual who alleged sexual
6 abuse. He was in the home between and , and
7 his statement is at 62416. He reported -- my apologies.
8 He reported allegations of sexual abuse by other
9 Brothers to BR3 and BR3 beat him up in response to that.
10 That's his allegation which is made at 62418. Just to
11 be clear, that's an allegation of when he is told about
12 sexual abuse, being physically violent with the person
13 who was disclosing the abuse.

14 The third individual was DL 287 , who was in
15 the home in . His statement is at 62419. He makes
16 allegations of physical abuse, being punched and kicked
17 and beaten with leather straps and canes.

18 The fourth individual was DL 120 , who was
19 in the home in and then thereafter in to .
20 His statement is at 62420. He makes allegations of
21 physical abuse, getting severe beatings.

22 The fifth individual, DL286, was in the home between
23 and . His statement is at 62422.
24 He says he received serious beatings.

25 The sixth individual was HIA295, who was in the home

1 between and . His statement can be found at
2 62424. He makes allegations of physical abuse, slapped
3 with an open hand, beaten on the body with a leather
4 belt for trivial matters, as he describes them, like
5 being late for school.

6 The seventh individual, DL69, who was in the home in
7 , made a statement at 62425. He told BR3 about
8 abuse he was suffering from older boys. That's a name
9 the Inquiry will have heard of before, because
10 an individual who has given evidence to the Inquiry,
11 HIA41, has indicated that he told DL149 about the abuse
12 that DL69 was suffering at the hands of another boy, the
13 other boy being DL 70 , who was said to be
14 and popular.

15 The eighth individual, DL301, was in the home
16 between to . He was one of the boys who came
17 from when Rubane was looked at by
18 sending boys over. He was known as DL301 at
19 the time. His allegation was that BR3 witnessed
20 numerous physical assaults by other boys on him, but did
21 nothing to intervene and instead insulted him. His
22 witness statement begins at 62434.

23 The ninth individual makes sexual allegations. That
24 is DL 93 . He was in the home between to
25 . His statement begins at 62436. He makes very

1 serious allegations of being buggered in the clothing
2 store every two weeks, being told not to tell and also
3 being subsequently buggered in Glenariff. He is
4 an individual who in the police material which the Panel
5 have access to his are
6 discussed and his inability to -- for the matter to be
7 taken forward are set out.

8 The tenth individual was DL 200 . He was in the
9 home in , and his allegations are physical, that he
10 was hit with sticks and straps, left with bad bruising.
11 His statement begins at 62440.

12 The eleventh individual is DL309, who was in the
13 home between and . You may recall he came up
14 in the context of BR2 also. His statement is at
15 RUB62445. What he says, as he did with BR2, he said he
16 was assaulted by BR18 and he told BR3 first about that
17 assault, and he alleges that BR3 said he deserved it.
18 He then went and told BR2 about it.

19 The twelfth individual is DL290, who was in the home
20 between and . His allegations are
21 of physical assault in the greenhouse and being punched,
22 and his statement can be found at 62447, and he
23 discusses that incident at 62451.

24 BR3 was interviewed by police in relation to these
25 complaints on two occasions: the first on 4th

1 August 1995 -- that runs from RUB62455 through 62538 --
2 and then again on 27th June 1996, and that runs from
3 62539 through to 62573. At no time during the
4 interviews did BR3 accept that he had sexually abused
5 any child in his care at any time.

6 He does accept responsibility for administering
7 corporal punishment, which was permitted in the home.
8 He makes that point at 62480, but he denies beating the
9 boys over the body with leather straps. That can be
10 found at 62487. He says he was worried and shocked that
11 these allegations were surfacing after years. He
12 makes that point at 62492 and 3.

13 In respect of those twelve individuals in the
14 absence of collaboration or admissions the police
15 recommended that BR3 only face charges in respect of the
16 allegations of sexual assault made by DL 243 .
17 Those were the first set of allegations that
18 I identified to you, and run from pages 62412 and 3,
19 that he was sexually assaulted.

20 However, then a fourteenth individual, and a name
21 that you will be familiar with, HIA26, who also was
22 an applicant to the Inquiry, though he didn't give oral
23 evidence -- as I said to you previously, I opened his
24 material in some detail because of the issues that
25 surround it -- he makes serious allegations in what was

1 his third statement or perhaps his fourth statement to
2 the police on 11th November 1996. That statement runs
3 from 62662 through to 62665. Now in that statement he
4 makes very graphic allegations of sexual abuse in both
5 the Brother's bedroom, in his bathroom. There is some
6 degrading treatment that's described in the statement as
7 well. He said that that was the worst abuse that he had
8 suffered and it began after he disclosed to BR3 or BR3
9 that he was already being abused by BR6 and BR15, and he
10 explained why he hadn't explained what happened to him
11 as far as BR3 was concerned in previous statements by
12 explaining that it took longer for him to talk about it,
13 because it was the worst abuse that he suffered.

14 The DPP considered that statement and then on 15th
15 November 1996 directed that BR3 should be interviewed
16 again about HIA26's allegations. That reference is at
17 62381. BR3 was interviewed again on 4th December 1996.
18 That interview runs from 62385 through to 62397. In
19 that interview he said he was never told by HIA26 about
20 what HIA26 said BR6 -- BR6 and BR15 were doing to him.
21 That's at 62391. When the allegations of various forms
22 of sexual abuse were put to him, he denied them. That's
23 at 62392. When the most serious allegation of buggery
24 was put to him, he denied ever doing that. That's at
25 62393. He was asked had he any view as to why boys like

1 HIA26 would say these things and he said he didn't have
2 any. I think subsequently in police interviews he
3 suggested they would perhaps have other motives such as
4 claiming. That's at 62395. He denied the allegations,
5 said he was disgusted and devastated by them, by these
6 accusations being made by boys that he worked so hard
7 for. That's at RUB62396.

8 On 27th January 1997 then the DPP issued a direction
9 that BR3 should be prosecuted for a series of sexual
10 offences on the two individuals **DL 243**
11 and HIA26. That can be found at 62376 through to 62380.

12 BR3 was charged and was to face trial. However, on
13 3rd April 1998 at Downpatrick Crown Court His Honour
14 Judge Gibson granted an application of abuse of process
15 in favour of the defence and BR3 was discharged. That's
16 at 70644.

17 There were two further statements in that 1995 set
18 of papers that don't appear to have been progressed.
19 One of them the Inquiry will have seen through HIA519
20 giving evidence. That's at 66722 through to 66728.
21 That's a similar allegation to what I previously
22 outlined in respect of him.

23 The other remaining allegation is made by
24 an individual named **NL 26**, who I believe was the
25 Brother of DL286, and his allegation was that he was

1 beaten on the hands with a cane and leather strap by BR3
2 amongst other Brothers who did the same thing. That's
3 at 62686.

4 Then Operation Charwell, which commenced in 2010,
5 not limited to institutional abuse by any means, but
6 including allegations of abuse in institutional care.
7 Eight allegations -- eight individuals made allegations
8 to police about BR3. Five of those individuals have
9 come forward to the Inquiry and they have told you of
10 their -- the abuse they allege, both sexual abuse and
11 physical abuse.

12 The first of those individuals, HIA19, his material
13 is at 66001 through to 66005.

14 The second, who didn't give oral evidence, HIA16,
15 his statement is at 64959 through to 64963.

16 The third, HIA149, you heard him by videolink. His
17 statement is at 64385 through to 64694.

18 Then the fifth individual is HIA 128 . His
19 statement is an ABE interview and it runs from 64695 to
20 64825 and then from 65717 to 65983. I don't intend to
21 open those any further to you at this stage.

22 Of the three who didn't come forward to the Inquiry
23 for whatever reason, if I outline them briefly, the
24 first one is DL162, who was in the home between and
25 . His statement is at 66714. He alleges he was

1 physically slapped across the face and trailed by a bib
2 on several occasions during sport by BR3. That's on
3 66716 that allegation is made.

4 The second individual was DL 390 , who was in
5 the home between and . His statement is at
6 67449. He says that he saw BR3 and another Brother come
7 into the dormitory in the middle of the night and take
8 boys out of bed. He heard about sexual abuse in the
9 home, but the Brothers never touched him.

10 Then the third individual was DL 297 , who was in
11 the home between and . He alleged physical and
12 mental abuse by BR3. His statement is at 68061. He
13 claims to have been punched and kicked and beat with
14 a stick.

15 BR3 was interviewed on 29th August 2012. That
16 interview runs from 66040 to 66071. In relation to the
17 allegations made by DL 297 he denied he would ever
18 treat a boy in the manner that was suggested.

19 Finally, the Inquiry has received a police file
20 relating to an allegation against BR3 of a serious
21 sexual assault after he left Rubane. The Panel is aware
22 of that material and will consider it in weighing the
23 evidence in respect of the allegations that are made
24 concerning Rubane. I don't propose to open the matter
25 any further at this stage. That file runs from 64291

1 through to 64369.

2 There are then a series of civil claims which have
3 been brought against the Order and obviously BR3 along
4 with other Brothers quite often is caught up in those
5 civil claims in terms of the allegations. I don't
6 propose to go into those in any more depth at this
7 stage.

8 In the Order's admission statement from -- the third
9 statement from Brother Pius McCarthy of 22nd
10 October 2013 the Order does not include BR3 amongst
11 those Brothers whom the Order accept sexually abused
12 children in their care.

13 The Order's position is perhaps helpfully summarised
14 in one of its reply statements. If we just look,
15 please, at RUB2512 and at paragraph 4, and the Order
16 points out and notes positive recollections that have
17 been recorded in statements and heard during oral
18 evidence.

19 "He was much liked by the other lads and was someone
20 you could talk to. That equates with the recollection
21 of surviving Brothers. He was a Brother with whom many
22 of the boys confided."

23 So the Order doesn't accept the characterisation of
24 BR3 that is given in the various statements and the
25 material that the Inquiry has received.

1 **A. Yes, I see that.**

2 Q. If we can look at 5596, please, which is, all being
3 well, the signed page. Scroll down. Thank you. Can
4 you confirm you have signed the witness statement?

5 **A. I can confirm that.**

6 Q. And you want to adopt the contents of the witness
7 statement as your evidence to the Inquiry at this point?

8 **A. Yes, I do.**

9 Q. There are appendices to this statement, DL518, that run
10 from 5597 to 5792. As I explained to you beforehand,
11 the Panel have had the opportunity to consider the
12 statement and the appendices. So I am going to do a lot
13 of summarising and getting on to some themes that I am
14 going ask you to address with me.

15 You -- if we can go back to 5564, you set out your
16 biography in child care and the qualifications that you
17 obtained in .

