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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 Wednesday, 10th December 2014

commencing at 10.00 am

(Day 77)

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

1 Wednesday, 10th December 2014

2 (10.00 am)

3 WITNESS DL516 (called)

4 CHAIRMAN: Good morning, ladies and gentlemen. Can I again  
5 remind you before we start any mobile phones must be  
6 turned off or at least placed on "Silent/Vibrate" and  
7 that no photography of any sort is permitted either in  
8 the Inquiry chamber or anywhere on the premises.

9 Yes, Ms Smith.

10 MS SMITH: Good morning, Chairman, Panel Members, ladies and  
11 gentlemen. The first witness this morning is DL516.  
12 She has been given the designation "DL516". She wishes  
13 to take a religious oath and she also wishes to take the  
14 benefit of the anonymity afforded by the Inquiry.

15 WITNESS DL516 (sworn)

16 CHAIRMAN: Thank you very much, DL516. Please sit down.

17 Questions from COUNSEL TO THE INQUIRY

18 MS SMITH: DL516 has provided two statements to the Inquiry.

19 They can be found at RUB1781 to 1785 and RUB1997 to  
20 1999. If we could look at the first of those, DL516,  
21 1781, please. Now if we just go to the last page, 1785,  
22 DL516, can I ask you to confirm that this is the first  
23 of two statements that you have provided for the benefit  
24 of the Inquiry and you have signed that on 29th  
25 August 2014?

1 **A. Yes.**

2 Q. And maybe we will just look at the last page of the  
3 second statement, which is at 1999. This was  
4 a supplemental statement that you provided on  
5 30th October 2014.

6 **A. Yes.**

7 Q. Can I just ask you to confirm that these are the two  
8 statements that you wish the Inquiry to consider as your  
9 evidence together with anything else that you add to  
10 them today?

11 **A. I confirm that, yes.**

12 Q. Thank you. Now if we go back to your first statement at  
13 1781, in paragraph 1 of that statement you set out your  
14 professional background as a social worker.

15 In paragraph 2 you talk about and name the boys for  
16 whom you had responsibility as a social worker in the  
17 up until rather than the early .  
18 Those boys are named in that statement, but I can assure  
19 you that their names will not be used outside of this  
20 chamber or put up on the website without being redacted,  
21 but essentially you had five -- sorry -- four boys for  
22 whom you had responsibility at that time.

23 You then in paragraph 3 go on to describe Rubane,  
24 which was located outside Kircubbin village. It was  
25 self-sufficient. The unit had its own school, church

1 and clothing store. You say when you started to visit,  
2 it was staffed by a few nuns and Brothers. You say the  
3 few nuns who still resided in Rubane stated the Brothers  
4 had taken the decision that it should be staffed by  
5 Brothers and during your involvement there the few nuns  
6 who remained eventually left, although you don't know  
7 where they went to.

8 Now the Order would say there was never a decision  
9 taken to staff the home solely with Brothers and the  
10 last two nuns left of their own accord in , but you  
11 recall a specific conversation with one of the nuns. Is  
12 that right?

13 **A. A youngish nun and she was clear that the nuns were**  
14 **being asked or the Brothers didn't want them there.**

15 Q. And that's why you put that down in your statement?

16 **A. Yes.**

17 Q. Paragraph 4 of your statement you say that when you  
18 visited Rubane, you were always shown into the larger  
19 building to the left. I just wanted to confirm with you  
20 that was the main house --

21 **A. That was.**

22 Q. -- the old building?

23 **A. That was.**

24 Q. Not one of the chalets?

25 **A. No.**

1 Q. In paragraphs 5 and 6 you talk about those Brothers that  
2 you remember and you say that BR2 was there, first of  
3 all. You are unsure when he left and when BR1 took over  
4 responsibility at Rubane. You remember BR2 being  
5 professional, cordial and hospitable. You say your  
6 involvement with BR1 was always professional, but a  
7 working relationship was forged. You say he was open to  
8 possible changes in caring for the boys, and you talk  
9 about that more a little more in paragraph 7. You say  
10 that he presented as a pleasant man,  
11 accent. He acknowledged your reservations  
12 about the possibility of the boys being  
13 institutionalised, because Rubane was self-sufficient  
14 and it did not allow the children to experience life  
15 skills or to develop their own personalities, and that  
16 was what you felt about that particular institution. Is  
17 that correct?

18 **A. It was.**

19 Q. You go on to outline those concerns in paragraph 8, but  
20 before I go on to that can I just ask you just there in  
21 paragraph 6 your recollection of the Brothers who were  
22 there during your involvement with the home were BR1,  
23 BR18 and another Brother who was a teacher, but whose  
24 name you couldn't remember. I asked you earlier if that  
25 might have been BR77 and you think that that's exactly

1           who it was.

2   **A. It was. It was.**

3   Q. You remember him as being always on the go.

4   **A. Uh-huh.**

5   Q. You also knew that there was a caretaker to say -- sorry  
6       -- to see, but you never actually spoke to that man, but  
7       you always remember him being around the grounds of  
8       Rubane when you visited.

9   **A. Yes.**

10  Q. You gave a name to me when we were speaking earlier of  
11       that caretaker. What was that?

12  **A. It was either            or**

13  Q. And coming back to the concerns that you have outlined  
14       in paragraph 8 of your statement, you say that the  
15       children to your knowledge had no contact with the local  
16       community. Social workers had no opportunity to speak  
17       with the Brothers who taught the boys. You were not  
18       given the opportunity to enquire about the school  
19       syllabus and academic achievements of the children you  
20       were responsible for.

21           Can I just pause there, DL516? Presumably in  
22       preparation for case reviews about the boys there would  
23       have been a report from the school.

24  **A. From memory it would have been a verbal report, from**  
25  **memory, and I think it would have been a generalised**

1           **verbal report.**

2    Q.   You say in relation to the clothing store your  
3           observations about the clothes worn by the boys showed  
4           they had been bought in bulk.  You say the boys  
5           presented like "orphans" and clothing did not take  
6           consideration of personality and/or size.  Can you give  
7           an example of the kind of clothing that the boys were  
8           wearing?

9    A.   **It was always drab.  From memory it was dark trousers.**

10           **They would have had a dark top.  Their shoes -- the**  
11                           **boys were very slim and slender, you know.**

12           **The                    boys were a bit more robust, but I think**

13           **it was the                    -- the                    boys that**

14           **I noticed most, you know, their shoes, and that's how it**  
15           **came to my attention enquiring.  BR1 said, "Oh, we have**  
16           **a store", you know.  So the boys, when they needed**  
17           **something, they went to the store.**

18    Q.   And that's BR1 told you that --

19    A.   **Yes, yes.**

20    Q.   -- as a result of you enquiring about --

21    A.   **Yes.**

22    Q.   -- "Where do the clothes come from?"

23    A.   **Yes.**

24    Q.   You say the boys were farmed out in the summer months,  
25           those who had no family, no or little family contact,

1 and you were aware of this information from the boys,  
2 that some went to stay with a brother and sister in  
3 who owned a farm, while the adults  
4 provided food and accommodation in lieu of having the  
5 boys work on the farm.

6 One of the things the Order would say was that the  
7 boys were not farmed out as such. They went home to  
8 their own families, if they could do that, or they went  
9 to stay with informal foster families, people who were  
10 willing to take the boys for the summer. Is there  
11 anything else that you want to say about what you  
12 learned about what was happening and how you learned  
13 that?

14 **A. I have to say I can only talk about my four boys -- okay**  
15 **-- and my four boys had no family contact for various**  
16 **reasons. So they solely depended on Kircubbin. I call**  
17 **it Kircubbin. Okay? I can't remember how the**  
18 **conversation came about, but was it -- I think it was**  
19 **one of the boys or two of the boys and their**  
20 **understanding was they went there, got up very early in**  
21 **the morning and were working. BR1 I believe felt that**  
22 **was good for them, but you have to look at a child's**  
23 **perspective, you know. So -- but I never got further,**  
24 **any other information, and the Brothers sending the**  
25 **children away, I as a social worker had a duty of care**

1 to make sure those -- whoever they were going to were  
2 appropriate and caring for the boys, you know, not  
3 moving them from one institution to maybe not  
4 an institution but something else.

5 Q. You say BR1 confirmed the arrangement, but always showed  
6 an ability in not identifying the names of the people  
7 the boys were staying with.

8 A. Yes.

9 Q. Did you not insist and say, "Look, it is my  
10 responsibility to know these boys are being cared for.  
11 I need to know the names and addresses of where you are  
12 sending them"?

13 A. I have given a lot of thought to this. Now Brother --  
14 BR1 was a very pleasant man, but he never -- you know,  
15 he accepted what you were saying. Did he do something  
16 about it? I don't know, but he never ever came back and  
17 said, "That has been sorted" or, "Yes, you can have that  
18 information". Now knowing my character, I would have  
19 asked a couple times and I'm not sure when I asked,  
20 because then I left to go on maternity leave, you know.  
21 So I'm not sure when that happened, but something  
22 triggered -- I was told this brother and sister, they  
23 went, they were out early in the morning, and it could  
24 have only come from both boys -- one of the  
25 or the , and I would have followed it up, but

1           **again I have no memory how hard I followed it up, but it**  
2           **would have been followed up by me.**

3   Q.   You followed it up with BR1 you say?

4   **A.   Yes.**

5   Q.   Did you follow it up within your own Social Services  
6       management structure?

7   **A.   Again my character is management have to -- you are only**  
8       **as good as the information. I would have brought all of**  
9       **that information back.**

10  Q.   You go on in paragraph 8 again to say that the sleeping  
11       arrangements were never inspected by social workers.

12  **A.   Uh-huh.**

13  Q.   You never had the opportunity to check the sleeping  
14       arrangement, because the boys were always brought to the  
15       social worker in a large building.

16  **A.   Uh-huh.**

17  Q.   From memory and on reflection you say you had limited  
18       knowledge about the boys and they -- and limited  
19       knowledge about their lives. That's as you look back  
20       now you would say that, you had limited knowledge.

21  Again, DL516, whenever -- was it not sort of incumbent  
22       upon you to insist on seeing the sleeping arrangements  
23       or, you know, where the boys actually lived and how they  
24       lived in Rubane?

25  **A.   I would agree with you now. I would have asked, but**

1       again it comes down -- and this is on reflection -- it  
2       comes down to how BR1 presented. He was not  
3       a challenging man. He was very calm. You would say,  
4       "Well, Brother" -- you know, "Brother, how -- where do  
5       the boys live?", you know. "How are they looked after?  
6       What social contact?" "Oh, it is all -- the boys are  
7       well", you know. Again, you know, should we have pushed  
8       -- should I have pushed it? I can only speak -- I would  
9       like to think I pushed it, but it wasn't -- you know,  
10      I never got the opportunity.

11    Q. Can you just explain -- you go on to sort of say in the  
12      next paragraph that you remember a BR18 and you describe  
13      him. You say that you were made to feel uncomfortable  
14      by him. In what way?

15    A. I don't know why. It was a gut feeling. When -- all  
16      I can say whenever I came -- was -- the front door was  
17      never open in Kircubbin. It was always opened for you.  
18      You knocked it. Opened. You were brought into the main  
19      room on the right. I generally went to the left. Now  
20      if BR18 wasn't there, BR18 came in. I was never as  
21      a social worker left on my own without a Brother, and  
22      what sticks in my mind it was always BR18. He never  
23      said "Hello". He stared at you. If you -- I tried to  
24      say "Hello" and then I ended up not and he would drop  
25      his head, but you knew that he was very conscious where



1 Q. That wasn't on the horizon at that stage. You also go  
2 on to say that your statutory visits to the boys took  
3 place in this large room in the house.