18 **A. Yes.**

19 Q. Then you were the Children's Officer between
20 and . We will come back to the role that you
21 played in a particular part of Rubane's history about
22 that. At the reorganisation in then, which I know
23 is something that still rankles with you today, you
24 became the
25 for the Health & Social Services

1 Board, and you did that role for years, retiring in

2

3 Then you in , having retired, and I say this

4 because of some of the things you say about the

5 voluntary sector and how voluntary organisations

6 provided child care, you in

7

8 **A. Uh-huh.**

9 Q. And to complete the summary, you gave evidence over four

10 days to the Hughes Inquiry in 1985. That was ,

11 , and we have

12 added those lengthy transcripts to the Inquiry

13 bundle and they run from 41531 through to 41849. You

14 were cross-examined by various eminent Queen's Counsel

15 and I have persuaded you that today does not operate in

16 quite the same form. This is an inquisitorial process

17 designed to try and get to the core of the information

18 that the Panel requires.

19 You express in paragraph 1.15 of your statement, if

20 we can look at 5569, your view about Rubane. You make

21 the point:

22 "With regard to the home the only concerns which

23 I can recall and which we all shared was its remoteness

24 and the distance from Belfast, which made it very

25 difficult for parents to visit."

1 The realities of the time in terms of travelling
2 anywhere.

3 **A. Uh-huh.**

4 Q. At the time you -- this is leading also up to the
5 Troubles with a lot of the boys coming from Belfast and
6 then living in Rubane, but the Inquiry has heard
7 evidence in various forms from various people and from
8 documents that it has looked at that over time as the
9 welfare authorities and then subsequently the boards
10 used Rubane, they saw it as the last stop on the way to
11 training school, a place for the more difficult
12 children. So the strict disciplinarian regime that this
13 Inquiry is addressing or where it went over the top was
14 a thing that was attractive to those in welfare
15 authorities and the boards. Can you -- is that how you
16 recall Rubane being seen, as a last step trying to avoid
17 Training School Orders and so on?

18 **A. Not really. I regarded Rubane as a home that had been**
19 **established, you know, with the education on the**
20 **premises or in the grounds, and that it -- actually boys**
21 **got to Rubane from the Nazareth Lodge Boys' Home when**
22 **they reached secondary school age, 11. So there would**
23 **have been a mixture. There would have been boys**
24 **admitting -- admitted directly and there would be boys**
25 **coming to Rubane from Nazareth Lodge. There was**

1 a mixture. It wasn't just solely in relation to boys
2 where there were difficulties.

3 Q. Yes.

4 A. In relation to the older boys admitted, there would
5 certainly very often have been problems with them beyond
6 control of the parents or they may have committed
7 a number of offences, and, you know, they would have
8 particular needs in relation to what you have been
9 outlining.

10 Q. So it was a place where in addition to the boys coming
11 from Nazareth --

12 A. Yes.

13 Q. -- those that were formally or legally within care --

14 A. Yes.

15 Q. -- were going to Rubane because they had particular
16 difficulties that the Rubane regime was hopefully going
17 to assist with?

18 A. That's right.

19 Q. Is that a fair way of characterising it?

20 A. Yes, I think so, yes.

21 Q. But you do say at 1.19, if we look at 5570, there was
22 concern -- just scroll up a little. Thank you.

23 "Prior to this from the mid '60s the Belfast Welfare
24 Authority boys were being visited by social work
25 officers and Down County Welfare Authority had appointed

1 a Social Welfare Officer a few years later to liaise
2 with the home ... It would appear that she was aware of
3 the shortcomings in relation to the care of privately
4 placed boys ..."

5 So you draw at that point in time before we get to
6 the events of a distinction between the care being
7 offered within the Welfare Authority, and by that you
8 are talking about social workers visiting, quarterly
9 review type arrangements, as opposed to what was
10 provided for those children who had not come under the
11 auspices of the Welfare Authority or the Board. Is that
12 --

13 **A. Yes, that is correct. I think the elements that were**
14 **missing were contact with siblings, because there was**
15 **a specific age range from 11 to 16, and there might be**
16 **younger brothers in Nazareth Lodge, and also I think as**
17 **well there was a problem about family contact, not just**
18 **with their siblings, but with their parents and even the**
19 **extended family. So those to me were very important**
20 **care provisions, which children in the care of the**
21 **welfare authorities would have had with the social**
22 **worker visiting and making sure that there was continued**
23 **contact with the family and also working towards**
24 **rehabilitation of the boys with their parents or**
25 **extended family. So there were some very key elements**

1 **in relation to the care of children missing for the**
2 **privately placed boys.**

3 Q. Would you accept that that also might strike at -- and
4 we are going to come to look at it -- the philosophical
5 debate and approach to care, because a lot of the
6 privately placed children were as a matter of choice
7 placed with the religious order in Belfast --

8 **A. Yes.**

9 Q. -- and then subsequently moved to De La Salle for
10 reasons in the families that they came from?

11 **A. Yes, yes.**

12 Q. And certainly there may not have been the same issues
13 about integrating as you would have had within the
14 Welfare Authority.

15 **A. Yes.**

16 Q. So there's a philosophical debate, which we are about to
17 come to in any event on other grounds, but you have
18 a debate which eventually rages in through to
19 when the new regulations are set down -- they're
20 eventually set down in -- about how involved you
21 should be, as in the Board, the Welfare Authority and
22 the Board, in the regulating of the children's homes
23 that were being run by the voluntary sector.

24 **A. Yes.**

25 Q. The point you make is there was a lot of discussion then

1 about the fact well, you were using them. So you were
2 better placed to carry out the regulation to make sure
3 they were okay --

4 **A. Yes.**

5 Q. -- but that was not adopted, and the Department
6 continued -- originally the Ministry, then the
7 Department of Health continued to be the regulator.

8 **A. Yes.**

9 Q. You placed children in the home, but the regulation of
10 the home, as it were, was being done by the Department.

11 **A. That's right. That was the debate around the time when
12 the conduct of children's homes direction was being
13 amended, and there was discussion with the four Boards.
14 The Department had a meeting with the**

15 **Family and Child Care from the four Boards.**

16 We had thought that, you know, registration might have
17 benefits in relation to standards, etc, but there were
18 problems as well with it, I think, as I outlined in the
19 statement in that we -- the of
20 Social Services in the Boards did not have any executive
21 authority. They were not operational managers, and they
22 were involved in the planning and development of the
23 services and the general monitoring, assessment of need,
24 and the operational management was delegated to the
25 districts. So there were problems in that as well, but

1 **on balance we thought that it might be better if we**
2 **undertook that -- the registration.**

3 Q. That's a wider issue that the Inquiry is going to come
4 back to and I have asked you already to the extent you
5 are able you will continue to assist the Inquiry as we
6 look at modules that are to come.

7 **A. Yes.**

8 Q. The point that you raise, and in paragraph 1.7 at 5566
9 you make the point, because it applies to Rubane, that
10 it is more difficult for -- certainly as time went on
11 and care, as it is understood, developed, it was more
12 difficult for voluntary providers to provide the
13 continuum of services for children.

14 **A. Yes. I think that was a significant problem for the**
15 **voluntary homes, which were just providing residential**
16 **care and a particular form of residential care. They**
17 **didn't have the resources to have -- to provide other**
18 **services.**

19 Q. We will come and see your -- how that reared its head in
20 relation to Rubane shortly.

21 **A. Yes.**

22 Q. You draw attention then at paragraph 1.6, if we just
23 scroll up a little, to there was a particular issue with
24 how the Catholic voluntary sector involving the church
25 then wanted to run --

1 **A. Yes.**

2 Q. -- their own care system, as it were --

3 **A. Yes.**

4 Q. -- for their children, as they saw it.

5 **A. Yes.**

6 Q. You set out why that caused a major problem or a clash
7 between what the welfare authorities and then the boards
8 were trying to do and being met by a voluntary provider
9 who did not see things in the same way.

10 **A. Yes. I think I also referred to the historical**
11 **perspective in relation to the large voluntary homes,**
12 **particularly the large Catholic voluntary homes, in that**
13 **they had actually been established in the late 19th**
14 **century and they were already providing this service**
15 **quite a number of years prior to the Welfare State being**
16 **established and the legislative provision in the**
17 **establishment of the Welfare State for welfare**
18 **authorities to provide residential accommodation. So it**
19 **was -- I would have thought it was, you know, quite**
20 **difficult for them then to --**

21 Q. Change course?

22 **A. -- change course, yes.**

23 Q. And you talk in paragraph 1.25 at 5572 of the control
24 that the Catholic Church would have enjoyed over its
25 parishioners --

1 **A. Yes.**

2 Q. -- and therefore its children, and how it was difficult
3 to get Catholic children to be placed in the homes you
4 were providing.

5 **A. Yes. That's right. It mirrored Northern Ireland**
6 **society and the educational provision in that they had**
7 **established these homes prior to the Welfare State for**
8 **Catholic children as part of the church's provision, and**
9 **certainly from that perspective it was much better than**
10 **the workhouses, you know, in relation to the provision**
11 **that there was prior to the Welfare State, and I think**
12 **-- they had I think received guidance after the welfare**
13 **authorities were established.**

14 Q. A Home Office Memorandum in '52.

15 **A. Yes, the Home Office memorandum, but I think when we got**
16 **to the '70s, that operation -- that guidance had not**
17 **been -- certainly in the large Catholic voluntary homes**
18 **didn't seem to have been implemented --**

19 Q. I know --

20 **A. -- in terms of what was required to have a good quality**
21 **of care for the children.**

22 Q. You wrote a paper specifically raising those issues on
23 a general basis.

24 **A. Yes.**

25 Q. But the issue specifically then came up for you in the

1 role as the Children's Officer in --

2 **A. Yes.**

3 Q. -- in , because we have heard from BR2 -- and the
4 Panel has looked at various pieces of correspondence
5 about this issue -- but BR2 sought that the welfare
6 authorities would take formally into care all the
7 voluntary boys that they still had in Rubane.

8 **A. Yes.**

9 Q. Just to put this in context for you and to assist the
10 Panel, in there were 75 children in Rubane.
11 Only 45 of them came from various welfare authorities.
12 So there was 30 privately placed children in Rubane.

13 **A. Yes.**

14 Q. The reference for that is at 10624 through to 10626. In
15 , by which time they were shortly getting them
16 all into care, there were 64 boys in Rubane, with 39 of
17 them being welfare children. So that's at 10627 through
18 to 10630. So you are looking at 30 -- between 30 and 35
19 children, which is a lot of money in terms of your
20 budget.

21 **A. Uh-huh.**

22 Q. On you wrote a memo which summarises
23 this major philosophical debate, if we can look at 5670,
24 and it is about control and how by taking -- by asking
25 you to take all of the children into care essentially

1 they are giving up their voluntary status in effect or
2 that's the risk.

3 So just if we go through this, you say:

4 "I am surprised that De La Salle are now in
5 retrospect asking for payment for boys they admitted to
6 care on a voluntary basis. I suspect that this query
7 has arisen since BR2 took charge of the home recently.
8 It may well be BR2 is reviewing the procedures and the
9 boys in his care, intends to try to make some changes
10 and is consequently asking us to accept financial
11 responsibility for all the boys from our area. This is
12 speculation and it would be essential to know why this
13 has arisen. It would also be necessary to clarify
14 whether BR2 is asking for a grant towards the
15 maintenance of the boys or is asking us to accept full
16 financial responsibility."

17 Because there was two ways of doing this in , as
18 I understand it.

19 **A. That's right.**

20 Q. You could have simply made a grant towards the home
21 potentially.

22 **A. Yes.**

23 Q. It might have involved characterising things in
24 a particular way.

25 **A. Yes.**

1 Q. Or the other way was taking all of the boys and paying
2 a maintenance fee, as it were, on a weekly basis as it
3 was worked out.

4 **A. That's right.**

5 Q. You would therefore have all of the children as opposed
6 to the 40 you had at that point in time.

7 **A. Uh-huh.**

8 Q. You say then:

9 "Theoretically if BR2 insists that he will not keep
10 the boys unless we accept financial responsibility, it
11 will not leave us with much alternative. If we are only
12 being asked to give a grant, then he could still retain
13 his authority to admit children on a voluntary basis.
14 If we are being asked to accept full financial
15 responsibility, then it would have to be made absolutely
16 clear to him that all future admissions would have to
17 come through us and we would have to undertake the
18 social work in relation to the boys and families."

19 So you are flagging up that there was a care gateway
20 and sometimes the threshold was they would take anybody
21 and therefore they would become your financial
22 responsibility, and you were concerned, making it clear,
23 "You know, that couldn't happen if we are expected to
24 pay for them all".

25 **A. Absolutely.**

1 Q. Then you say:

2 "There is a further complication in that younger
3 boys and babies can be accepted by St. Joseph's or
4 Nazareth Lodge on a voluntary basis and then transferred
5 to De La Salle when they reach the age of 11. Policy
6 and procedure would therefore have to be clarified with
7 it, St. Joseph's and Nazareth as well, otherwise the
8 voluntary admissions may well be a fait accompli before
9 the boy reaches De La Salle and this would put BR2 in
10 a difficult position."

11 Because if you are saying, "They are all going to
12 come through us", but there was still this gateway they
13 could come through on a voluntary basis:

14 "If we undertake responsibility, then we would have
15 to be given the files on the boys. This would enable us
16 to ascertain the reason for admission and what work has
17 been done with the parent or mother to rehabilitate the
18 boys. I would suspect in many cases that this may be
19 non-existent and there may well have been no contact
20 between boys and parents for some time. This being the
21 case, we would be left with the long-term care of the
22 boy."

23 Move on to the next page, please:

24 "A basis -- a basic form has been completed by the
25 County Down social worker attached to De La Salle. I do

1 not know what her role is, but it would probably be best
2 for our social workers to establish contact with the boy
3 through this social worker and BR2. I would then expect
4 the County Down social worker to opt out of the case."

5 So you are saying, "Our social workers will then be
6 involved in the life of the boy".

7 "In the ease (sic) of older boys who will be 16 and
8 will be leaving De La Salle fairly soon, liaison will
9 have to be established with **DL 298** ."

10 He was in charge of the Nazareth Lodge Aftercare
11 Committee, which was the diocesan care arrangement that
12 the diocese had in place.

13 "I propose to have a meeting with him fairly soon to
14 decide what form this liaison should take. He is in
15 agreement with the principle that we should undertake
16 the care of the boys. However, he can offer
17 considerable help in relation to jobs, youth clubs,
18 lodgings, etc. I would like the district welfare
19 officers to be involved in this meeting and it would be
20 helpful if they were able to put forward the views of
21 the social workers and seniors.

22 I would be grateful if the admission to care of
23 these boys could be treated as priority, as BR2 has
24 indicated to me that the financial situation is pretty
25 bad. Would you date the admission ?"

1 If we just scroll down a little bit, this is signed
2 off by you. So this is your memo.

3 **A. Yes.**

4 Q. You are flagging up that what's being asked here strikes
5 right at the heart of the *raison d'etre* of the voluntary
6 home. Do you want to say just what you mean by that?

7 **A. Well, they were part of the Catholic Church's welfare**
8 **provision for children, and it was the *raison d'etre* of**
9 **the Brothers who undertook that role that they were**
10 **doing that on a voluntary basis. So I think that was**
11 **quite difficult for them to accept, that, in fact, if**
12 **they were received into care by the welfare authorities,**
13 **they would no longer have the control of the situation**
14 **to the same extent that they had before --**

15 Q. And is it --

16 **A. -- in that they would have to be prepared to provide**
17 **care that we thought was of a sufficient standard.**

18 Q. Is that the point here, that, to cut right to the chase,
19 if I may, you couldn't leave a situation where you
20 simply paid them money but didn't involve yourself then
21 in making sure they had the exact same service that you
22 provided to every other child who was in care?

23 **A. Absolutely. Absolutely.**

24 Q. And the concern you are expressing here -- tell me if
25 this is characterising it fairly -- is, "They've got to

1 understand if they want us to pay for all of these boys,
2 then we are responsible for all of these boys".

3 **A. Yes. We are legally responsible, because they are in**
4 **the care of the Welfare Authority, the statutory**
5 **authority.**

6 Q. On the -- what then happens, that decision eventually --
7 you have made your endorsement, in effect, although you
8 have raised these issues --

9 **A. Yes.**

10 Q. -- and you have asked for it to be given a priority.
11 A series of discussions take place --

12 **A. Yes.**

13 Q. -- which ultimately results in the Association of
14 Borough and County Borough Welfare Authority Committee
15 approving that welfare authorities should all take
16 boys --

17 **A. Yes.**

18 Q. -- that are caught in their geographical area into care
19 --

20 **A. That's right.**

21 Q. -- and pay for them.

22 **A. I thought it was the best options from the boys' point**
23 **of view and this is the case I was making to the Chief**
24 **Welfare Officer, who was going to be attending a meeting**
25 **to discuss this with his colleagues in the other**

1 for the boys for your area and where possible
2 an assessment form. Contact with mothers or parents
3 will have to be established diplomatically."

4 So you are saying now the social workers will --
5 things can't just stay as they are. You can't just pay
6 the money and leave them to it. There is going to be
7 getting involved in the lives of these families in the
8 same way that you did for anyone else who was in care.

9 **A. Absolutely. I mean, we would -- as the statutory**
10 **authority they would have to be treated the same way as**
11 **other children in our care and receive the same service**
12 **and the same quality of service.**

13 Q. If we just move on to the next page -- in fact -- sorry
14 -- go to the page before. It is the wrong way round.
15 5671. So -- I don't know what's happened. If we can go
16 up to 5669 for a moment, please. We mistakenly looked
17 at that second page when we should have looked -- if
18 I can ask you, Members of the Panel, to bear with me for
19 a moment. If we go back to the -- we were looking at
20 the memo where you were raising the various
21 issues that arose for you whenever you were asked to
22 take the children into care, and that began at 5670.
23 Unfortunately the second page is at 5669. So we were
24 looking at the wrong second page. So if we can take
25 a step back for a moment to we have looked

1 at the first page where you are saying, "Well, if they
2 want to us do this, we will have to have responsibility
3 and do they realise they are giving up control". Then
4 you say in the second page of this -- so forgive me. We
5 are going to have to just work back a little:

6 "This change would also affect the role of the
7 Nazareth Lodge Welfare Committee" --

8 **A. Yes.**

9 Q. -- "who have up to now been responsible for the care of
10 boys who were previously accommodated in De La Salle."

11 You set out what that would mean. Then you say:

12 "If we take over the care of the boys at the De La
13 Salle stage or even earlier, then the functions of the
14 Nazareth Lodge Welfare Committee would no longer include
15 the care of these boys."

16 Then you say this. I wondered why we had not come
17 on this paragraph. If we just scroll up a little.

18 Sorry. Scroll down:

19 "Although ..."

20 No, no. Just stop there so we can see from

21 "Although ...":

22 "Although this would mean extra work for our
23 Department's staff, I would not be adverse to taking on
24 the responsibility. My reason for this is that I am
25 most dissatisfied with the standard of child care

1 practice of the Catholic voluntary societies. Limited
2 attempts have been made to give advice and support to
3 try and get them to improve their standards, but these
4 have not had any success. One had hoped that DL 298
5 would have been able to effect an improvement, but
6 his resources in terms of social workers have been very
7 limited and his concentration on relief work due to the
8 riots has left him too little time to do this. Perhaps
9 with more support and encouragement from us it might be
10 possible to bring about a change for the better and this
11 would certainly be beneficial for social work in
12 Northern Ireland in the long run. In the meantime I am
13 certain that it would be more beneficial to the boys to
14 be in our care at present and their welfare should be
15 our chief concern."

16 Then you say you need to get clarity on those
17 decisions. You are saying in as the Children's
18 Officer you are not impressed with the care that was
19 being provided by the voluntary Catholic sector, that
20 the invitation that had been extended to you in respect
21 of the private children ultimately would be in the best
22 interests of the boys if you take them on --

23 **A. Yes.**

24 Q. -- and you wanted clarity on these issues that you have
25 raised. Then we moved on to when we had got that

1 clarity, because the pages are in slightly the wrong
2 order. So by you are going to take them
3 on. You have asked the social workers to get the form
4 completed, because they are missing basic information
5 that you would normally have when a child comes into
6 care. You asked for the engagement to begin with the
7 parents.

8 If we can go back to 5671, then, this is then
9 a second page of that memo where you are making
10 the point about the older boys and the liaison that
11 would have to be engaged in with DL 298 .

12 So then -- I am not going to open these pages,
13 DL518 -- there's a series of struggles that go on in
14 terms of the admin trying to identify all the boys and
15 make sure they are all properly brought within the
16 system.

17 **A. Yes.**

18 Q. As it turned out, various of the boys that you were
19 going to take responsibility for had already left
20 Rubane.

21 **A. Yes.**

22 Q. The Panel has seen the minutes of that some time
23 previously. The recommendation from Belfast Welfare
24 Authority was in backdated to , and
25 the reference for that is at 5661.