4 A. Uh-huh.

5 Q. You are not sure whether BR1 or other staff remained.  
6 If that's not the case -- if this was not the case,  
7 again from memory the visits were short.

8 A. Yes.

9 Q. Now what do you mean by "the visits were short"? Surely  
10 they needed to be as long as you needed to speak to the  
11 children.

12 A. You got your slot, you know. You rang, gave -- you rang  
13 Kircubbin, said when your visit would be. My visit  
14 always happened after school time, because that's what  
15 was expected, and between the end of school and then  
16 their tea. They had to have their tea and that was  
17 defined as well. So you had a visit. You spoke to --  
18 I had two -- I would have visited the one  
19 day and then the boys whenever, you know,  
20 within the month. There was two visits within the month  
21 and they were short.

22 Q. Did you ever turn up unexpectedly or -- just to see how  
23 boys were getting on or anything like that?

24 A. I never, but I think it was made very clear to me or my  
25 understanding was made you had to ring in advance.

1 Q. Now paragraphs 13 and 14 you remember taking boys to  
2 a disco.

3 **A. Yes.**

4 Q. You can't remember where you took them, but it was  
5 either Friday or Saturday night --

6 **A. Yes.**

7 Q. -- and it happened more than once.

8 **A. Yes.**

9 Q. The proviso was they had to return before 10.00.

10 **A. Uh-huh.**

11 Q. From memory the gates were closed on one occasion. The  
12 boys had to climb over.

13 **A. Uh-huh.**

14 Q. You had to wait outside in your car. You didn't drive  
15 into Rubane to collect them.

16 **A. No, no, no.**

17 Q. Might that have been because other boys might have been  
18 jealous if they saw these boys going out?

19 **A. Now I think I drove -- my apologies. I may have drover**  
20 **-- driven in, but I wasn't allowed to -- at night the**  
21 **gates were closed. Okay? I don't know why. As I say,**  
22 **I raised it with BR1, but mindful were my four boys**  
23 **just.**

24 Q. Do you remember them going -- the Order would say there  
25 were a lot of outings organised for the boys. They went

1 to the cinema. They went to swimming in Newtownards and  
2 things like that. Do you remember the boys doing that  
3 kind of activity?

4 **A. I am sure they did. I am sure they did, but mindful --**  
5 **my -- you know, my four boys lived there for most of**  
6 **their lives. So they would have understood other**  
7 **children had parents and what not. So I always just**  
8 **focused on my boys. They never discussed that. I am**  
9 **sure they did, but they never discussed that.**

10 Q. You described the boys when we were talking earlier as  
11 being compliant and never gave you any trouble.

12 **A. Never gave me any trouble, no.**

13 Q. What about case review meetings? You talk a little bit  
14 about these in your second statement at paragraph 6 --

15 **A. Uh-huh.**

16 Q. -- at 1998.

17 **A. Yes.**

18 Q. Just there. Paragraph 6 you say:

19 "The reviews were always chaired by social work  
20 management and attended by professionals in this  
21 particular boy's care. The preferred core group was  
22 Assistant Principal Social Worker, Senior Social Worker  
23 and social worker who had responsibility for DL 144",  
24 which would have been yourself.

25 **A. Yes.**

1 Q. "From memory it was unusual for young people to attend  
2 the review and from memory I would have shared with  
3 DL 144 what was discussed in the review and future plan  
4 for the next six months."

5 **A. Uh-huh. Uh-huh.**

6 Q. Now can I ask, first of all, where did the case review  
7 meetings take place? Did they take place in Rubane?

8 **A. I can't honestly say where they -- well, they would have  
9 taken place either in Rubane or Mulholland Terrace,  
10 which was Falls Road. We may have had one visit to  
11 Rubane and the other reviews being in Mulholland  
12 Terrace. I can't say if it was the Brothers from  
13 Kircubbin that came or they delegated a Brother from  
14 St. Pat's to come as a representative.**

15 Q. And that Brother who attended the case review meetings  
16 would have presumably given you information about the  
17 boys' progress --

18 **A. Yes.**

19 Q. -- such as how they were getting on at school --

20 **A. Yes.**

21 Q. -- and that kind of thing. Now going back to your  
22 own -- sorry -- your first statement at paragraph 16 --  
23 yes, paragraph 15, in fact, at 1783 you say that you  
24 asked BR1 to consider group sessions --

25 **A. Yes.**

1 Q. -- for the boys, which would take place in Rubane.

2 **A. Yes.**

3 Q. Can I just confirm these group sessions were in order to  
4 prepare them for leaving?

5 "He stated he would consider the request and I am  
6 unsure of the time delay from the request to agreeing to  
7 the sessions, but he did agree."

8 Now I discussed with you that the next witness who  
9 is coming this morning will say actually these group  
10 sessions were her idea, because she was particularly  
11 concerned about the fact these boys were ill-prepared  
12 for the outside world, and that is DL517. You remember  
13 her certainly being at the group sessions?

14 **A. Uh-huh.**

15 Q. And or maybe?

16 **A. Yes, .**

17 Q. You say:

18 "He confirmed and agreed to the group sessions to  
19 enable them with life skills."

20 Those -- do you remember how many of those took  
21 place?

22 **A. I only attended one. It was -- the only one I attended  
23 was when the boys disclosed.**

24 Q. And you say that -- you talk about this in paragraph 17,  
25 where you say you can't remember where in Rubane it was

1 located, but it wasn't the main house.

2 **A. That's right.**

3 Q. It may have been the school. Is that possible?

4 **A. Could have been. Could have been. I am not sure and**  
5 **that's being honest. It was a biggish room.**

6 Q. You remember there were reasonable number of boys, some  
7 of whom you knew and others you didn't.

8 **A. Uh-huh.**

9 Q. They had chairs to sit on and the seating was in  
10 a semicircle.

11 **A. Yes.**

12 Q. There were no staff at this session.

13 **A. That's right.**

14 Q. By "staff" you mean staff from Rubane.

15 **A. Yes.**

16 Q. You can't remember what was said, but the boys were  
17 asked to talk about Rubane. They said like an echo they  
18 did not like being touched before shower time.

19 **A. Yes.**

20 Q. Some boys mentioned being given alarm clocks.

21 **A. Yes.**

22 Q. What was that in relation to?

23 **A. I instinctively knew that information immediately said**  
24 **something was wrong here. These children were being**  
25 **inappropriately cared for, for a better word. I never**

1 developed that, because that could contaminate, and not  
2 only that, I would have developed -- to develop  
3 something and then leave those boys -- I assured the  
4 boys that my management would be informed immediately,  
5 and that's my remit, and I went and told management  
6 about it.

7 Q. You say:

8 "The information wasn't shared with BR1, but  
9 comments were taken back to management" --

10 A. That's right.

11 Q. -- "in Mulholland Terrace."

12 You name people who were involved in being told  
13 that.

14 A. Yes.

15 Q. You also know that someone who was based in another  
16 Social Services office was also involved.

17 A. Yes.

18 Q. You say that following that -- sorry. Just pause there.  
19 When would you have passed that information on to senior  
20 management?

21 A. It depends on the time of day. If it was time enough  
22 for me to get back from the unit -- from Kircubbin to my  
23 office, I would have immediately. If not, it would have  
24 been first thing the next day.

25 Q. You say here that, following that, BR2 was brought back

1 to Rubane to oversee its closure. You were aware that  
2 there was some type of holiday arranged for the boys.

3 **A. Yes.**

4 Q. You were aware that the .

5 **A. Yes.**

6 Q. You then talk a little bit more about your recollection  
7 and a subsequent meeting with that man in later years.

8 **A. Yes, yes.**

9 Q. One thing I would say is that while certainly BR2 came  
10 back following BR1's period of suspension, the Order  
11 would say it wasn't to close Rubane.

12 **A. Uh-huh.**

13 Q. Their intention certainly was for the home to continue  
14 on in operation. What was your understanding?

15 **A. All I can say was -- we have changed -- there**  
16 **are no such a thing as APs now. They are principals.**  
17 **was above a principal. She had some control,**  
18 **and it was she who was saying it was over, you know.**  
19 **That was my understanding. Now how long it took to**  
20 **close Kircubbin, but whenever those disclosures ... It**  
21 **was over.**

22 Q. Now paragraph 20 of your first statement you talk about  
23 the --

24 **A. Yes.**

25 Q. -- or as I think it was known --

1 **A. That's right.**

2 Q. -- which was an aftercare hostel for the boys --

3 **A. Yes.**

4 Q. -- when they left and didn't have anywhere else to live.

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

6 Q. Paragraph -- sorry. To go on to your supplemental  
7 statement then --

8 **A. Yes.**

9 Q. -- at paragraph 5 -- sorry. Paragraphs 1 to 4 you  
10 discuss -- sorry. Page 1997. You were asked to make  
11 this statement following being shown a document.

12 **A. Yes, yes.**

13 Q. We will just have a look at that document, first of all,  
14 which is at RUB60200.

15 **A. Uh-huh.**

16 Q. Now you in your supplemental statement say you are not  
17 aware of what this document is.

18 **A. Uh-huh.**

19 Q. You can see it is headed with your name --

20 **A. Yes.**

21 Q. -- the date, at 11.00 am.

22 **A. Uh-huh.**

23 Q. From talking to you, DL516, you believe at that time you  
24 were still on sick leave.

25 **A. It would be my belief, because that is a Wednesday after**

1           **Easter and I remember that year Easter I was very ill**  
2           **and I associated that with the surgery.**

3   Q.   I will look at the contents of the document in a moment.

4   **A.   Yes.**

5   Q.   Just at the bottom of it, if we could scroll down there,  
6       it is marked "Exhibit GAW1". Now GAW were the initials  
7       of the detective sergeant who was involved in the police  
8       investigation in 1980, and this seems to suggest this  
9       was a document that was handed over to him in the course  
10      of that investigation, but certainly if we just go back  
11      up to the top of it, there are a number of points that  
12      are made here. You can see we have given various  
13      designations. I am going to use the names just to make  
14      it easier for you to know who we are talking about.

15   **A.   Yes.**

16   Q.   These are three boys, DL144, DL55 and DL31 --

17   **A.   Yes.**

18   Q.   -- with their years of age.

19           "Provided social work support."

20           There is another boy's name there who is at St.  
21   Patrick's.

22           "No social work contact.

23           DL45 lives in                    He receives social work  
24   support from ...", yourself.

25           Did DL45 leave Rubane and go to live in                    ?

1    **A.** You see, my understanding and memory, DL45 -- the  
2        **Brothers** had contacts, as you would expect. They are  
3        a Christian organisation -- Christian group. DL45 got  
4        a job in                      and I took DL45 to see  
5                      and he was shown his room in                      . Now  
6        my understanding -- my recollection DL45 was in  
7                      when I left social work or when I went on  
8        maternity leave. He may have gone to                      . I am not  
9        sure, but it was                      and I believe he had  
10       a live-in situation.

11   **Q.** Then DL144 it says:

12                      "... is present in La Salle. He is going through  
13       a bad patch. Told DL 516                      that he requested to leave  
14       Kircubbin because BR1 felt his bottom and he did not  
15       want to be a poof."

16   **A.** Yes.

17   **Q.** "DL144 is very independent."

18                      Then it says:

19                      "This incident was told to me six months ago."

20   **A.** Uh-huh. Uh-huh.

21   **Q.** Now you certainly did not write this document that you  
22       can remember.

23   **A.** No, no, no.

24   **Q.** So whoever wrote:

25                      "This incident was told to me six months ago"



1 describe ..." So ...

2 MS SMITH: Yes. It's --

3 CHAIRMAN: The internal evidence suggests that it is

4 referring to --

5 MS SMITH: Someone other --

6 CHAIRMAN: -- DL 516 but written by a different person.

7 MS SMITH: Yes, that certainly does seem to be the position.

8 We discussed this as well, whether this could have been

9 compiled by someone with whom you had a conversation,

10 but again you are not clear about whether that is the

11 position or not.