1 Then various discussions go on with you as to how
2 this care is going to be properly provided and in
3 particular you were looking at the aftercare provision
4 when boys left Rubane at 16.

5 **A. Yes.**

6 Q. The point you were making to me earlier was that boys in
7 care were there to 18. They weren't necessarily leaving
8 the children's home at 16. So something would have to
9 be properly done for them. If we look at 5663, you are
10 saying here in :

11 "As you probably know, we received into care at the
12 request of BR2 all the Kircubbin boys who originated
13 from Belfast. This meant we also took on the aftercare,
14 as they were still in our care when they leave
15 Kircubbin.

16 I had a discussion with DL 298 about this to
17 prevent any duplication. It was decided at our meeting
18 that the Nazareth lodge Welfare Committee would still
19 organise the club activities in Belfast and that DL 298
20 would help to find jobs, as he had quite a few
21 contacts with local firms. The rest was left to us."

22 Now can I just ask you, casting your mind back as
23 best you can, what was the rest that was left to you to
24 do? So there was going to be a liaison here. They were
25 going to do some things, but to fulfil your statutory

1 responsibilities you were -- there was some residual
2 things that you were going to do.

3 **A. Yes.**

4 Q. Can you remember what they were?

5 **A. Well, they were now in care. So they would have to be**
6 **treated as all 16-year-olds were treated if they were in**
7 **care. It meant that, in fact, the lodgings had to be**
8 **approved. We would be implementing our policy and**
9 **procedures in relation to the visiting of the boys, the**
10 **support they would require and the review of the care**
11 **and their well-being.**

12 Q. These are six monthly reviews --

13 **A. Yes, exactly.**

14 Q. -- that were conducted reporting on the boys.

15 **A. All of the services and all of our policy and procedures**
16 **would have to be implemented in relation to those boys.**

17 Q. Did this -- as far as you can recollect did the
18 arrangement work relatively successfully as you tried to
19 work in conjunction with the voluntary operation that
20 the church was working?

21 **A. Yes, I think it did. Yes, it did, yes.**

22 Q. And --

23 **A. I think they also continued to run the club for the boys**
24 **as well.**

25 Q. You make -- and I am just going to deal with this in

1 passing, DL518 -- you explain in your statement at 1.18
2 on 5570 that Welfare children and then Board children
3 who were in a voluntary home, you still got the six
4 monthly review documents being sent to you just as if
5 they were in a state home, as it were.

6 **A. Yes. The three monthly review reports initially under**
7 **the Welfare Authority.**

8 Q. Three monthly and then eventually that moves to six
9 monthly at a certain point.

10 **A. Six monthly. In mid -- I changed that to a much**
11 **more comprehensive review, which involved staff meeting.**

12 Q. So even though there were 45 of the 70 children in
13 Rubane in -- who were in the care of the Welfare in
14 , you would have been getting 45 reports three or
15 four times a year on those children?

16 **A. I would, yes.**

17 Q. And that was being done by the social workers who were
18 visiting?

19 **A. Yes. It's done by the district staff and they would**
20 **complete them and be signed off by the Divisional**
21 **Welfare Officer and would come to me.**

22 Q. What I want to then do, DL518, is turn to the dry issue
23 of finance with you for a few moments in relation to
24 Rubane. I want to talk about the per capita maintenance
25 fees --

1 **A. Yes.**

2 Q. -- that were operated for paying voluntary homes for
3 children. Just to put you this in context, the Panel
4 was looking yesterday at a document from February '63.
5 If we can bring up 1114, please, and paragraph (d).
6 This is a meeting where the Ministry officials are
7 meeting the Governing Board of the De La Salle home and
8 a discussion about how care is going to be carried on in
9 the home is going on between them in 1963, but in
10 relation to finance this point is made at (d) by the
11 Ministry officials:

12 "If voluntary organisations feel that they are not
13 being paid adequately for Welfare Authority children in
14 their care, the remedy is in their own hands. At the
15 passing of the Children & Young Persons Act 1950 the
16 voluntary organisations agreed among themselves to
17 charge less than the full cost of maintenance.
18 Presumably this was in furtherance of their independence
19 and charitable objectives. The decision was not forced
20 on them by the welfare authorities and need not be
21 adhered to."

22 I show you that in order to ask you the setting of
23 the maintenance fee, was that done by the voluntary
24 organisation itself? What was the mechanism?

25 **A. What happened was that they made a submission for**

1 an increase in their rate, the per capita weekly
2 maintenance rate. We then -- our Finance Department
3 looked at that from a financial point of view. You
4 know, were there proper costings there? They had to
5 submit audited accounts, you know, in relation to that.
6 The way we worked out the per capita in those early
7 stages was that we divided the total expenditure that
8 they had submitted to us by the number of places that
9 the home was registered from -- for to get the weekly
10 per capita rate.

11 Q. The process -- and I am going to try to summarise what
12 is a significant number of years that this covers -- but
13 you make the point in , for instance, if we look
14 at 5660 --

15 A. Yes.

16 Q. -- and if I can summarise this issue in this way, if the
17 home submitted what it cost to run the children's home
18 and the maintenance fee was worked out --

19 A. Uh-huh.

20 Q. -- as a result of that, if you didn't want to pay it,
21 then you would have to find somewhere else to put the
22 children.

23 A. Yes.

24 Q. Is that what they are meaning by saying ultimately it is
25 in their control to set the maintenance fee?

1 **A. Yes. I am not sure. It was a process which**
2 **I inherited, you know, coming into the post of**
3 **Children's Officer in . I am not sure of the**
4 **origins of it, but it wasn't necessarily an inclusive**
5 **charge. It didn't -- it might not necessarily have**
6 **included all the elements that go into the running costs**
7 **of a children's home.**

8 Q. I am going to come to that with you, because you
9 eventually insisted it must be inclusive.

10 **A. Yes, I changed it to inclusive about I think, round**
11 **about then.**

12 Q. That was more helping the voluntary home to make sure
13 they included everything that ought to be included so
14 they were getting --

15 **A. That meant they were then effectively getting the right**
16 **maintenance.**

17 Q. But the point you draw attention to in this document
18 whenever you refer to it in the statement -- this is
19 from -- is of the voluntary homes that are
20 being used by Belfast Welfare at that point in time --

21 **A. Uh-huh, yes.**

22 Q. -- the De La Salle home in Kircubbin is actually
23 receiving a higher maintenance fee per child than any of
24 the other homes.

25 **A. Yes, that's right.**

1 Q. Equally De La Salle draw attention to a document in
2 . If we look at 1163, we can see down at the
3 bottom the "Voluntary Homes" section. We looked at this
4 yesterday for a different purpose with BR2. Now De La
5 Salle is receiving slightly more than Nazareth, but the
6 same as Victoria, and then the cost of Barnardo's was
7 higher.

8 **A. Yes.**

9 Q. I think the point you made to me earlier was if they
10 wanted more money, then they had to ask for more money.

11 **A. Uh-huh.**

12 Q. If that could be justified, then that's what they were
13 given. To summarise it in this way, the documents that
14 are available to the Inquiry show various requests for
15 an increase in the maintenance fee --

16 **A. Yes.**

17 Q. -- and it seems that those requests were always
18 ultimately approved.

19 **A. Yes, they were, yes. I can't remember ever not agreeing
20 to what they submitted.**

21 Q. It seems that there was -- there doesn't appear to have
22 been an occasion when they have said, "Oh, we need £20
23 per boy" and you say, "Well, I am only giving you 18".

24 **A. No.**

25 Q. You seem to have managed -- I smile because this Inquiry

1 obviously is part of Civil Service structure. So we
2 understand something of the accounting mechanisms --

3 **A. Yes.**

4 Q. -- but you -- the Finance Department ultimately signed
5 off each time and the approval was given.

6 **A. Yes, it was, yes, because if they submitted costs which**
7 **they felt were justified, as long as they -- as long as**
8 **they were audited, audited accounts, there was no reason**
9 **for me not to accept them or for the Finance Department**
10 **not to accept them as a legitimate cost.**

11 I think the per capita charge is a problem when it
12 comes to the actual occupancy level. I referred earlier
13 to the fact when this started off, it was based on the
14 number of places in a residential home. The problem for
15 them -- in the early '70s and the late '60s the homes
16 were always full. So it wasn't a problem, but once
17 vacancies started to arise, then they were not getting
18 enough obviously in relation to the running of the home
19 if their occupancy level dropped to 90%.

20 Now initially what I did was I dropped it to, you
21 know, 90% of the places and did the per capita on that
22 basis, which increased the per capita maintenance
23 charge, but even then that, as I look at this here, was
24 obviously one of the reasons probably why it did not
25 keep pace with the others, because there was continuing

1 vacancies arising certainly from the late '70s. So
2 because of that I decided to ensure the per capita cost
3 was inclusive. It covered all the expenditure involved
4 with running the home and, of course, the major part of
5 that expenditure to ensure that there was high quality
6 care being provided was the staffing and that, you know,
7 they had proper staffing and also well qualified staff
8 if they could get those staff. That was quite difficult
9 in those days, as you know and as you have seen from the
10 papers that have been submitted.

11 So I related it then to the actual average occupancy
12 over the year. So they were getting the actual total
13 cost for providing the care. What they did was they
14 continued -- we asked for some sort of voluntary
15 contribution up to 5% depending on their financial
16 circumstances as -- in relation to the voluntary,
17 because they were -- they would have been doing flag
18 days and fundraising and all the rest of it. So I mean
19 -- and the *raison d'etre* was to actually provide this
20 service. So if they had finance from other sources, it
21 would meet the voluntary contribution to try and keep
22 that as a contribution.

23 Q. I showed you, because we were on this subject,
24 a document that BR2 was looking at yesterday. It is at
25 5224. It is the Governing Board minute -- I know you

1 have a copy with you -- where part of what produced the
2 money for the voluntary home, this particular home, if
3 we just scroll down a little further, was the farm that
4 it had annexed to it. It appears that a decision was
5 being taken in 1976 that for the purposes of asking you
6 for maintenance fees the income from the farm should no
7 longer be included in the -- in the arrangement. No
8 doubt that meant you, looking at figures, would see
9 a greater need for financial contribution. Were you
10 aware that that was happening?

11 **A. No, I wasn't aware of that.**

12 Q. What would have happened if you had become aware of that
13 at the time?

14 **A. Well, we would have been seeking an explanation from
15 them as to why they were not contributing more towards
16 the cost.**

17 Q. And again is that taking you back to the whole point
18 about a voluntary home?

19 **A. Yes. I mean, what were they using the money on then if
20 they weren't using it for the care of the children?**

21 Q. You --

22 **A. They might, however, have been contributing in other
23 ways. For example, capital development, we didn't deal
24 with capital development in the Board. That was the
25 responsibility of the Department, and I think the**

1 Department required a 25% contribution as far as
2 I remember towards capital costs. So they would have
3 had a good argument for saying, "We are using this for
4 capital development", but they should have told me about
5 it, you know.