12 **A. I am not, but it is years. I am not saying it didn't**

13 **happen, but I haven't -- you know, something like that**

14 **I would think would jump off the page for me, but it**

15 **isn't.**

16 Q. It goes on then to describe -- sorry. Maybe -- do you

17 know who took over the care of the boys when you had to

18 go on leave?

19 **A. No, no.**

20 Q. Is it possible that that person may have compiled this

21 document?

22 **A. I don't know, and that's being honest. I don't know who**

23 **took over the care of the boys or what have you.**

24 Q. But certainly then this person then goes on to say in

25 respect of DL55:

1 "I have what I would describe as a shallow  
2 relationship with DL55. He has never relayed anything  
3 to me, but on occasions I have had my doubts, for  
4 example, BR1 running his fingers through DL55's hair."

5 **A. You see, a word "shallow" is not something that I would**  
6 **use, you know. This was a child. Do you know what**  
7 **I mean? I would see DL55 had -- was a troubled child.**  
8 **He took responsibilities. You could see that in his**  
9 **very make-up. When his \_\_\_\_\_ came to**  
10 **Kircubbin, he became the carer of him, you know.**  
11 **Observations -- yes, I'm a very observant social worker**  
12 **and I would -- I would document things, you know. It**  
13 **may stand out for me and I would document it and I'll**  
14 **hold that and -- but I don't know. I don't know, and**  
15 **that's being honest. It could be in the file, you know.**  
16 **Truthfully I can't say, but "shallow" is not a word that**  
17 **would come -- you know, it wouldn't be part in**  
18 **describing a child.**

19 **Q. DL148 then it says:**

20 ".... in \_\_\_\_\_ complained to me that BR18 had  
21 beat him around the head when he was helping to serve  
22 meals in the dining hall. DL148's parents also  
23 complained to me regarding this incident. I discussed  
24 this incident with BR1. He accepted that the incident  
25 had taken place. He apologised to me on behalf of BR18.

1 No apology was given to DL148."

2 Now in your statement you do remember that  
3 complaint.

4 **A. I don't remember the complaint, but you see the way that**  
5 **process -- you know, me following it up, now it would**  
6 **always be Social Services, my management would be**  
7 **saying, "This is what you can do and this is what you**  
8 **can't do", but that process of following it up, yes,**  
9 **I could see that. I can't remember it, but I could see**  
10 **that.**

11 Q. But again this may have been whoever took over DL148's  
12 care after you had gone off on leave.

13 **A. Yes, yes.**

14 Q. Then there's:

15 "DL45 was always unhappy in the chalet with his  
16 houseparent, DL11, because he was always receiving  
17 punishment. He related an incident to me where he was  
18 kicked at a football match as a result of which his  
19 wrist was in plaster for two weeks. It was alleged that  
20 BR77 is heavy-handed and gives punishment freely --  
21 observation based on comments from boys generally."

22 Certainly again that may have been something that  
23 was reported --

24 **A. Yes.**

25 Q. -- by your successor.

1 **A. Could be.**

2 Q. Can I just come back to ask -- there is also another  
3 document that I wanted to look at -- it is at 60201 --  
4 which seems to have been compiled on the same date,  
5 . It is a note that was made by -- it is  
6 either made by -- that's certainly  
7 the suggestion from this page and the following  
8 page and, in fact, it reads:

9 " I was on duty in ."  
10 was the hostel on the

11 **A. That's right.**

12 Q. "I was undertaking duty at in a private capacity.  
13 I asked DL36 if he was going to a disco, whereupon  
14 HIA149 said, 'I know why he will not go out. He is  
15 a fruit and'", I think, "'wants to stay in'. This was  
16 a clear suggestion that there were boys in the hostel  
17 that DL36 fancied. The discussion then turned to  
18 Kircubbin and DL361 stated that chalet was rotten and  
19 they were 'always at it'. HIA149 said you could 'get  
20 a great touch' there. I was concerned and said that  
21 this was not so, but both HIA149 and DL36 both assured  
22 me that it was. I asked what BR1 did about the  
23 incident. DL36 said, 'You would not go near him'.  
24 I asked what he meant and he said that BR1 was always  
25 touching the boys and putting his hands at the back

1 and front of the boys' trousers. HIA149 agreed with  
2 this statement. DL36 said that he did this when they  
3 were in the playing fields. DL36 said that on one  
4 occasion BR1 asked if he minded the fondling and also if  
5 any of the other boys talked about it. BR1 said that it  
6 was only his way of showing friendship. HIA149  
7 suggested that DL36 used to be his fruit, but that he  
8 wasn't now. HIA149 then went on to say that BR1  
9 medically examined the boys on admission. HIA149 said  
10 that BR1 should not be allowed to do this, as he was not  
11 a doctor. Neither of them said whether or not this had  
12 happened to them and I did not ask them."

13 Then there are further disclosures being made in the  
14 course of this group session in the hostel in  
15 about BR1 and the showers and suggesting that he had  
16 a special relationship with one of the boys. When this  
17 discussion took place in the hostel, the houseparent was  
18 present. They also complained about -- they were asked  
19 about any of the other Brothers, and when asked by name  
20 about BR18, they said that:

21 "He would thump you ..."

22 This is over the next page at 60202:

23 "... and that one day one of the boys was sitting at  
24 the dining table and BR18 hit him from behind and pushed  
25 his head into a plate of stew."

1           So it seems to be there were disclosures being made  
2           to social workers by the boys in and around this time,  
3           not only in this group session that was held in Rubane,  
4           but in a group session or just in the hostel in the

5

6   **A. And I see that date is           . I wouldn't have been**  
7   **there, nor was I privy to that information, but I know**

8

9   Q. In paragraph 10 of your statement you say that in the  
10   late           and into           from your experience it was  
11   important to inform Social Services management as soon  
12   as possible of any issues arising with regards to  
13   children and that was always your practice.

14   **A. Well, I -- well, I was the lower rung. These boys**  
15   **needed a higher rung, which was management. So**  
16   **I immediately shared it, you know.**

17   Q. You talk about -- paragraphs 11 and 12 of your  
18   supplemental statement you are talking about that other  
19   complaint that was disclosed in that document --

20   **A. Yes.**

21   Q. -- that you don't recognise.

22   **A. Yes.**

23   Q. DL 516(sic), those are all the questions that I have for  
24   you except for a few general ones about Rubane --

25   **A. Yes.**

1 Q. -- and your impression of the place. How did you find  
2 the atmosphere, for example, when you went there?

3 A. Now I have to say I'm now reflecting on what I saw, but  
4 there were things that stood out for me even then.

5 BR18. BR1 always presented I suppose religious, you  
6 know. He was like a little saint, you know. He would  
7 hold his hands. He would be pleasant, all of that, and  
8 the caretaker. They were the three features. Now BR1  
9 accepted that BR77 was heavy-handed, and, you know, was  
10 he heavy-handed in a very cruel way or was he getting --  
11 you know, slapping? That was never ever teased out.

12 For me Kircubbin was controlled. I only saw what  
13 I had to see and that was the boys, and why I took the  
14 boys to a disco, don't know. Because maybe they needed  
15 an outing. Why I did certain things, documented --  
16 I had -- I suppose deep down I was not happy with the  
17 environment that my boys had -- that's all I can say --  
18 the environment my boys experienced, because they were  
19 totally dependent on that unit. They had nobody else,  
20 and my visit once a month, twice a month, you know, it  
21 disappeared, you know. That's of no significance, you  
22 know. Everything was controlled.

23 Q. Well, DL 516 thank you very much. I have no further  
24 questions unless you feel there is anything that we have  
25 not covered in your evidence that you want to say to the

1 Inquiry. You can do so now.

2 **A. No. I think, you know, everything I have said. I may**  
3 **say I am not disputing DL517's view, but then that's**  
4 **again -- social workers never got together, you know.**  
5 **I worked in isolation. I didn't even know DL517 had**  
6 **boys in -- you know, that's -- I suppose that's also**  
7 **control. We fell into putting things in boxes.**

8 Q. Well, thank you very much --

9 **A. Yes.**

10 Q. -- DL516. I am going to hand you over to the Panel.  
11 They may have some questions for you.

12 Questions from THE PANEL

13 CHAIRMAN: DL516, can I take you back to those occasions you  
14 have described when you arrive at Rubane to see a boy --

15 **A. Yes.**

16 Q. -- by appointment and so on? You go into a room and you  
17 said that, to put it in a neutral way, you were plainly  
18 uneasy about being alone in a room with BR18. Was it  
19 the position that before the boy or boys you wanted to  
20 speak to arrived for the meeting that you would never be  
21 left alone in a room, that there was always a Brother  
22 there?

23 **A. Oh, there was always someone -- you were never -- now if**  
24 **you were left in the room, it was just someone showed**  
25 **you in and immediately -- well, within -- very**

1           **quickly -- I couldn't put a time on it -- very quickly**  
2           **BR18 -- it was either BR18 generally was the person in**  
3           **the room with me.**

4    Q.   Yes, and then when your boys arrived for your meeting  
5           with them, did a Brother, either BR18 or one of the  
6           other Brothers, remain throughout the meeting?

7    A.   **Yes. From memory I think it was always BR1. From**  
8           **memory -- I can only -- you know, this is           --**  
9           **I don't think I was ever left alone. Now they never**  
10           **hovered over you, but this was a big room. Well, it's**  
11           **not as big as this -- maybe. It's a big room, and they**  
12           **may have moved themselves, but they still -- I talk**  
13           **fairly loud, you know, nor would I have had thoughts of**  
14           **whispering, you know --**

15   Q.   Yes.

16   A.   **-- but, you know, they would have been there.**

17   Q.   So the idea of having a private discussion with a child  
18           didn't operate there in that sense --

19   A.   **No, it didn't, no.**

20   Q.   -- because there was always an authority figure in the  
21           room?

22   A.   **Yes, yes.**

23   Q.   I see. Thank you very much.

24   MS DOHERTY: Can I just ask at that time what type of boys  
25           would you have thought were suitable for Rubane? If you

1           were looking at children coming into care, what was the  
2           general view of Rubane? What sort of boy was it  
3           considered suitable for?

4     **A. There was no such a thing as suitability. Once a child**  
5           **reached an age in Down & Connor, the boys would have**  
6           **gone to Kircubbin. That is my understanding. You know,**  
7           **once they reached secondary years, they went to**  
8           **Kircubbin.**

9     Q. Except presumably if they were in the criminal justice  
10          system, they might have went to St. Pat's?

11    **A. No. I think St. Pat's also cared for children. Now**  
12          **it's going a long time back. I think they may have**  
13          **cared for children, but it would have been children who**  
14          **may have had parents. I'm not sure now. I'm not sure.**

15    Q. But you didn't feel as a social worker that you had  
16          a choice, that there was a selection of places? It was  
17          something that seemed automatic?

18    **A. Oh, no, definitely I can say we had no choice.**

19    Q. Okay. Can I ask was going to the disco the only time  
20          you took the boys out by themselves?

21    **A. Yes. About twice I took -- from memory I could --**  
22          **I have a vision that I took them out twice.**

23    Q. I know it is a long time ago --

24    **A. Yes.**

25    Q. -- but do you have any memory like when they were in the

1 car with you, any more relaxed conversations like when  
2 they were unobserved?

3 A. You see, that's why I am thinking -- that's why I am  
4 thinking some of the issues about the brother and sister  
5 in or came up I think --

6 Q. Okay.

7 A. -- because the boys wouldn't have had the opportunity to  
8 tell me that in conversation when I visited, you know.  
9 Our conversations, "Well, how are you doing?" "Fine."  
10 "What's happening" -- you know, "Is everything okay?"  
11 "Fine", and it was one word, "fine", you know, or  
12 whatever word they used at the time, you know.

13 Q. And with the Brother in the vicinity?

14 A. Oh, yes, yes, yes. There was always a presence.  
15 Someone would have been appointed, and from my memory  
16 BR1, BR18. BR77 never was. I did see him out, you  
17 know, passing, or if they opened a door, he would be  
18 like a whippet, and that's why I asked, "Who is this  
19 person?" and I knew him as the teacher. The children  
20 would have said "the teacher".

21 Q. We heard yesterday from a representative from the  
22 Eastern Board --

23 A. Yes.

24 Q. -- who said they were bringing in arrangements of  
25 getting approval for summer placements, or children even

1 going out for the day for visits, that they wanted prior  
2 approval. You don't remember anything like that  
3 happening in your district?

4 **A. Well, I stopped -- due to maternity leave I finished**  
5 **Kircubbin in . Okay? To my knowledge we had not**  
6 **been at that level where we were approaching people**  
7 **specifically appointed for children in Kircubbin. That**  
8 **I can stand over. Up until -- they may have -- may have**  
9 **and it may have been in the pipeline, but at that time**  
10 **it wasn't. The Brothers did operate or they may have**  
11 **operated like a "Friends of Kircubbin" like they had in**  
12 **Belfast, and that only came to our attention as well**  
13 **just -- it was never volunteered. You didn't get**  
14 **information. It always came by other sources.**

15 Q. Okay. Thanks very much, DL516.

16 MR LANE: You have given an impression that you were really  
17 fairly controlled in terms of where you could meet the  
18 boys, the places you could go to.

19 **A. Yes.**

20 Q. People lurking in the background.

21 **A. Yes.**

22 Q. That sort of thing. On the other hand, the group work,  
23 it seems that no Brother was present for that and they  
24 didn't ask for feedback and so on. Is that correct?

25 **A. Well, I don't know if they asked for feedback. If they**

1 did, no doubt I would have said to BR1, "Look, things  
2 went well" and just left it at that, but I would have --  
3 prior -- I would have said to the boys, "Look, I will  
4 close this down" -- you know, "I will be saying to BR1",  
5 or it could have been another -- one of the other  
6 members, the three social workers, myself and the two  
7 other social workers, may have delegated someone. I may  
8 have gone. I am not sure, but what I am sure of, that  
9 the boys would have been reassured that the information  
10 they gave -- because -- it is still in my mind -- they  
11 got up. They were emotional. You know, it wasn't,  
12 "Look, we're being ..." It obviously had an impact on  
13 them. They got up and they said what was happening to  
14 them. You couldn't have been in that group and not been  
15 shocked.

16 Q. If this was with a view to aftercare and preparing for  
17 departure --

18 A. Yes, yes.

19 Q. -- did the Brothers not ask to be part of that, part of  
20 the team doing that preparation?

21 A. My recollection of BR1, and I think that's why he said  
22 to me, "DL516, I will have to think about it" -- I said,  
23 "Brother, you know, it is important that we establish  
24 a rapport with the boys and for nobody to be in that  
25 group, you know, like Brothers", and that is my memory,



1 we just took a short break to about 11.30, we should be  
2 ready to proceed.

3 CHAIRMAN: Yes. Very well.

4 (11.22 pm)

5 (Short break)

6 (11.30 pm)

7 WITNESS DL517 (called)

8 MS SMITH: Chairman, Panel Members, the next witness today  
9 is DL517. She is "DL517". DL517 wishes to affirm and  
10 she also wishes to avail of the anonymity afforded to  
11 her.

12 WITNESS DL517 (affirmed)

13 CHAIRMAN: Thank you. Please sit down, DL517.

14 Questions from COUNSEL TO THE INQUIRY

15 MS SMITH: Now, DL517, you have prepared a statement for the  
16 Inquiry, which is at RUB1685. If we could just pull  
17 that up, please. If we could just go to the last  
18 page of the statement, which is at 1694 -- sorry.  
19 That's the last page of the exhibit, but the actual  
20 statement is signed on 1689. Apologies. Can I ask you  
21 to confirm that you have signed this statement, that  
22 this is what you wish to Inquiry to take into account  
23 together with anything else you say to us today?

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

25 Q. Now if we go back to the first page of your statement at

1 1685, paragraph 1 there sets out the history of your  
2 career.

3 **A. Yes.**

4 Q. Certainly in the you were training as a social  
5 worker, and when you qualified, you were allocated  
6 a post at Social Work Office.

7 **A. Yes.**

8 Q. As a result of your work there you had responsibility  
9 for some boys who were placed in Kircubbin --

10 **A. That's correct.**

11 Q. -- in Rubane. Now in paragraph 2 you talk about  
12 a report that you wrote in --

13 **A. Uh-huh.**

14 Q. -- about a complaint of assault on a boy for whom you  
15 had responsibility in Rubane.

16 **A. That's right.**

17 Q. I am going to look at that report now. It can be found  
18 at 1691. I should say, DL517 -- if that could be  
19 enlarged, please -- I should say, DL517, while boys'  
20 names are in this report --

21 **A. Uh-huh.**

22 Q. -- they will not be disclosed outside this chamber.

23 **A. Thank you.**

24 Q. So:

25 "While in Rubane's Home **DL 167**



1           **report, however, because I thought it might have been**  
2           **relevant to the other allegations.**

3    Q.    You say you discussed the matter then with another  
4    social worker from the district, DL516 --

5    **A.    DL516.**

6    Q.    -- who was the last witness.

7            "She confirmed that one of the boys had been struck  
8            by one of the brothers, but that she'd made enquiries  
9            and mentioned the issue to BR1" --

10   **A.    Uh-huh.**

11   Q.    -- "who informed her that he was aware of the situation  
12           and the difficulty had been resolved."

13   **A.    Yes.**

14   Q.    You and the social worker continued to discuss general  
15           matters --

16   **A.    Uh-huh.**

17   Q.    -- of common concern vis-a-vis children in the home,  
18           clothing, pocket money, institutionalisation, etc.

19            "No further incidents of assault or excess  
20            punishment were reported directly to me."

21   **A.    Yes.**

22   Q.    Now if I might pause there and go back to your  
23           statement, you recall information being disclosed at  
24           group work sessions. Sorry. The statement then is at  
25           page 1686. If I can just look at paragraph 3 here.

1    **A.**        DL 524       .

2    Q.    I'll come back to the report in a moment.  You remember  
3        that much of the information was disclosed during or  
4        following group work sessions with the boys.  Now the  
5        last witness has said she had approached BR1 because of  
6        concerns about the boys --

7    **A.**    **Uh-huh.**

8    Q.    -- that she had with a view to setting up these group  
9        work sessions.

10   **A.**   **Yes.**

11   Q.    You believe you and another social worker were actually  
12        principally responsible for that.

13   **A.**   **Yes, yes, I do.**

14   Q.    Obviously with time it is difficult to recall these  
15        things.

16   **A.**   **That's right.**

17   Q.    But your memory is that yourself and        DL 522       , who  
18        was a Down & Connor Welfare -- sorry -- Down & Connor  
19        Family Care Society --

20   **A.**   **Social worker.**

21   Q.    -- social worker ...

22   **A.**   **I can't remember the exact title of the society, but it**  
23        **is in my            report as Down & Connor.  So -- but a lot**  
24        **of social workers were concerned generally about the**  
25        **boys in Kircubbin.  So I -- and it is clear that I did**

1           have discussions with DL516. So it's just --  
2           unfortunately memory is a very fickle thing and I don't  
3           remember setting up the group with DL516, but it was  
4           quite a big group. I think in one of the -- it mentions  
5           14 boys at one of the sessions in March where they were  
6           very against BR77 coming and were determined not to have  
7           him there. I think there were maybe even about 16 boys  
8           altogether who might have been able to come. So it's  
9           likely there was more than just me and DL 522 .

10          I think more people would have been there, but --

11        Q. DL516 remembered                    as being there as well.

12        A. Yes. Unfortunately --                    actually was my  
13           flatmate in                    , but I am not sure whether she was  
14           there or not, if she was one of them.

15        Q. If I can just look at paragraph 5 of your statement  
16           about the concerns you had about Rubane at the time --

17        A. Yes.

18        Q. -- and they included the isolation of the boys far away  
19           from ordinary society, the almost all male make-up of  
20           the staff and single sex admissions policy which  
21           appeared to lead to a tough, cold, unsupportive approach  
22           to providing care.

23        A. Yes.

24        Q. You say the boys needed nurturing and often spent time  
25           with you and the few female staff if they needed support

1 or to discuss any hurts or distresses they had  
2 experienced.

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

4 Q. Other concerns you say were the low -- use of low cost  
5 budget pack food and the boys obtaining clothes from  
6 a general store. You remember one boy for whom you had  
7 responsibility, **DL 51** --

8 **A. Uh-huh.**

9 Q. -- needing trousers on admission. He was given a pair  
10 of trousers which were so wide he needed a belt to hold  
11 them up and they were too short for him, although he was  
12 a pretty small child.

13 **A. Yes.**

14 Q. You were told he would have to wear them and that he may  
15 eventually get trousers that fitted him if they came  
16 into the store.

17 **A. Uh-huh.**

18 Q. You also recall the boys only went into the community  
19 once a month swimming.

20 **A. Uh-huh.**

21 Q. "They also went camping with some of the housemasters on  
22 occasions, but they seemed to be to country or  
23 wilderness venues, and they appeared to be very isolated  
24 from their families or communities from which they were  
25 drawn."

1    **A. Yes.**

2    Q. Can I ask just some general questions about --

3    **A. Yes.**

4    Q. -- the children that you had to look after and your  
5       contact with them when you went to Rubane?

6    **A. Uh-huh.**

7    Q. Where did that contact take place, first of all?

8    **A. We would have had contact in Rubane itself and there**  
9       **were things like darts and snooker tables, things like**  
10      **that, on site, and sometimes we could play things like**  
11      **basketball, football, that kind of thing. So it would**  
12      **have been possible to have contact there or -- and there**  
13      **would sometimes have been rooms available if you wanted**  
14      **to have a discussion with a boy or you could take them**  
15      **--**

16   Q. So you --

17   **A. -- for a drive or --**

18   Q. Certainly the suggestion -- the picture you are painting  
19      is that you could have had open access to the boys at  
20      any stage. Is that correct?

21   **A. Well, our obligation was to see them once a month and it**  
22      **would have depended then on what you were doing.**  
23      **I suppose -- I think I mentioned to you that one of the**  
24      **concerns that social workers had if they had a lot of**  
25      **children, which was not my situation -- I had three boys**

1 in residential care. I had no other children. The rest  
2 of them were in foster care. So I was in an unusual  
3 situation, but some social workers I was aware of in  
4 District would have had up to forty  
5 children to see, and this was a very large number, and  
6 very difficult to keep good contact with the children  
7 and have a good relationship with them, because you  
8 weren't going to see them more than once a month at  
9 that -- at that -- in that situation.

10 Q. Where did the meetings with the boys actually take  
11 place?

12 A. The meeting with the boys, you would have gone down to  
13 Kircubbin itself, and then you would have been able to  
14 go into a room or into the kind of snooker room and  
15 things like that or take them out. The children often  
16 liked to go out for a drive and especially if they  
17 wanted to discuss something to be away from the site,  
18 the home.

19 Q. So it wasn't the position that you were just taken into  
20 a room and that the Brother was there present throughout  
21 your meeting with the child?

22 A. No, I wouldn't have had a Brother present throughout,  
23 no.

24 Q. Coming back to the -- paragraphs 4 and 5, you were  
25 discussing the level of concern that you had about

1 various things, and you said you found it difficult to  
2 get permission to start a group in paragraph 6.