6 Q. I think that is right, that it was a 75% rate, but
7 I think by the mid '70s it had become 100% grant at
8 times --

9 A. Right.

10 Q. -- in terms of a play hall that was built, but in any
11 event your point is, "Tell me about it".

12 A. Yes.

13 Q. "Let me be sure" --

14 A. Uh-huh.

15 Q. -- "it is being worked out properly".

16 then sees a very substantial increase, and
17 you make this point in your statement, but if we look at
18 5734, the -- I think you mention it is an 84% increase.
19 The increase in -- before we -- this is written by you
20 in .

21 A. Yes.

22 Q. You are about to receive in and then
23 two claims at pretty much the same time
24 for an increase, and that's because BR2 has returned to
25 the home, and it seems that during BR1's time between

1 and there was never a request for an increase.

2 **A. No. I certainly couldn't find anything in my records in**
3 **relation to that. I did look for that, but ...**

4 Q. BR2, when he comes in, takes a grip of it and it seems
5 does, but before we get to that point from him this is
6 a letter from you where you are writing out in effect --

7 **A. Yes.**

8 Q. -- saying, "Here's more money for you".

9 **A. Absolutely.**

10 Q. It seems that it is to do with a comparability award
11 provided for an increase in the salaries of residential
12 child care staff.

13 **A. Yes. Uh-huh.**

14 Q. "I have enclosed a copy of the revised salary scales and
15 confirm the Board will be prepared to meet the cost of
16 implementing these new salaries through an increase in
17 the per capita maintenance charge ..."

18 **A. Yes.**

19 Q. So --

20 **A. Yes. I was emphasising there that really it was**
21 **important that they had good staff and, you know, enough**
22 **staff. So that's why I was writing to him confirming we**
23 **would meet these increases, because we had become aware**
24 **of it, you know.**

25 Q. So this will allow the voluntary home staff to be paid

1 better --

2 **A. Yes.**

3 Q. -- than was the position before this money became
4 available.

5 **A. That's right.**

6 Q. Then you get two claims, and I am not going to bring
7 them up, but they run from 5735 and 6 and then 5740
8 through to 5743. You dealt with two claims in a couple
9 of months --

10 **A. Yes.**

11 Q. -- after BR2's return. It moves from £55 --

12 **A. Uh-huh.**

13 Q. -- to £104. You say in paragraph 2.36 and 7 -- I will
14 not bring it up now -- the reason for that substantial
15 increase was to do with pocket money allowance --

16 **A. Yes.**

17 Q. -- and various elements like that.

18 **A. Yes.**

19 Q. That had come out of I think DL515 and being
20 in Rubane and particular issues that they were flagging
21 up were then tackled by making sure that money was
22 directed in those directions.

23 **A. It actually arose out of complaints from a number of**
24 **boys to one of the social workers or Senior Social**
25 **Workers in about inadequate**

1 £104, should that be seen by the Panel as evidence of
2 historic underfunding then? If you moved from a place
3 of 55 to 104, does that mean that what went before was
4 underfunding? Can you ... -- you said to me that, I am
5 afraid, didn't follow as a proposition.

6 **A. No, no.**

7 Q. Can you explain why it doesn't follow?

8 **A. I think, yes, it was back to what I was saying earlier**
9 **about maybe occupancy level, you know, and that might**
10 **have been before I introduced the average occupancy**
11 **level for the year, you know, as a determinant in**
12 **relation to the per capita they should be getting.**

13 Q. So the changes that you brought about in the way in
14 which this was calculated --

15 **A. Yes.**

16 Q. -- which caused then voluntary homes to be more
17 inclusive as to costs --

18 **A. Yes.**

19 Q. -- they were identifying and telling you about --

20 **A. Absolutely. It was combination of that actually.**

21 Q. -- meant they benefited then from -- they got paid more,
22 because you could see more.

23 **A. Yes, that is right, yes.**

24 Q. Chairman, I wonder is this an appropriate moment to --

25 **A. I think -- sorry -- in relation to their -- De La Salle**

1 per capita, I think the -- from what I can recall their
2 staffing was not up to certainly our recommended
3 staffing levels. I was implementing the Castle Priory
4 recommended staffing levels, which were -- was a bit
5 better than the Department's guidance in relation to
6 staffing levels, and I do think that the staffing a De
7 La Salle was not up to even the Department's staffing
8 levels, and that is a major determinant, because, as
9 I think I said earlier, 75% of the costs are really
10 taken up with staffing.

11 Q. So if you up the proportion of staff to the appropriate
12 level --

13 **A. Yes.**

14 Q. -- then up goes the maintenance fee?

15 **A. Absolutely, yes.**

16 CHAIRMAN: Very well. Shall we take five minutes?

17 (3.35 pm)

18 (Short break)

19 (3.40 pm)

20 MR AIKEN: DL518, I am going to leave the dry subject of
21 finance.

22 **A. Right.**

23 Q. I have got to the end of where I wanted to get to.

24 Everybody is still awake. So we will move on and I want
25 to address the issue -- you have raised it yourself in

1 terms of occupancy. I have drawn to your attention
2 a document from your exhibits which -- I am going to
3 summarise it. It is at 5695 through to 5698. What that
4 shows in 1979, when consideration was being given to
5 what there was within the Eastern Board in terms of
6 provision, there were 65 beds and then there was going
7 to be coming on stream, as it were, 76 further beds.

8 **A. Yes.**

9 Q. I was asking you then does -- does that signify at that
10 point that Rubane was being seen as no longer
11 an important element within the system, because there
12 was going to be these new homes that would pick up the
13 provision that Rubane --

14 **A. Yes.**

15 Q. -- had been picking up, and you said to me no, that
16 wasn't correct, because -- do you want to just explain
17 what changes were happening as to why these new beds
18 were needed and why that didn't affect Rubane?

19 **A. Yes. Well, I think back to the Bed Bureau, which we had**
20 **in operation in the Board, and in the late '70s it was**
21 **showing that, in fact, vacancies were going arise in the**
22 **Catholic voluntary homes, but there weren't sufficient**
23 **places for Protestant children and they were being**
24 **placed maybe in Ballycastle, where we could get -- get**
25 **a place. We had been developing homes to try and meet**

1 the increased need. So all of the homes that are
2 outlined in that correspondence or that memo are homes
3 for Protestant children, with the exception of one home,
4 which was for a family group of ten Catholic children,
5 and we were hoping to reunite them in that home. They
6 had been split up over various homes --

7 Q. I think the Panel will work out who you are --

8 A. -- over the various Catholic homes, because they had the
9 disadvantage of being single sex, specific age group.
10 So there was a problem, you know, in relation to family
11 groups couldn't be kept together.

12 The main reason why Rubane was under threat in
13 relation to this time was that the large Catholic
14 voluntary homes in Belfast were now going accept the
15 need for change and were starting to reorganise. I had
16 discussed with them along with district staff and the
17 Department --

18 Q. You are talking about Nazareth Lodge and Nazareth House?

19 A. Nazareth Lodge, Nazareth House and St. Joseph's. They
20 were reorganising along the lines where they could
21 accommodate family groups. They were going to provide
22 accommodation on a small group basis for 2 to
23 18-year-olds. That certainly undermined then the
24 situation in relation to Rubane in that boys --

25 Q. Annual transfer.

1 **A. -- would no longer be going to Rubane.**

2 Q. Yes. That annual transfer wouldn't happen any longer --

3 **A. That's right.**

4 Q. -- and, in fact, that is what happened.

5 **A. Yes. Also jointly the Aftercare Committee at Rubane and**
6 **the District -- -- most of**

7 **the boys in Rubane came from**

8 **District as far as the Board was concerned -- they had**

9 **established a hostel on the for boys**

10 **from Rubane and that, as I say, was a joint venture,**

11 **because the District provided quite a lot of the finance**
12 **in relation to that.**

13 Q. And the -- so the correlation that appears to sit isn't
14 what it seems is the point you are making in the memo.

15 **A. Absolutely, yes.**

16 Q. What I want to just touch on, and I am going do this
17 very briefly, is the Panel has looked at the letters
18 that arose, and I addressed them with BR2 yesterday, in
19 when he returned --

20 **A. Yes.**

21 Q. -- after BR1 was suspended. He wrote -- if we just can
22 bring up 5651, please -- he wrote to the Board
23 essentially complaining -- I think he described in his
24 evidence a swarm of social workers had descended in the
25 aftermath of BR1's suspension and that was causing all

1 sorts of difficulties with the operation, because boys
2 were being asked to come out of school and so on and so
3 forth. I think that created, if we can bring up 5651,
4 please -- that created -- his letter created
5 an impression within the Board staff, who looked at this
6 as an attempt to curtail the involvement or engagement
7 of social workers with the boys. I think he was very
8 keen to point out yesterday that's not what he was
9 meaning.

10 **A. Yes.**

11 Q. There was a particular problem that arose that he was
12 trying to address.

13 **A. Uh-huh.**

14 Q. To summarise it, various memos make their way up the
15 chain to you --

16 **A. Yes.**

17 Q. -- expressing rather strong views about how social
18 workers needed to be able to see exactly where the boys
19 were living --

20 **A. Uh-huh.**

21 Q. -- what was happening to them and so on.

22 **A. Yes, yes.**

23 Q. And you wrote back on -- after a discussion in

24 If we can look at 5654, that's the type of memo
25 that was coming up to you, which was rather strong in

1 its terms. This just couldn't be a way of operating.

2 **A. Yes, these were coming from the district staff social**
3 **workers.**

4 Q. Then in at 5656 you write back. You have
5 had a discussion and you have smoothed the waters --

6 **A. Yes.**

7 Q. -- and basically the concern about potential lack of
8 openness or lack of transparency is not going to arise
9 and the social workers continue to visit and engage and
10 have access in the way that they required to do their
11 job properly.