3 **A. Yes.**

4 Q. Something you thought you could do yourself for the  
5 boys. You contacted various individuals and agencies  
6 hoping to garner support for the idea of a leavers'  
7 group.

8 **A. Yes.**

9 Q. Eventually, as you say, you discussed the concerns with  
10 DL 522 . You can't recall if she had had similar  
11 concerns before you contacted her:

12 "... but hoped that we could put a case jointly."

13 You also recall expressing concern to BR1 that the  
14 boys had no sexual education --

15 **A. Yes.**

16 Q. -- and seemed to be being told if their mothers had  
17 loved them more, they would not be in care and that  
18 women could not be trusted.

19 **A. Uh-huh.**

20 Q. Can you explain a little bit about what you meant by  
21 that or how that conversation came about with BR1,  
22 DL517?

23 **A. Well, I had the general concern that the boys were very**  
24 **isolated and on their own. It was a single sex**  
25 **education, much like a boarding school. It wasn't --**

1           they had very little access to community, to other kinds  
2           of activity to be involved in. They were teenage boys.  
3           They were developing and growing, and I can't remember  
4           precisely. I would have discussed with **DL 33** and  
5           **DL 51** and **DL 167**, you know, what they were doing and  
6           whether -- and, you know, there would have been talk  
7           about girls and what they hoped for in the future and  
8           those sort of things, and out of that would have emerged  
9           -- but I can't be specific, I am afraid, about exactly  
10          how that happened, but I became aware the boys were  
11          really not -- they didn't know anything about the  
12          practicalities of sex and sexuality, and I thought there  
13          wasn't any kind of warmth, so that they didn't have --  
14          it was going to have to come out somewhere as they  
15          developed, experimentation, thinking about it, about sex  
16          and who they were and how it fitted with them, changes  
17          in their bodies and all the rest of it, and I thought  
18          they just had no-one to speak to about this and they  
19          didn't have any basic information about it.

20                 Now I can't remember whether or not I provided that  
21                 to them, whether or not it would have been okay in those  
22                 days for a young woman to speak to a boy about it. I am  
23                 not sure whether they would have found that all right or  
24                 not. I just can't remember all of that, but I know  
25                 I was very concerned about it and I wanted to know from

1 him, "Well, how do you deal with this? What do you do  
2 to help these boys in their development into adulthood?  
3 How is it managed in this institution?" and he wasn't  
4 able to answer me. So I was worried about that.

5 Q. This expression that you have put into your statement  
6 that:

7 "The boys seem to be being told that if their  
8 mothers had loved them more, they would not be in care  
9 and that woman not be trusted" --

10 A. Yes.

11 Q. -- now where -- did BR1 say that to you?

12 A. He didn't say that to me. I am saying it to him.

13 I suppose I had picked up from the boys that sometimes  
14 comments were made -- if they said, "I hate it here" or  
15 something, that comments were made to indicate that if  
16 their mothers had loved them better, they wouldn't be  
17 there. So I was alarmed for the boys that both in terms  
18 of their relationship particularly with their mothers at  
19 home if they were there or in relation to how they would  
20 see women in general as they grew up, that the boys --  
21 men were the only ones you could trust, but they  
22 weren't -- they weren't able to hug each other or  
23 support each other, because that's not what boys did,  
24 you know.

25 Q. What about BR1's attitude towards you? How did you find

1 him?

2 A. Well, at first he was quite dismissive about the idea of  
3 the group or issues that you might raise, but after  
4 those types of discussion I thought that when -- the  
5 reason why I think DL 522 was quite significant  
6 was because she was a Down & Connor social worker and so  
7 she had the -- was an insider, if you liked. I was  
8 a social worker from the Board and therefore  
9 an outsider. So my managers were saying, "You will have  
10 to ask BR1". He was telling me, "You will have to ask  
11 them", and when I managed to link up with DL 522, I felt  
12 that things moved forward more quickly, because we were  
13 both able to come at it together.

14 Q. Can you remember how many meetings you would have had  
15 before disclosures were made in these group sessions?

16 A. No. I think -- I can't, I am afraid. Obviously it  
17 started on , and I think the first --  
18 in my report I think the first mention of it is on  
19 , is it, where the boys were saying they didn't  
20 like BR77 and they didn't want him there. So that  
21 certainly was -- at that point they were being very  
22 clear that they didn't like this man and that they were  
23 afraid of him and furthermore they didn't want him  
24 about.

25 Q. If we just maybe go back to the report you wrote at the

1 time, which is 1691, and there seems to have been  
2 a leaver group meeting on after preliminary  
3 discussions.

4 **A. Yes.**

5 Q. You say the aim was simply to alleviate some of the  
6 problems that the boys would face when they left --

7 **A. Yes.**

8 Q. -- because of the length of time they had spent in the  
9 institution.

10 **A. Uh-huh.**

11 Q. there, if we just scroll down:

12 "In group discussion it was brought up with the  
13 boys" --

14 **A. Yes.**

15 Q. -- "that a member of staff in the home would be  
16 assisting and organising a week-end",

17 where you were planning to have a residential  
18 week-end away from Rubane somewhere.

19 **A. Yes.**

20 Q. "His name was mentioned and the boys said they didn't  
21 like him and didn't want him to be part of the group."

22 **A. Uh-huh.**

23 Q. "They nominated a BR10 in preference and we explained  
24 that the selection of staff was a matter for Rubane but  
25 we would mention the preference to BR1."

1    **A. Uh-huh.**

2    Q. Then on 10th March you say --

3    **A. Yes.**

4    Q. -- you were visiting the father of two of the boys --

5    **A. Yes.**

6    Q. -- for whom you had responsibility.

7    **A. Yes.**

8    Q. "During the interview **DL 51** mentioned that BR77 was now  
9    acting as a houseparent" --

10   **A. Uh-huh.**

11   Q. -- "in the absence of **BR 23** who had returned  
12   home."

13   **A. Yes.**

14   Q. "He said that he disliked BR77 and that he had taken  
15   **DL 33** into the laundry and hit him" --

16    **DL 33** being his Brother --

17   **A. Yes.**

18   Q. -- "just for smoking in the wrong place. **DL 33**  
19   confirmed this and said he had hit him a few digs and  
20   that he hated him."

21   **A. Uh-huh.**

22   Q. "I asked **DL 33** if he'd been bruised at all. He said,  
23   'Oh, it was okay'. He also asked me not to mention it  
24   to BR1, as he said it would only make things worse. On  
25   the way home the boys' father said that he was of the

1 opinion that **DL 33** had exaggerated the severity of the  
2 punishment"

3 That is, he didn't have a bruise.

4 **A. Uh-huh.**

5 Q. On you were again in Kircubbin with  
6 DL 522

7 "In discussing the week-end the boys again mentioned  
8 BR77. More boys were present at this session."

9 You think there were about 14.

10 **A. Uh-huh.**

11 Q. "Almost all were afraid that they would not go if BR77  
12 were selected as Rubane's representative. The reasons  
13 given were (1) that he was generally vicious and  
14 aggressive, (2) that he had split a boy's lip once. The  
15 boy was present."

16 I take it you mean the boy was present at the group  
17 session?

18 **A. Yes. I think I say later that it was **DL 52** so**  
19 ...

20 Q. "On camping weekends he hit boys with a mountaineering  
21 rope and that if he didn't like what he saw boys doing  
22 there, he would get them when he returned from the  
23 week-end."

24 **A. Yes.**

25 Q. "In relation to number (2) the boys said that BR77 had

1        been reprimanded by BR1 and made to apologise to the boy  
2        for the incident and to all the boys for his general  
3        behaviour. He apparently said to them that he knew he  
4        was getting a bad reputation, that he was sorry and that  
5        it wouldn't happen again. They said he had improved for  
6        a while but that lately he was up to his old tricks  
7        often."

8        **A. Uh-huh.**

9        Q. "The feeling was so strong that        DL 522        went over to  
10       see BR1, and she explained BR77's unpopular and rough  
11       reputation to him and asked that another member of staff  
12       be selected for the week-end. BR1 was not able to give  
13       a definite answer -- a definitive answer to this. The  
14       matter was left in abeyance until the following week.

15              On        we saw BR1 again. He made no  
16       mention of BR77 and said that BR10 was rather reticent  
17       about going on the trip but we could speak to him about  
18       it. In fact, BR10 did agree to go, but BR77, being more  
19       expert in planning for trips, was called in to assist in  
20       preparing what foods, amounts, etc, should be bought or  
21       purchased."

22       **A. Yes.**

23       Q. "At first the latter was rather defensive. He seemed to  
24       know the boys had objected to him coming on the weekend.  
25       However, after a couple of minutes he relaxed and was

1 very helpful in planning for provisions. Owing to  
2 severe blizzards, the week-end was cancelled.

3 On " --

4 This is a week later.

5 **A. Uh-huh.**

6 Q. -- " DL 522 and myself agreed we should discuss the  
7 accusations against BR77 with BR1 in more detail.

8 I mentioned the incident in which DL 33 was involved

9 and both myself and Miss O'Kane went on to mention the

10 other incidents reported to us. However, BR1

11 interrupted and said that he knew of the incident of the

12 split lip, that it had happened a long time ago and that

13 he had dealt with it at the time. He said no other

14 incident had been reported to him since then. We

15 repeated what the boys had said and said we were

16 concerned about such reports. BR1 agreed, but said that

17 as far as he knew there had been no further incidents

18 since he had dealt with the situation."

19 **A. Uh-huh.**

20 Q. "The week-end was to be rearranged, if possible, for

21 ."

22 **A. Uh-huh.**

23 Q. "I was on leave Easter week and on my return on

24 I again visited Kircubbin to bring DL 51 down to

25 see DL 33 ."

1           You go on to say:

2           "When we arrived, DL378, who was the

3           houseparent, was ..." --

4           made coffee for **DL 51** and yourself.

5           "The boy asked who was in charge. BR2 had been

6           there for a while, and DL378 said it was BR77. **DL 51**

7           was not pleased and DL378 said, 'BR77 tries to keep the

8           boys in their box a bit too much' and the boys didn't

9           like him for it."

10   **A. Uh-huh.**

11   Q. "She said he was, however, good to them in other ways.

12       **DL 51** laughed and said, 'What are you talking about

13       good to us?'"

14   **A. Uh-huh.**

15   Q. "DL378 mentioned that **DL 33** had broken nine eggs just

16       before Easter."

17           Then you go on to talk:

18           "She said that she had actually hit **DL 33** with

19           a wooden spoon. She was generally popular with the boys

20           and not considered to be a disciplinarian. **DL 51** then

21           went to find **DL 33**. He came back, talked about the

22           eggs incident and said that DL378 hadn't even taken the

23           money from him, although she was supposed to do so."

24   **A. Uh-huh.**

25   Q. "I asked him how he'd got over the holidays and in

1 discussion he had mentioned that BR77 had strapped him  
2 again before the Easter holidays. He said he was  
3 terrified of him. I asked him why he told me that he  
4 had been hit the first time when really he had been  
5 strapped. He shrugged and said he had been strapped  
6 both times in the laundry. The first time it was for  
7 bringing a cigarette into the chalet. **DL 33** said he  
8 had nicked it and BR77 said he had been smoking. The  
9 second time **DL 33** said he had been horse playing with  
10 another boy, whom he tapped on the head with a pot. The  
11 other boy had started to cry, and BR77 taken him into  
12 the laundry and strapped him. He didn't know how many  
13 times he had been strapped. I asked about marks and  
14 **DL 33** said that he had been strapped most often on the  
15 back and, as he was wearing a jacket, the marks faded in  
16 a very short time, but that he had a strap mark on his  
17 leg for about three days. **DL 33** said he had mentioned  
18 the first incident to **BR 3** ,  
19 and he had said that BR77 should not strap him and not  
20 in the laundry. **BR 3** had asked him to let him  
21 know if it happened again and said they would report him  
22 to BR1. However, **DL 33** had told no-one. He said he  
23 was afraid that it would mean BR1 would start picking on  
24 him and he was afraid of getting his nose broken or  
25 something if he went mad. He mentioned **DL 52**

1 the boy who got his lip split, and said he was in the  
2 chalet too. I asked if **DL 52** welfare knew about his  
3 lip being split and **DL 33** said that all the boys had  
4 asked **DL 52** to tell in case BR77 did the same thing to  
5 them, but **DL 52** refused as he was scared. **DL 33** asked  
6 me if he could be moved to the main house until Brother  
7 **BR 23** came back, as he said he shook every time BR77  
8 passed."

9 **A. Uh-huh.**

10 Q. "I said I would have to tell BR1 about the strapping and  
11 **DL 33** agreed. However, BR1 was not available and BR6  
12 was acting as deputy. I told him that BR77 had strapped  
13 **DL 33** and that I told BR1 of a previous incident and  
14 was concerned that there had been a repeat of the  
15 behaviour. Even so BR6 agreed that it was a serious  
16 matter, but said he could not move the boys. He  
17 said that a rota had been established for the chalet and  
18 that BR77 would not have sole charge of the boys except  
19 on certain days. He also agreed to reprimand BR77, but  
20 preferred to make it an anonymous report rather than let  
21 him know who complained."

22 **A. Yes.**

23 Q. Now that is a very full report you prepared. I have  
24 taken time to read through it. Where did that report  
25 go?



1 to come, what was going to happen to him, and even as  
2 I was leaving him there, I was going to have to wonder  
3 whether or not he was going to be strapped again,  
4 whether or not there was going to be some other  
5 misdemeanour. I thought the fact that BR6 said he won't  
6 tell him who made the complaint indicated he knew what  
7 would happen if he did tell him who made the complaint,  
8 but it is easy enough to deduce if you just describe the  
9 circumstances who it might be, and that leaves the child  
10 having to worry about that the whole time, and I know  
11 that strapping was -- as you see, there was an incident  
12 with DL378, whom the boys loved. She was called "DL 378  
13 DL 378" and she -- you know, they -- was the only human  
14 warmth, if you like, that they had, but she used  
15 a wooden spoon. So when they were talking about  
16 assaults, it was going to be more than the permissible  
17 level, so to speak.

18 The other thing about DL 33 was that he wouldn't  
19 have exaggerated. He wouldn't have said. He didn't --  
20 he felt even embarrassed I think to be mentioning it as  
21 if he was being weak as a boy, and that was one of the  
22 things I worried about for the boys, that he had  
23 minimised the assault even when he told us at first. He  
24 was also very exercised about the fact that it took  
25 place in the laundry and it had been away from prying

1           **eyes. So it was worrying for me in various ways that**  
2           **DL 33 was feeling so vulnerable and that's why we had**  
3           **taken it up in the way that we did.**

4    Q. It was really because of BR6's attitude that you then  
5       elevated this issue?

6    A. **Yes, yes.**

7    Q. Paragraphs 10 and 11 of your statement, if we could go  
8       back to that, please, at 1688. Sorry. There was this  
9       residential week-end.

10   A. **Uh-huh.**

11   Q. You say that the residential week-end had to be  
12       cancelled because of the blizzards --

13   A. **Because of blizzards.**

14   Q. -- but it was reinstated. It did take place.

15   A. **But it did occur, yes.**

16   Q. Do you remember where it was?

17   A. **Unfortunately I don't. I don't remember where we**  
18       **organised it.**

19   Q. You go on to talk about BR10 going on the residential  
20       week-end.

21   A. **Yes.**

22   Q. I will come to say what you said that he told you there,  
23       but at that stage -- I should say that BR10 has through  
24       the Order said he was not part of the leavers group.

25   A. **No.**

1 Q. Is it correct that the leavers group only involved  
2 social workers?

3 **A. Yes.**

4 Q. It didn't involve any of the Brothers?

5 **A. Yes.**

6 Q. He said he did not go on the residential trip.

7 **A. Right. Well, my recollection is that he did go.**

8 Q. I think you said that you actually remember him bringing  
9 on the trip.

10 **A. Yes. I thought it was him who brought .**

11 **There was a , but, you know -- and the boys liked**  
12 **him and wanted him to come. So ...**

13 Q. Paragraphs 10 and 11 here you have a memory of  
14 an incident involving a particular boy that you relate  
15 there.

16 **A. Yes.**

17 Q. You told him that he wasn't to do things like that --

18 **A. Yes.**

19 Q. -- and he was apologetic and --

20 **A. He woke me up trying to get in -- shaking my sleeping**  
21 **bag and saying, "Give us a kiss".**

22 Q. Now you go on here to say you believe that child might  
23 have been placed with a couple who was recommended by  
24 BR1 and whom you considered unsuitable.

25 **A. Yes.**

1 Q. I just wanted to ask you a little bit about that. This  
2 couple that you are talking about, you had interviewed  
3 them at some point.

4 A. I only did a single interview with them, because  
5 I decided no, I wouldn't proceed with an assessment.  
6 I had been looking for foster carers for **DL 51** and  
7 **DL 33** and they had originally or at least **DL 33**  
8 originally didn't want to go to a family, which is why  
9 he was in Kircubbin where his --  
10 had been, and eventually **DL 33** and **DL 51**  
11 had agreed that they would go to carers if we could find  
12 any, and I interviewed these people as part of that. So  
13 I think I say in my notes that it would be a routine  
14 part of what you would ask someone if they are going to  
15 foster or adopt children, because you would be exploring  
16 how they saw certain types of abuse, because you  
17 wouldn't always know whether or not it had happened to a  
18 given child when you were going to place them.

19 Q. Now I should say that one of the things that a number of  
20 people have said to the Inquire is that at this point in  
21 time in the late , early --

22 A. Yes.

23 Q. -- sexual abuse was not something that was on the radar  
24 for social workers particularly.

25 A. Well, it wasn't called child sexual abuse at that time.

1 In training you would have got training about what was  
2 called then incest. So it was seen very much as family  
3 based, as part of the intimate relationships, and  
4 I suppose in that -- additionally I also had training in  
5 -- I think I was saying to you in what was then called  
6 marital interaction course. I had a 20 week course.  
7 I would have been interested in family therapy, and  
8 I had had training in relation to that and in relation  
9 to ordinary adult sexual relationships and so on. So  
10 I was used to thinking about families and family work.  
11 I knew about -- I knew about child abuse as it related  
12 to incest in families and -- but we wouldn't have been  
13 aware about the idea of it being so public, if you like,  
14 or that anything -- that it would happen in residential  
15 staff. It was more thought to be an individual being  
16 sneaky, if you like, and, you know, taking children.  
17 That's why perhaps the laundry issue might have been  
18 important, could have significance, but it wouldn't  
19 prove anything, because it would be somebody taking the  
20 boys away. The idea that it was public and that it was  
21 institutional and it was kind of more than one or  
22 possibly organised, things like that would never have  
23 been on the radar at that time.

24 Q. But you are saying that this particular couple anyway  
25 you considered to be unsuitable and you believe this

1 child this gone to stay with them on the recommendation  
2 of BR1.

3 **A. Well, no. He had recommended to me that they would be**  
4 **a good person.**

5 Q. Oh, sorry.

6 **A. Then I heard -- because the boy was part of the group,**  
7 **I heard that he was being considered to be placed with**  
8 **this couple, and therefore I said to the social worker,**  
9 **"I don't think you should place", but I don't know**  
10 **whether or not the social worker went ahead to place the**  
11 **child, because he wasn't -- once I was out of the group**  
12 **I didn't have access to the information and the child's**  
13 **care plan as it would now be called. So ...**

14 Q. I mean, obviously you were very concerned about DL 33  
15 in particular --

16 **A. Yes.**

17 Q. -- in relation to that report. Did you -- I mean, you  
18 talked about trying to find foster carers for them.

19 **A. Yes.**

20 Q. At any point -- these other general concerns that you  
21 had about the isolation of Rubane --

22 **A. Yes.**

23 Q. -- and that, had you tried to move him to another  
24 institution, for example, nearer to Belfast or were  
25 there any?

1    **A.**  No.  I don't remember whether or not I had access to  
2           another -- another place.                                who is  
3           mentioned, he moved to St. Patrick's Training School,  
4           but in terms of a regime it wouldn't have been any  
5           different.  It was a bit harsher, in fact, in some ways,  
6           because all of the criminal justice legislation would  
7           apply to you whether or not you were a child in care,  
8           but it was closer.  So                    wanted to go because it  
9           was closer.  **DL 33** didn't want to go closer to Belfast,  
10          and for a while I know that he didn't agree to being  
11          fostered at all, but when he did, I wasn't able to find  
12          him a place unfortunately.

13    **Q.**  In paragraph 12 you also talk about how the boys were  
14          looking out for other boys on this residential weekend  
15          --

16    **A.**  Yes.

17    **Q.**  -- about the bedwetting.

18    **A.**  Yes.

19    **Q.**  Just one of the things that you did say -- I should have  
20          gone back to this -- in paragraph 7 --

21    **A.**  Right.

22    **Q.**  -- about BR10 and the residential week-end, you said you  
23          had a conversation with him.

24    **A.**  Yes.

25    **Q.**  Now you are aware that he said he wasn't there.

1 **A. He didn't have it, yes.**

2 Q. This is a conversation -- you say that he believed he  
3 and many of the Brothers were as institutionalised as  
4 the boys.

5 **A. Yes.**

6 Q. He never confirmed or refuted the allegations of assault  
7 which the whole group made about BR77.

8 **A. Yes.**

9 Q. You also -- can you even recall where that conversation  
10 took place with BR10?

11 **A. I -- I think it was on the residential. That's why I  
12 think he was there. That's my recollection.**

13 Q. You also in paragraph 13 of your statement say that you  
14 became aware that two of the boys had been sexually  
15 abused.

16 **A. Uh-huh.**

17 Q. Do you know how you became aware? I know you say you  
18 don't know when you became aware, but do you know how  
19 you became aware of that?

20 **A. I don't. There were -- after the group I would have  
21 been quite well-known by the boys in Kircubbin  
22 generally. So if I was down to see what I would  
23 consider my boys, you know, other people, other boys  
24 would have said "Hello" and come up and chatted and so  
25 on. They were worried about the place closing and what**

1 was going to happen to them. Different things they  
2 would have discussed. So that -- those kinds of  
3 conversations were happening.

4 In work in , you know, it  
5 was just so many different -- as I say, ,  
6 the Assistant Principal Social Worker, had her concerns.  
7 There were different of the seniors and other social  
8 workers had concerns. So we would have had  
9 conversations about what our worries were regularly. So  
10 unfortunately I can't remember when or who told me.

11 Q. The last witness told us that whenever all of these  
12 disclosures came to light --

13 A. Uh-huh.

14 Q. -- that effectively, as she understood it, Rubane was  
15 finished.

16 A. Uh-huh.

17 Q. Was that your understanding?

18 A. Yes. I remember some of the boys talking about, "What's  
19 going to happen to us?" or "Where are we going to be?"  
20 and so on, but I -- because I left shortly after that to  
21 go to

22 I just am not too sure of the sequence  
23 after that.

24 Q. Okay. DL517, thank you. Unless there is anything else  
25 you feel we have not covered that you wish to say to the

1 Inquiry, those are all the questions that I would have  
2 for you.

3 **A. Okay.**

4 Q. Is there anything you feel you want to say to the  
5 Inquiry before I hand you over to the Panel?

6 **A. No. I am just sorry my memory is so partial at this  
7 stage. It's just some things are vivid and some things  
8 are not there at all that really should be. So ...**

9 Q. Thank you very much, DL517.

10 **A. Thank you.**

11 CHAIRMAN: Well, I am sure you will be relieved to hear we  
12 don't have any questions for you, DL517.

13 **A. Okay.**

14 Q. Thank you very much indeed for coming to speak to us  
15 today.

16 **A. Thank you.**

17 **(Witness withdrew)**

18

pm)

25

1 WITNESS DL521 (called)

2 CHAIRMAN: Yes, Mr Aiken.

3 MR AIKEN: Chairman, Members of the Panel, good afternoon.

4 The next witness today is DL521, who used to work in the  
5 Social Work Advisory Group, part of the Department of  
6 Health and Social Services. He is aware, Chairman, you  
7 are going to ask him to take the oath.