12 **A. Absolutely, yes. He was quite amenable to making the**
13 **those changes. Uh-huh. I mean, he did have some**
14 **legitimate concerns, you know, in relation to so many**
15 **social workers arriving, as he says, and also boys still**
16 **in school, trying to get them out of school, disrupting**
17 **the whole situation.**

18 Q. I think you do make this point in your statement --

19 **A. Uh-huh.**

20 Q. -- that the nature of having 45 welfare boys --

21 **A. Uh-huh.**

22 Q. -- which ultimately becomes much more in terms of across
23 various boards, but in the main probably Belfast was the
24 -- or Eastern Board was the main --

25 **A. Yes. Uh-huh.**

1 Q. -- person, main body that has put the children into
2 Rubane, there would have been a lot of social workers
3 coming in and out --

4 **A. Yes.**

5 Q. -- and in and out and in and out of Rubane.

6 **A. At least every month.**

7 Q. It is important -- I think the point you are making is
8 that that's not missed --

9 **A. Yes.**

10 Q. -- that the social workers were --

11 **A. Yes.**

12 Q. -- and, of course, they are not all routinely, you know,
13 arriving at the same date.

14 **A. No. Absolutely.**

15 Q. So randomly they are coming in and out of Rubane from
16 all of the Boards --

17 **A. Yes.**

18 Q. -- but in the main the Eastern Board.

19 **A. Yes. Really there was a need for them to make**
20 **appointments, you know, and let them know they would be**
21 **coming, agree the date and the time and the rest of it.**

22 Q. I think the other point it raises that De La Salle might
23 understandably make to you to reflect on is if there was
24 any major concern about how the home was being operated
25 --

1 **A. Yes.**

2 Q. -- well, there's an awful lot of social workers coming
3 in and out for those problems to be obvious to.

4 **A. Yes. Uh-huh.**

5 Q. They weren't really -- there were some specific
6 complaints we are going to come to the aftermath of BR1
7 and so on, but there weren't lots of complaints from
8 Rubane from social workers through the '70s as you are
9 --

10 **A. There weren't.**

11 Q. You may not be happy with the structures from the
12 outset, but there weren't complaints about the care
13 necessarily making their way to you?

14 **A. No, there weren't, certainly not coming to my attention.**
15 **Any concerns that came to my attention, you have the**
16 **written documentation in relation to it.**

17 Q. That takes us on to an issue in the other direction and
18 that's about the regulation and the voluntary visitor
19 system. You mention in your statement at paragraph 1.17
20 about the system that operated in the Board homes.

21 **A. Yes.**

22 Q. If we can look at -- this is HIA rather than RUB -- if
23 we can look at HIA293, please, the obligation that's on
24 the welfare homes in regulation 5 --

25 **A. Uh-huh.**

1 Q. -- the Welfare Authority had to arrange for each home in
2 its charge to be visited at least once in each month by
3 a member of the Welfare Committee. Then:

4 "The Children's Officer shall inspect each home in
5 the area for which he is appointed at least once in each
6 month and satisfy himself that the home is conducted in
7 the interest and well-being of the children. He will
8 enter his name and the date and then he shall report to
9 the Welfare Committee or to the Children's Subcommittee
10 upon his inspection."

11 **A. Yes.**

12 Q. Whenever the -- it came by way of a direction, but
13 whenever the updated version of what applied to Board
14 homes came in, the same type of regime --

15 **A. Uh-huh.**

16 Q. -- was required.

17 **A. Yes.**

18 Q. So someone in the Board was visiting the Board home,
19 providing a report on how it was operating each month.

20 **A. That's right.**

21 Q. That was a scheme, as you point out in your statement,
22 intended to be mirrored in what was voluntary homes.

23 **A. Yes.**

24 Q. We can see regulation 4, HIA288. It is essentially the
25 same scheme except the administering authority was to do

1 it. There wasn't necessarily the requirement to provide
2 anything to you about it, but they had an obligation to
3 visit and report to the administering authority, the
4 person -- just scroll up a little. You see:

5 "The administering authority means the person or
6 persons carrying on the voluntary home."

7 **A. Yes.**

8 Q. So what I wanted to ask you is the version that you were
9 involved with, which was the welfare homes, the
10 Children's Officer inspecting, reporting to the Welfare
11 Authority and then subsequently --

12 **A. Yes.**

13 Q. -- the Board's -- I think it was on the residential side
14 -- the social worker who was responsible for going in,
15 checking and reporting back to the Board about the home
16 they were running, what were you -- what was the benefit
17 of that system? What was its purpose? What were you
18 going gain by that mechanism operating? What was --
19 what was its purpose?

20 **A. The focus really as far as I was concerned was ensuring**
21 **that the children are being well cared for and, you**
22 **know, were doing very well and had no problems or**
23 **concerns. That would -- I don't think there was any**
24 **specific guidance, but really the focus was not on**
25 **bricks and mortar and what have you facilities. It was**

1 **actually focused on the welfare of the child and the**
2 **well-being of the child, which meant that the Children's**
3 **Officer or whoever was actually carrying out the role**
4 **would be discussing with staff, you know, how children**
5 **were doing, etc, and were there any problems with them,**
6 **and if there were, how were they dealing with them.**

7 Q. So it is not the child/social worker relationship
8 individual to the child.

9 **A. No.**

10 Q. This is about the care that's being provided in the
11 home.

12 **A. Yes. This is another dimension, you know, which**
13 **involves the supervision of the staff, because the**
14 **Children's Officer -- the residential home staff were**
15 **accountable to the Children's Officer.**

16 Q. That's the added benefit.

17 **A. The Children's Officer in the Welfare was the overall**
18 **manager of all of the children's services.**

19 Q. The added benefit then in the Welfare version --

20 **A. Yes.**

21 Q. -- was that there was this direct responsibility --

22 **A. Yes.**

23 Q. -- of staff to the person who is coming in.

24 **A. Also in Belfast I think I said to you that we had**
25 **a system, which I don't think was replicated in other**

1 welfare authorities, whereby the officer in charge of
2 the home had to provide a weekly report on the children,
3 how they were doing, were there any particular problems
4 or issues with them, and what action was being taken if
5 there were, etc. The problem I think with the
6 Children's Officer visits was that reports didn't really
7 reflect, you know, the amount of interaction that there
8 was between the residential staff and the Children's
9 Officer, because they tended to become quite
10 stereotyped, because the report had to go to the Welfare
11 Committee every month.

12 Q. I think the important point, if I can summarise what you
13 are saying, and you correct me if I have got this wrong,
14 is that whatever about the actual content of the report,
15 the fact that someone was --

16 A. Uh-huh.

17 Q. -- going in and was known to be going in --

18 A. Yes.

19 Q. -- whose role was to examine --

20 A. Uh-huh.

21 Q. -- the care being provided in the home and therefore
22 those who are providing it would know that's what's
23 happening --

24 A. Absolutely.

25 Q. -- it acted as a check and a balance --

1 A. Yes.

2 Q. -- to ensure things were being done --

3 A. Yes.

4 Q. -- in the best way they could.

5 A. Yes.

6 Q. Is that a fair --

7 A. That is a fair ... yes, and I think that was one of the
8 reasons -- in relation to residential homes and the
9 boarding out requirements, etc, I think I mentioned that
10 there was -- they were members of staff as opposed to
11 foster parents who were approved to foster but they
12 weren't members of staff, and also that they had other
13 colleagues working with them in residential care whereas
14 foster parents didn't have. So there were added
15 safeguards there, you know, in relation to, you know,
16 the children receiving proper care, and if they were
17 being abused in any way, then the other member of staff
18 might pick this up, you know.

19 Q. What flows from this, and the reason I am asking you
20 about it, the obligation for this duty to be carried
21 out, the obligation is there as:

22 "The administering authority shall ensure each home
23 in its charge is conducted in such manner and such
24 principle as will further the well-being of the children
25 in the home."

1 One of the ways that was to be effected was this
2 scheme of monthly checking --

3 **A. Yes.**

4 Q. -- but there comes a point whenever the Eastern Board,
5 for instance, is placing lots of children in Rubane and
6 ultimately is responsible for the care of those children
7 and it is not a Welfare home or what becomes a Board
8 home which has those type of structures. So what steps
9 did the Board take to satisfy itself that the voluntary
10 home that it was placing children in was being run in
11 the best interests of children?

12 **A. Yes.**

13 Q. Do you understand?

14 **A. Yes.**

15 Q. Is that clear what I am --

16 **A. Uh-huh.**

17 Q. What would you say? How was that done?

18 **A. Well, I think really our expectation was that the**
19 **Department as the registering authority had actively**
20 **registered the home to meet certain standards and they**
21 **also had power to supervise and inspect the home to**
22 **ensure that they were maintaining those care standards,**
23 **including whatever monitoring arrangements the home had**
24 **from their Management Committee, etc, you know. So our**
25 **assumption I have to say, my assumption and my**

1 colleagues' -- because Social
2 Service, Family and Child Care met regularly, met every
3 month, and it would have been the same from their
4 perspective -- that the Department was there to ensure
5 that there were proper standards being maintained in
6 those voluntary homes. We concentrated in Belfast on
7 ensuring that our monitoring was very much child-centred
8 and child-focused and that's why my
9 , introduced the formal practice -- put
10 formality to the practice that had been going on in 1968
11 I think it was when he introduced the three-monthly
12 review and the report and the monthly visiting, making
13 it a requirement.

14 Q. If I -- you tell me if I am being unfair if I try to
15 summarise it in this way. What you are saying is,
16 "Don't ask us to regulate the regulator". You were
17 saying --

18 A. Yes.

19 Q. -- "The statutory responsibility is on the Department to
20 ensure" --

21 A. Yes.

22 Q. -- "that the home is being" --

23 A. Uh-huh.

24 Q. -- "suitable to be on the register, and if that's the
25 case, then it is suitable for us to send our children

1 to".

2 **A. Absolutely, and we had no legal authority to do so, you**
3 **know. We had no legal authority to go in and do that.**

4 Q. But you would accept presumably that by placing the
5 child there --

6 **A. Yes.**

7 Q. -- you have to be satisfied -- you know where this is
8 going then, because you have this exchange of
9 correspondence.

10 **A. Yes.**

11 Q. I am not going to go into the detail of it. I described
12 it as buck passing, where you were being told by people
13 within the Social Work Advisory Group -- you and your
14 boss were being told, "Well, you should check and make
15 sure", and you were pointing to the registration and
16 pointing to them and saying, "Actually you are supposed
17 to make sure. So don't blame us".

18 **A. Absolutely.**

19 Q. Did you get to a satisfactory conclusion with that?

20 **A. Yes. I think, as I said in my statement, that it would**
21 **appear that the view of the Chief Social Work Adviser**
22 **was not the view of the Childcare Branch.**

23 Q. And you point out in your statement --

24 **A. The view of the Department coincided with our view.**

25 Q. -- that the responsibility ultimately was on the

1 Department --

2 **A. Yes.**

3 Q. -- and you couldn't perform that function for them.

4 **A. And it was outlined very specifically in the Statutory**
5 **Voluntary Relationship paper, which I referred to in my**
6 **statement.**

7 Q. I want to ask you -- just for the record I can give the
8 Members of the Panel the references to what -- the
9 exchange that took place. It runs from 5756. Then
10 there is another version at 6758. It is dealt with in
11 paragraph 2.44 of the witness statement, where you set
12 out that correspondence, that exchange over
13 responsibility and address it from your perspective.