8 WITNESS DL521 (sworn)

9 CHAIRMAN: Thank you very much, DL521. Please sit down.

10 **A. Thank you.**

11 **Questions from COUNSEL TO THE INQUIRY**

12 MR AIKEN: DL521, on the screen is I trust the first page of  
13 the witness statement you provided to the Inquiry.

14 **A. Yes.**

15 Q. If we can move through to 5957, please, we should get  
16 the last page of the statement. If you can confirm you  
17 have signed the statement.

18 **A. Yes, I have signed the statement.**

19 Q. And you want to adopt the statement as your evidence  
20 before the Inquiry?

21 **A. Yes, I wish to adopt this statement as my evidence.**

22 Q. I know I have given you some hard copies of the main  
23 documents that covers your time connected to Rubane.  
24 The Panel have those materials. I don't intend, as  
25 I said to you, to pour over them in detail, because the

1 Panel has had the opportunity and will have the  
2 opportunity to read them, but there are some issues I am  
3 going to highlight as we go which hopefully will be of  
4 assistance to the Panel.

5 **A. Okay. That's fine with me.**

6 Q. You in the first page of your statement, if we go back  
7 to 5952 --

8 CHAIRMAN: Before we do that, I am not sure we've dealt with  
9 the question of anonymity, have we, unless I have missed  
10 it?

11 MR AIKEN: It doesn't arise in respect of DL521.

12 CHAIRMAN: He's not concerned with that?

13 MR AIKEN: He's a Department of Health witness.

14 CHAIRMAN: No. It is just that I see we have given him  
15 a designation. That's why I ask.

16 MR AIKEN: It is maybe something I can --

17 MR O'REILLY: He does -- I have checked -- wish to preserve  
18 his anonymity.

19 CHAIRMAN: Well, we'll take it for the present he has  
20 anonymity.

21 MR AIKEN: The statement that you have provided sets out  
22 your history of working in social care --

23 **A. Yes.**

24 Q. -- and then your -- you move into the Social Work  
25 Advisory Group, part of the Department of Health, in

1 .

2 **A. That is correct.**

3 Q. I was asking you -- the Panel are aware that in  
4 a major blitz began of inspection of children's homes  
5 both within the health boards and those run by voluntary  
6 organisations. I was asking you whether your  
7 appointment was a response to that. You were explaining  
8 to me that you were taking up post as a result of  
9 Miss Hill retiring.

10 **A. Yes. That is correct.**

11 Q. It was after you were already in the Social Work  
12 Advisory Group that the blitz kicked off of this  
13 inspection regime that took place between and .

14 **A. Yes, that's correct.**

15 Q. The Panel will have seen Miss Hill's inspection reports  
16 in the previous years. She and Miss Forrest had  
17 previously been in the Social Work Advisory Group,  
18 although both had retired by the time you took up your  
19 post.

20 **A. Yes. They were both retired then.**

21 Q. You set out the duties of -- if we scroll down, please,  
22 to paragraph 2 -- the social work adviser when you took  
23 up your post.

24 **A. Yes. They were the duties that --**

25 Q. I was asking you, DL521, one item that's missing at the

1 point in time that you are setting out what they were  
2 when you began is inspection, inspections of homes.

3 **A. Yes.**

4 Q. Initially, as I understand it, it was to be an advisory  
5 group and you have set out the roles that that involved,  
6 but then as a result of events inspection gets added on  
7 and becomes one of your obligations.

8 **A. Yes, it does.**

9 Q. You chart and indeed later on in your statement you  
10 explain that by I think it is 1987 SWAG becomes SSI, the  
11 Social Services Inspectorate.

12 **A. That's correct.**

13 Q. The focus then is very much on inspections.

14 **A. Yes, the focus changed.**

15 Q. So -- and it is something that we will pick up with the  
16 Department across further modules as we work towards the  
17 end when we look at these matters generally, but it  
18 seems that for a period of time the Social Work Advisory  
19 Group was not seeing itself as an inspection system per  
20 se, but that by , when you are there, that's  
21 reintroduced.

22 **A. Yes.**

23 Q. Is that a fair characterisation or --

24 **A. I think it is. I think Miss Hill and Miss Forrest were,**  
25 **in fact, Inspectors when they worked for the Ministry of**

1 Home Affairs and they were Children's Inspectors. Then  
2 the Department of Health and Social Services came into  
3 being and they transferred over to Health and Social  
4 Services, but the inspection function, they may well  
5 have carried on with that, but those of us who then  
6 joined the newly constituted Social Work Advisory Group  
7 did not have inspection as a priority for us then. We  
8 might have made monitoring visits to facilities to  
9 inform ourselves and to inform the Department, but the  
10 inspection was not a priority for us at that stage.

11 Q. You were given particular remit ultimately for the  
12 Board areas. Is that right?

13 A. Yes.

14 Q. And then your --

15 A. Those assignments changed through time, but for the most  
16 part they were the two boards that I liaised with.

17 Q. That's why your name comes on the Termonbacca or  
18 Nazareth House inspection report that we looked at in  
19 the first module.

20 A. Yes. I would have liaised with the Assistant Director  
21 Childcare in those two Boards at Board headquarters and  
22 with the Assistant Director in the districts as well.

23 Q. Ultimately your equivalent within the Board who  
24 then was involved heavily in Rubane was Mr Walker.

25 A. Yes, that's correct.

1 Q. But you had particular involvement along with two others  
2 in being tasked to go and inspect Rubane in the early  
3 part of

4 **A. Yes. An inspection programme was drawn up and we were**  
5 **assigned to do the inspections and it didn't matter**  
6 **which Board it was or whether it was voluntary or**  
7 **statutory. The inspection programme had to be**  
8 **fulfilled, and I worked with different colleagues in**  
9 **different homes, and sometimes in smaller homes I would**  
10 **have just undertaken the work by myself.**

11 Q. I am going to look at in brief terms the report you  
12 executed for Rubane.

13 **A. Yes.**

14 Q. But just so we set the scene -- and I will pick this up  
15 with Dr Harrison -- the -- there had been, and you are  
16 aware of, communication between the Eastern Board and  
17 SWAG over their respective roles --

18 **A. Yes.**

19 Q. -- if I can characterise it, whether it is a spat or an  
20 unhappiness or a frank exchange of views, as to who  
21 should be doing what.

22 **A. Yes.**

23 Q. But whatever the rights and wrongs of that, this  
24 inspection function is undertaken and it is a fairly  
25 major piece of work that covers all of the homes that

1           there are, both within the state sector and the  
2           voluntary sector.

3   **A. Yes, that's correct.**

4   Q. You go to Rubane. If we look, please, at 10245, and  
5       this report runs from 10245 through to 10278, and that's  
6       the first 32 pages of the report. Unfortunately the  
7       two-page appendices had got misplaced into another part  
8       of the bundle. So for reference it is found at --  
9       pages 33 and 34 are found at 11885 and 11886.

10           Now, as I understand it -- and you can characterise  
11           this correctly if I have got this wrong -- you and your  
12           two colleagues go and you spend essentially three days  
13           pouring over Rubane and how it functions.

14   **A. Yes.**

15   Q. I think you spent one evening with a meal with the  
16       children.

17   **A. Yes, with some of the young people and the staff.**

18   Q. And what I want to ask you, when you were going --  
19       arising out of some evidence that was heard this  
20       morning, and I mentioned this to you beforehand, did you  
21       have a sense within the three of you going down that the  
22       Department's position was that really Rubane was  
23       finished by this stage and you were there to sign off on  
24       the reasons why it was finished, or is that not how your  
25       role was characterised to you?

1    **A.**  No, we didn't see it like that.  It was another  
2           inspection in a programme of inspections and it just  
3           happened that the calendar had been set out and that  
4           Rubane was the next inspection.  What was taken into  
5           consideration was the size of the home.  We expected to  
6           find a lot more children there, because I think it was  
7           registered for 70 places, and we understood there were  
8           I think five units in it.  So consequently we -- the  
9           inspection was manned up to cater for that, that three  
10          of us went down, but, in fact, when we arrived at the  
11          group and we found that two of the units had been closed  
12          and there was a much reduced number.  I think it was  
13          something like 32 boys residing there.

14                 The other unique feature, of course, of Rubane was  
15                 that it was the only children's home in Northern  
16                 Ireland, either statutory or voluntary, that had  
17                 a school as part of it, an integral part of it.

18    **Q.**  If I can ask you -- obviously the report covers  
19           34 pages in total.

20    **A.**  **Yes.**

21    **Q.**  We are not going pour over that this afternoon, but can  
22           I ask you -- ultimately, as we will come to see, the  
23           Management Committee at the home felt the report was  
24           very critical of the care being provided in Rubane and  
25           issue is taken with that, and we will come to look at

1       it. Did you regard -- if I was to ask you to try to  
2       summarise your position at the end of the 33 or 4 pages,  
3       did you regard it as "This is not a great place for  
4       a children's home"? How would you characterise if  
5       I asked you to summarise what your conclusion was about  
6       the operation of Rubane?

7       **A. Well, to begin with, it was single sex, single**  
8       **denomination in the sense that it was a home for Roman**  
9       **Catholic boys. That made it unique from many of the**  
10       **other homes that we visited.**

11             The second thing was that the location of it, being  
12       in a home some distance from the homes of the boys.  
13       There were homes -- there were boys in it from all four  
14       boards at the time we were there. So we felt we had  
15       somebody maybe from Enniskillen or Derry or -- you know,  
16       in the home, Ballymena, and that would have made it very  
17       difficult for them to maintain contact with their  
18       families or their families with them, whichever way you  
19       like to put it.

20             So these were, you know, the things that confronted  
21       us really almost before we went down there.

22             When we arrived in the home, I think the Brothers  
23       themselves, they felt that the home had been  
24       characterised as a very structured environment for very  
25       difficult children. They said they didn't see it like

1       it, but then when we got into inspecting the home, we  
2       found that it was actually very structured. There was  
3       a very structured timetable for the children there, and  
4       that the school, in fact, had a persuasive influence on  
5       the home in that children were only admitted with the  
6       agreement of the school into the home, and a lot of the  
7       children then would have been retired -- the majority of  
8       the school would have been retired -- sorry -- returned  
9       home whenever the school leaving age was reached. So in  
10      a way the care needs, if you like, of the children and  
11      their families were taking second place really to the  
12      influence of the home on the school (sic).

13    Q. And obviously the Order has and would describe  
14      themselves different to that, but that was your sense at  
15      the time?

16    A. That was our sense, yes.

17    Q. You felt the school more controlled than the care?

18    A. Yes. The school -- when an application was made for  
19      admission to the home, the school was consulted and the  
20      principal of the school and the head of the home decided  
21      whether a boy was suitable for the home, and, as I say  
22      again, ultimately on discharge it was the school that  
23      dictated that mainly by the school leaving age having  
24      been attained.