14 What I want to ask you then is the police
15 investigation arises and you provide -- it comes up the
16 line to you, as it were.

17 **A. Yes.**

18 Q. The point you made to me earlier was your door was
19 always open if there was some problem.

20 **A. Yes.**

21 Q. It was brought to your attention that there was
22 an allegation arising from a series of boys --

23 **A. Yes.**

24 Q. -- about BR1's conduct.

25 **A. In fact, we had a procedure which we introduced prior to**

1 this information coming to me whereby the DSSOs, if they
2 became aware that children had been abused, had to
3 notify the Director immediately.

4 Q. So you are made aware and then you phone --

5 A. Yes.

6 Q. -- the police, and there is a statement of yours at
7 60047, which is -- as the evidence gathering process is
8 going on, you make a statement to police explaining what
9 you did.

10 A. Yes.

11 Q. The Inquiry also has at 60200 and 60201 copies of the
12 reports you received from DL 516 and Miss Corrigan
13 --

14 A. Yes.

15 Q. -- outlining what they had been told by various boys.
16 That then begins the police investigation.

17 A. Yes.

18 Q. What I want to then ask you -- you are aware we were
19 discussing earlier, and DL515 gave evidence as well --

20 A. Yes.

21 Q. -- because you sent him along with to sit in
22 on the interviews --

23 A. Yes.

24 Q. -- the police obviously dealt with BR1 and BR77 and
25 DL509 ultimately, but what that material, that evidence

1 gathering process also revealed was there was a serious
2 problem of boys interfering with other boys. I was
3 drawing your attention to a particular witness statement
4 from one of the boys that one of your social workers was
5 sitting in with --

6 **A. Yes.**

7 Q. -- and that's at 60204. If we can just bring that up,
8 please.

9 **A. Yes.**

10 Q. I trust all of the names will appear in redacted form.
11 They do. So if we just -- you can see -- I'm not going
12 to read it out, but you looked at it already --

13 **A. Yes. Uh-huh.**

14 Q. -- and the Panel can see the --

15 **A. Yes.**

16 Q. -- element at the bottom of the page as we are looking
17 at it now.

18 **A. Yes.**

19 Q. That's not an episode of boys simply experimenting and
20 potentially --

21 **A. Yes.**

22 Q. -- engaging in some activity together.

23 **A. Absolutely not.**

24 Q. That's a much more serious incident.

25 **A. Yes.**

1 Q. Was that ever brought to your attention?

2 **A. No, I don't recall that being brought to my attention.**

3 Q. If there were --

4 **A. Sorry to interrupt you. The perpetrator was -- was --**
5 **did he admit it or --**

6 Q. The police seem to have taken a view about the under-age
7 boys --

8 **A. There were grounds for prosecution.**

9 Q. -- and didn't look to prosecute anybody in these
10 circumstances.

11 **A. Oh!**

12 Q. But what I am wondering about, obviously there is
13 an issue of the person who was the victim of this --

14 **A. Yes, absolutely.**

15 Q. -- and also then the person who was doing it --

16 **A. Yes.**

17 Q. -- both of whom are in a children's home --

18 **A. Well, it was an alleged rape really.**

19 Q. -- and having become aware, can you recall -- and maybe
20 it is some further work that will have to be done within
21 the Health & Social Care Board to investigate that --

22 **A. Yes.**

23 Q. -- do you know whenever DL515 and came back
24 with their report about what they had been hearing
25 amongst the boys --

1 **A. Yes.**

2 Q. -- although I don't recall seeing this incident being
3 highlighted --

4 **A. No, I don't either, no.**

5 Q. -- what they did bring back, such as it was --

6 **A. Was very worrying.**

7 Q. -- what happened on foot of it? Do you know were any
8 steps taken to, "Well, how are we going to address this
9 problem?"

10 **A. I can't honestly recall at this stage. There may well**
11 **have been. Certainly I know that all the district staff**
12 **and the Boards and the home staff were well aware that**
13 **this was being investigated at the home.**

14 Q. You made the point to me you communicated with all of
15 those.

16 **A. Yes. It went -- it went -- I immediately sent this**
17 **material, all of the material in relation to the**
18 **homosexual activities as well to the police, to the**
19 **Management Committee, to the Department. The Permanent**
20 **Secretary of the DHSS was involved and went and**
21 **discussed it with the home's officer in charge and the**
22 **Management Committee I think as well and probably the**
23 **Bishop was involved. So all of the staff certainly at**
24 **the home knew about this.**

25 Q. The extent of this obviously then wasn't known to you.

1 What you got back you passed on.

2 **A. It was in relation to I think DL515's memo about I think**
3 **four -- four boys had admitted it and one would --**
4 **refused to make a statement.**

5 Q. Yes. They admitted homosexual relations with each
6 other.

7 **A. But not -- not a rape, yes.**

8 Q. I was asking you earlier whether there was any thinking
9 done about, "Well, how do you deal with these types of
10 issues?"

11 **A. Yes.**

12 Q. You said to me really education was the only avenue that
13 was open.

14 **A. Yes, yes. We did -- certainly following the Kincora**
15 **abuse, where there was also sexual -- homosexual**
16 **activity going on between the boys there, but it was**
17 **never investigated by the police, unlike Rubane, and we**
18 **did as a result of that try and develop a service in**
19 **relation to peer abuse, particularly in relation to the**
20 **abusers, and it was a therapeutic type service developed**
21 **by the Child & Adolescent Psychiatry, mostly by the**
22 **psychiatrist dealing with adolescents, a therapeutic**
23 **programme which sought to give them insight into their**
24 **behaviour and try and change their behaviour.**

25 Q. Was that --

1 A. I think that service was actually made available to
2 other -- other boards if, in fact, there was some leeway
3 for it, because there was quite a bit of -- quite a bit
4 of demand for it, and I think in relation to our case
5 management review that in the Western Board's
6 area where it was peer abuse in a children's home the --
7 that team might have helped in relation to dealing with
8 that abuse.

9 Q. Did that incident arise after --

10 A. Yes.

11 Q. -- the matters?

12 A. Yes. It would have been late '80s, early '90s, maybe
13 around '90, 1990.

14 CHAIRMAN: Try and stick to Rubane.

15 MR AIKEN: It was after -- this was the first time, was it,
16 that this came to your attention, this type of issue?

17 A. Yes, this issue, the first time that this was, you know,
18 categorical that the boys were engaged in it. There
19 were allegations in Kincora from some of the boys that
20 homosexual activities were going on and they were being
21 pressurised.

22 CHAIRMAN: Well, we will look at Kincora at a later stage in
23 the investigation. Let's stick to Rubane, please.

24 MR AIKEN: Then then embargo. You have explained in
25 your statement that you made no apology for putting in

1 place the embargo. You received a number of complaints
2 from staff within the home.

3 **A. Yes.**

4 Q. Then another allegation comes out from another boy who
5 used to live there.

6 **A. Yes.**

7 Q. You make the point in your statement at 2.62 that you
8 were criticised by the Board, the Managing Board, who
9 wanted it lifted, but the point you were making was
10 safety of children was paramount --

11 **A. Yes.**

12 Q. -- and that was that. Until you were satisfied that the
13 various issues that had been raised with you had been
14 resolved --

15 **A. Yes.**

16 Q. -- you weren't prepared to lift the embargo.

17 **A. We did try -- we did try to get resolutions as quickly
18 as possible by contacting the police who were carrying
19 out the investigation, you know, so that we could lift
20 the embargo as quickly as possible.**

21 Q. I want to then ask you about the sexual abuse of
22 children by staff in Rubane.

23 **A. Uh-huh.**

24 Q. In 1964 the Inquiry has heard evidence about BR14
25 abusing -- sexually abusing a boy in Rubane. If we can

1 look at 1028, please, there is a letter from the officer
2 in charge at the time, BR6, writing to his Provincial.

3 What he says is:

4 "I had a visit the other day from the Chief Welfare
5 Officer of Belfast."

6 Who would the Chief Welfare Officer of Belfast have
7 been in September 1964?

8 **A. Mr Mason.**

9 Q. That's Harry Mason?

10 **A. Harry Mason, yes.**

11 Q. He featured in the Kincora Inquiry.

12 **A. Yes.**

13 Q. There is a reference to a Mason file. Is that him, the
14 same individual we are talking about?

15 **A. Yes, the same official, yes.**

16 Q. It seems he had become aware of what had taken place,
17 even though the boy concerned was part of the Down
18 Welfare's responsibilities. Did you at any stage
19 receive information from him or his successor that there
20 had been sexual abuse of a boy in Rubane?

21 **A. No, I didn't, no.**

22 Q. When did you first find out that this had happened?

23 **A. Not very long ago. Whenever it came to the attention of
24 this Inquiry.**

25 Q. So at no stage before that had it come to your

1 attention?

2 **A. No.**

3 Q. You were the head, as it were, in the for
4 years.

5 **A. Sorry?**

6 Q. You were the --

7 **A. Yes.**

8 Q. -- in charge of Child Care in effect in the
9 Board for years.

10 **A. Yes.**

11 Q. years.

12 **A. Yes.**

13 Q. You had never heard of this?

14 **A. Never heard of it, no.**

15 Q. We heard from BR2 yesterday a series of matters that --
16 one of which came out of the blue. If you had come to
17 know that

18 -- you
19 are shaking your head -- what would you have done in
20 response to that? You have got kids who are placed in
21 this place --

22 **A. Uh-huh.**

23 Q. -- and it turns out it was --

24 **A. Right.**

25 Q. -- potentially,

1

2

3 **A. My goodness! Yes.**

4 Q. What would you have done as the -- would that have been
5 another embargo or would that have been --

6 **A. It might well have been indeed.**

7 Q. -- some form of process to establish what exactly had
8 occurred?

9 **A. It certainly would have had to be investigated, how that
10 happened.**

11 Q. BR2 also discussed with the Inquiry a series of
12 incidents where staff ultimately had to be caused to
13 resign by means of their over-aggressive behaviour and
14 so on. Is that the type of information that you would
15 expect to be conveyed to a Board who are placing
16 children in the home or would you not expect -- would
17 you regard that just as an internal matter for --

18 **A. No, I think the users of the home need to be alerted and
19 the Department need to be alerted.**

20 Q. And would that have prompted another form of
21 investigation to find out what was going on?

22 **A. Yes, probably.**

23 Q. You address in your statement various aspects of the
24 changes that took place in respect of dealing with
25 abuse, and I am not going to go into those --

1 **A. Yes.**

2 Q. -- because the Panel has had the opportunity to read
3 your statement and they are across a number of modules
4 that the Inquiry looks at --

5 **A. Yes.**

6 Q. -- but in respect of Rubane as you reflect, and I was
7 asking you beforehand, as you reflect on the way the
8 Social Services and the Board in particular that
9 you were responsible for interacted with Rubane, are
10 there systems issues that you look at now that you
11 consider, "That's not how we should have done it" or
12 ...?

13 **A. Well, I would need time to reflect on that, but**
14 **I certainly think in terms I had very big concerns about**
15 **the difficulties in implementing the systems that we had**
16 **in place, because of the organisational structure that**
17 **we were working under, because it greatly increased the**
18 **coordination required, and there was no specialist**
19 **management at district level in relation to child care**
20 **services or at headquarters. I was not an operational**
21 **manager. I had no executive authority even to monitor**
22 **the services.**

23 Q. That's a wider systems issue --

24 **A. Yes.**

25 Q. -- that we will come back to in general governance.

1 Q. This pattern appears to have gone on over a number of
2 years with a number of different Brothers. Was there
3 ever any hint brought back to you and your colleagues by
4 your social workers, your field social workers going to
5 Rubane that that sort of thing was happening?

6 **A. Not until the complaints which came in relation to one
7 of the Brothers.**

8 Q. That's BR 77 (sic)?

9 **A. Yes. I think that would have been the first occasion
10 where I was made aware that this physical abuse was
11 going on.**

12 Q. And the way in which Brothers were moved or forced to
13 resign, in other words, had their services dispensed
14 with --

15 **A. Yes.**

16 Q. -- which appears to have been done entirely within the
17 De La Salle Order itself --

18 **A. Yes, it was.**

19 Q. -- am I right in understanding from one of your last
20 answers to Mr Aiken that Belfast Welfare Authority in
21 its various manifestations from 1964 right up until many
22 years later --

23 **A. Uh-huh.**

24 Q. -- placing significant numbers of children there --

25 **A. Uh-huh.**

1 Q. -- you were the -- in a sense you were the institutional
2 client of the De La Salle Brothers or one of them -- you
3 would have expected to have been told about these
4 matters.

5 **A. I certainly would, yes.**

6 Q. If I may turn the question round, would conduct of that
7 sort have been dealt with within the state sector in the
8 same way or would the police have been informed, for
9 example, or the Department informed?

10 **A. In relation to our homes?**

11 Q. Yes. If somebody had behaved -- a member of staff had
12 behaved in the way that's alleged here.

13 **A. Yes. That would definitely have been investigated.**

14 Q. And would the investigation --

15 **A. Yes.**

16 Q. -- have potentially involved the police?

17 **A. Yes, it would have, because it was physical assault from
18 what you -- what I know about BR77.**

19 Q. And we know in his case that it was reported to the
20 police. The police investigated it, but the other
21 matters, if they had happened, you would have expected
22 them to be investigated, would you?

23 **A. Yes, I would.**

24 Q. Yes, but none of this was brought to the attention of
25 your authority until the BR77 matter?

1 **A. Yes. Not to my knowledge. That was the first time. It**
2 **came through boys confiding in the social workers. So,**
3 **you know, it meant that they actually felt able to**
4 **confide in social workers, and I think that was**
5 **something new, you know, because it was very difficult**
6 **I think for children, you know, in residential care**
7 **to -- and particularly when we are talking about the**
8 **church and religious orders -- for them to complain**
9 **I think, you know -- I mentioned this in my statement --**
10 **because the Catholic Church was held in such high esteem**
11 **and it would have been very difficult for them. They**
12 **were likely to go to -- in my view they were likely to**
13 **go to the church with the complaint rather than the**
14 **Welfare Authority, even though the children were in our**
15 **care.**

16 **Q. Yes. It would be unreal to assume that every parent**
17 **would have had the confidence in the welfare authorities**
18 **--**

19 **A. Yes.**

20 **Q. -- that you might like to -- like them to have.**

21 **A. Absolutely. Yes.**

22 **MS DOHERTY: Thanks very much. Can I just check -- one of**
23 **the things we have heard from the Brothers and some lay**
24 **staff is that at this time in Rubane's life corporal**
25 **punishment and more informal cuffs across the head --**

1 **A.** Uh-huh.

2 **Q.** -- were commonplace generally in Northern Ireland in
3 schools or in homes. What's your view about that?

4 **A.** Yes. I think I mentioned this in my statement, that
5 when it came to amending and revising the Conduct of
6 Children's Homes direction, the four Boards again
7 through their Assistant Directors expressed the view
8 that corporal punishment should be removed and really
9 that a -- you have to make a start on, you know, this
10 culture, you know, of children being chastised
11 physically, you know, for minor things as well, and this
12 would have been a good start, that you were actually not
13 permitting physical punishment of children, corporal
14 punishment, and I felt quite strongly about this,
15 because I would have liked it to be abolished, but
16 I know there were problems in Northern Ireland. The
17 schools wanted to retain it and also parents weren't too
18 happy about not being able to give the child a quick
19 slap or whatever, you know, or a smack on the ... but we
20 were talking about something different. We were talking
21 about the actual planned, meditated physical punishment
22 with a cane, you know, which would be an offence in
23 relation to an adult, you know, and was still retained
24 within that.

25 The Department were receptive to it as well, but

1 again referred to societal norms, you know, and
2 I suppose for De La Salle the other complication was
3 they had a school in the grounds and the home was
4 operated more -- in my view anyway was operated more
5 like a boarding school, and they had not implemented the
6 guidance in relation to a boarding school type -- a care
7 home with education. They were providing both education
8 and care and it looked as though the education aspects
9 had taken over in terms of how they ran the home, both
10 in terms of clothing and everything else and rules and
11 regulations, and, you know, I was concerned about those
12 aspects. Again corporal punishment was still retained
13 in the schools as well. So I think those are the
14 reasons that the Department, although they sympathised
15 with us, they felt it probably wouldn't be accepted.

16 Q. In relation to a Welfare Authority home the notion of
17 a kind of a cuff around the head as opposed to something
18 that's formal, three of the best, would that have raised
19 issues?

20 A. No. We had -- we didn't have to implement this
21 guidance. It was up to the Board to decide, you know,
22 and we -- certainly it was not our practice -- as to
23 what you do in practice, it was not our practice in
24 statutory homes for any form of physical chastisement.

25 Q. Can I just go back to your memo when you say, you know,

1 the reason that you would look at the children going
2 under the welfare authorities is that you were most
3 dissatisfied with the standard of child care practice in
4 the Catholic voluntary sector, and that you made
5 attempts to give advice and support, but there wasn't --

6 **A. Yes.**

7 Q. Can you say in what way were you not satisfied with the
8 practice, not the structure but the practice?

9 **A. It was in relation to the additional elements that we**
10 **would have had in our care. They had some practices --**
11 **and I think I give an example of one in relation to**
12 **another home -- where children were being, you know,**
13 **more or less lined up and were also allowed, you know,**
14 **out without the visitors being approved who were coming**
15 **to take them out for a day visit even, and I had**
16 **occasion -- this was raised with me by district staff.**
17 **I had occasion to speak to the officer in charge and to**
18 **say that as far as we were concerned the children are in**
19 **our care and that those visitors who were coming to the**
20 **home to take out children or were interested in**
21 **befriending children, even if it was only for a day's**
22 **visit, a day's outing, would have to be formally**
23 **approved --**

24 Q. Checked.

25 **A. -- by -- by the Board. It was the Welfare Committee --**

1 sorry -- the Welfare Department that this particular
2 thing happened in, but I continued that on into the
3 Board's policy and procedures.

4 Q. Thank you.

5 MR LANE: You were mentioning the changes that were made in
6 the Catholic homes, the big old ones, with the
7 introduction of units and so on.

8 A. Yes.

9 Q. That was enabled presumably because of some reduction in
10 the numbers.

11 A. Yes. There would have been -- yes, because the homes
12 originally were -- I think in Rubane wasn't it up in the
13 70s or 80s or something like that, but I think those
14 numbers were reduced subsequently.

15 Q. So were the numbers reducing because of the impact of
16 social work or increased fostering or what?

17 A. Yes. There was -- there was an increase in fostering,
18 which impacted on the numbers in the homes, not
19 initially in the early '70s but subsequently, and we
20 also introduced fee paying fostering, different types of
21 fostering and specialist fostering for difficult
22 adolescents. There was a wider range of services, and
23 I gave priority to developing those other care services.
24 Barnardo's as well developed a salaried foster care
25 scheme and pioneered that form -- that. We -- I opted

1 for fee paying, because it was a contractual arrangement
2 then with the foster carers rather than employing them
3 as Barnardo's did as a member of staff. So those things
4 all did impact.

5 Q. Was there also an intention to have a much shorter spell
6 of time in residential care?

7 A. Yes, there was.

8 Q. Bring children back home?

9 A. Yes, there was, in terms of rehabilitation with the
10 families. That's why I put such attention on family
11 support services, because it was absolutely crucial in
12 relation to preventing children coming into care
13 and also rehabilitating them at the earliest
14 opportunity, if you could provide adequate support to
15 the parents.

16 Q. Because the length of stay in Rubane seems to have
17 dropped considerably in the later years.

18 A. Yes, it did.

19 Q. Thank you.

20 CHAIRMAN: Well, DL518, thank you very much for coming to
21 speak to us today. A great deal of what you have
22 described in such detail very helpfully in your
23 statement relates to much wider issues --

24 A. Yes.

25 Q. -- than those which are at first blush connected only

1 with Rubane, and therefore it is very likely that at
2 some stage when we have looked at more homes in the
3 state sector, which we have not done yet, that we may
4 well ask you to come back and revert to some of these
5 matters --

6 **A. Okay.**

7 Q. -- or deal with some completely new matters.

8 **A. Yes.**

9 Q. I am afraid that might be quite some time due to our
10 timetable, but thank you very much for coming --

11 **A. Thank you.**

12 Q. -- and we always have your statement --

13 **A. Thank you, Chairman.**

14 Q. -- that we can turn to, if necessary. Thank you again.

15 (Witness withdrew)

16 MR AIKEN: That concludes today's evidence.

17 CHAIRMAN: Yes. Very well. Usual time tomorrow.

18 (4.37 pm)

19 (Hearing adjourned until 10 o'clock tomorrow morning)

20 --ooOoo--

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