25    Q. Ultimately you -- if we look at 10277, please, which is

1 paragraph 12 of your report -- it is coming up on the  
2 screen and then you will also have it in hard copy, if  
3 that's easier for you --

4 **A. Yes.**

5 Q. -- DL521, but you are saying here you have -- you deal  
6 with the issue of the declining numbers and you set out  
7 the various reasons as to why that might have developed.

8 Then you make the point, if we scroll down to 12, in  
9 12.2 that:

10 "The De La Salle Order from its inception has been  
11 primarily concerned with the Christian education of  
12 disadvantaged youth. It focus has been on the provision  
13 of a range of schools and the training of the members as  
14 teachers."

15 Then you say:

16 "In view of the increase in the numbers of statutory  
17 children's homes and the possibility of a further fall  
18 in the number of referrals to voluntary homes we feel  
19 that the Management Committee will need to consider its  
20 future policy and a possible change in the function of  
21 Rubane House."

22 Was that you and your colleagues signalling, "We  
23 can't see this continuing as it is"? Is that fair? Is  
24 that what that was designed to convey?

25 **A. Yes, I think that is fair. I think that we did in broad**

1 terms say to them, "It's time to reconsider what you're  
2 doing and how you're doing it".

3 Q. You then set out, if we scroll on to the next page,  
4 10278, what begins two pages of recommendations.  
5 I think there are 17 in total.

6 **A. Yes.**

7 Q. I am not going to go through all of those with you now,  
8 but if I was to ask you to -- you were mentioning to me  
9 beforehand one of your main focuses was on trying to  
10 have the social worker system from the diocese, the  
11 Catholic Family Welfare Society --

12 **A. Yes.**

13 Q. -- reintegrated.

14 **A. Indeed.**

15 Q. Can you explain what you mean by that? What had  
16 happened and what were you wanting to achieve?

17 **A. Well, it had been discontinued, and we felt that the --**  
18 **Rubane itself was a fairly tightly run institution and**  
19 **there was a need for some external oversight of it from**  
20 **the voluntary sector, and we felt that the role of the**  
21 **social worker who had been there was what we felt was**  
22 **good and had a good effect on the school, because a lot**  
23 **of the staff, not all of them, but a lot of the staff**  
24 **lived in, whether that was the Brothers living in or, in**  
25 **fact, in some of the -- one of the chalets, for example,**

1                   lived there, and, you know, it  
2       became, in fact, in many ways a closed institution. So  
3       we were looking for some input from outside, some  
4       professional input from outside with specific tasks like  
5       generating some group work inside Rubane, and also  
6       overseeing the review system and seeing that reports for  
7       reviews were compiled, and perhaps the introduction of  
8       something like a key worker system where the residential  
9       staff -- the residential staff took over responsibility  
10      for individual boys in the home and maintained contact  
11      not only with them but with their homes outside if they  
12      had parents or wherever they were living.

13 Q. I think the Panel is aware of, and indeed we will come  
14      just to note its existence as opposed to looking at it,  
15      but it seems that the Diocesan Welfare Society and its  
16      principal, which was Father John O'Connor -- there had  
17      been engagement with Pauline Richardson. That's the  
18      social worker, as I understand it, who went in --

19 **A. Yes.**

20 Q. -- but that for whatever reasons ceases, and then  
21      there's an effort to reestablish that after your report.

22 **A. That is correct.**

23 Q. It seems it is reestablished for a period of time, but  
24      it is fair to say I think you are aware there is a very  
25      critical report from Father O'Connor by 1984 --

1 **A. Yes.**

2 Q. -- and by that stage he is effectively saying the  
3 diocese needs to look again at whether this should begin  
4 --

5 **A. Yes.**

6 Q. -- and ultimately the decision is made it is not going  
7 to continue.

8 **A. I think my colleague, , had then actually**  
9 **done a follow-up report --**

10 Q. Yes, I am going to come to that.

11 **A. -- and set out the reports on how much progress had been**  
12 **made with them. That actually looked on the face of it**  
13 **to me, you know, going in the right direction.**

14 Q. Let me pause you there, DL521, because I am going to  
15 come to what he does --

16 **A. Okay.**

17 Q. -- in terms of the sequencing of this. What I want to  
18 do is just ask you -- raise one issue with you which you  
19 are aware of.

20 **A. Yes.**

21 Q. There's a major issue has arisen, because the Inquiry  
22 has done its work, and that is that the voluntary home  
23 regulations placed the onus on the administering  
24 authority to ensure that the home was being run in the  
25 best interests of children, and the mechanism that the

1           legislation provided for that to be worked out or one of  
2           the ways of it being worked out that's specifically set  
3           out in the regulations was the need for there to be  
4           a monthly visitation by someone whose specific role was  
5           to check that the home was being run in the best  
6           interests of children --

7   **A. Yes.**

8   Q. -- to report back to the administering authority that  
9           that was the case.

10 **A. Yes.**

11 Q. That it seems never happened in Rubane until after your  
12 visit. I think it begins perhaps in '83, '84, '85, but  
13 there is no mention of that obligation and the fact it  
14 is not being met in this SWAG report.

15 **A. Yes.**

16 Q. Difficult as it is looking back across your work many  
17 years on, reflecting on that, is that an oversight that  
18 it really shouldn't have?

19 **A. I think that was an oversight and I think that we**  
20 **probably majored on trying to reestablish the link with**  
21 **the Catholic Family Service social worker and overlooked**  
22 **the need for the voluntary visiting, which comes on**  
23 **reflection really, because at the time we were using, of**  
24 **course, the regulations as part of our standard for**  
25 **inspection and, as you said correctly, the regulations**

1           **contain the need for the voluntary visitor.**

2    Q.   Obviously the Department has commented, and I will deal  
3           with Dr Harrison about the effect of that, but was that  
4           role -- and in the statutory sector an equivalent role  
5           existed for what was the Children's Officer --

6    **A.   Yes.**

7    Q.   -- then a particular person within the Board structure,  
8           whose role was to go into the state home and check,  
9           albeit the staff were employees of the Board --

10   **A.   Yes.**

11   Q.   -- but again reporting back to the Assistant Director  
12           that the home was functioning as opposed to the care of  
13           an individual child. Was that role not regarded as  
14           important by those who were tasked with going in and  
15           doing this type of inspection?

16   **A.   I would have to say that in the boards they generally**  
17           **did maintain that role through appointment of the Senior**  
18           **Social Worker or Assistant Principal Social Workers with**  
19           **responsibility for residential and day care, and they**  
20           **would have visited most of the statutory homes on**  
21           **a regular bases. I don't know what the reporting**  
22           **arrangements were, but I would assume that they would**  
23           **report it back to either the Assistant Director within**  
24           **each of the units of management or to the Assistant**  
25           **Director at Board headquarters.**

1 Q. The fact that this -- you recognised obviously the  
2 oversight, but if I can ask you the actual purpose of  
3 the function.

4 **A. Yes.**

5 Q. The fact that it wasn't being carried out, is that  
6 something on reflection would have caused you concern?  
7 I appreciate it was missed on this occasion, but is it  
8 something that would as an Inspector have caused you  
9 concern if that mechanism was not being utilised?

10 **A. Yes, it would have.**

11 Q. Outflowing, as it were, having provided that report,  
12 that's then considered by the Management Committee of  
13 Rubane. I am not going to go into the minutes, but you  
14 are aware what happens is they consider your report in  
15 . Reference for that is at 11061 through  
16 to 11063, and there is significant unhappiness at the  
17 content of the report. They welcome it and so on, but  
18 cutting to the chase of it, they are unhappy about some  
19 of the things you have said and some of the  
20 characterisations you have given of Rubane.

21 It is discussed over a -- the plan of action for  
22 them, as they see it then, BR2 was tasked with writing  
23 a response, which the Management Committee then adopt as  
24 their response to the report. That response you have in  
25 your -- I think it is your third tab, but it runs from

1 40337 through to 40342. If we can bring up 40342, which  
2 essentially sets out the summary and conclusions, where  
3 it says:

4 "The Management Committee welcomed the report as  
5 a contribution to the continuing discussion and  
6 evaluation of Rubane House as a caring establishment.  
7 The Committee found the recommendations practical and  
8 helpful and coincided with many of the ..."

9 CHAIRMAN: "Aspirations".

10 MR AIKEN: "... aspirations of the Committee and the manager  
11 of the home itself. It was felt that most of the  
12 recommendations could be implemented without  
13 insurmountable difficulties. The Committee, however,  
14 found it difficult to reconcile the main body of the  
15 report with the moderation and positive tone of the  
16 recommendations. It seemed some -- progressed through  
17 the paragraphs that the worst characteristics of  
18 institutionalisation began to emerge and were  
19 highlighted without any balance or acknowledgment of the  
20 positive features of the home. The picture portrayed  
21 was that of a home ..."

22 CHAIRMAN: "Dominated".

23 MR AIKEN: "... dominated by batch living, authoritarian  
24 structures, regimentation ..."

25 CHAIRMAN: "Sanctions".

1 MR AIKEN: "... sanctions, privileges, staff  
2 and institutional needs as opposed to residential needs  
3 and severe restricted contact with the world outside the  
4 walls."

5 In stark language the Management Committee is saying  
6 that's what it took the thirty pages before the  
7 recommendations to be saying. Is that -- is that --  
8 those type of characterisations how you did see it and  
9 why you were making the recommendations you were making?

10 **A. Yes, I think we did see it that way.**

11 Q. You might not have used that type of language about it,  
12 but that is in essence what you were concerned about?

13 **A. Yes. Very much a very rigid regime in the home, based**  
14 **on going to school. After school there was virtually no**  
15 **access to the chalets for them until it was a couple of**  
16 **hours before bedtime. They went straight into another**  
17 **routine -- regime really of training, exercise in the**  
18 **hall or in the yard in the place. There were a number**  
19 **of rules about "You can't go here" and "You can't go**  
20 **there" and "You can't do this". So it was all subject**  
21 **to rules and timetable, and there was very, very little**  
22 **deviation from that. So we certainly felt, you know,**  
23 **that it was more or less what social workers placing**  
24 **children and visiting children in the home had**  
25 **characterised it as.**

1 Q. And you have referred to those characterisations in the  
2 body of the report.

3 **A. Yes, in the body.**

4 Q. You essentially found it borne out.

5 **A. Yes.**

6 Q. I think in fairness to the Order and the Management  
7 Committee or the diocese running the home --

8 **A. Yes.**

9 Q. -- the point they would make was that it seems  
10 historically potentially -- and I am not going to go to  
11 the material; there is some support in the material for  
12 this proposition -- that the Welfare authorities and  
13 then subsequently the Boards at least for a period of  
14 time -- perhaps it is changing at this stage -- saw  
15 Rubane as the last step towards training school, and  
16 that structure and order and discipline and rigid way of  
17 operating --

18 **A. Yes.**

19 Q. -- was seen as a positive element together with the  
20 school being on site that meant absconding was more  
21 difficult. So difficult children were being sent to  
22 a regime that was seen as a positive way of trying to  
23 keep children out of training school. Is that how you  
24 would have seen it?

25 **A. Well, I didn't see it quite like that, because a number**

1 of them would have gone to training school once they  
2 were discharged from the home. The object was to return  
3 as many of them home as possible, but quite a few of  
4 them found their way into training school almost on  
5 discharge. The St. Patrick's Training School was also  
6 run by De La Salle Brothers. I am not sure what vehicle  
7 was used, but they quite often, 16-year-olds, who  
8 couldn't return home for whatever reason for other,  
9 would have gone to St. Patrick's. So in a sense it  
10 would have delayed them going to St. Patrick's, but  
11 didn't always stop them from moving on to St. Patrick's.

12 Q. Well, that -- what they also identify then in light of  
13 the report is, looking to the future, the question still  
14 remains what's the place of Rubane in the field of  
15 childcare. So they are raising that spectre.

16 A. Yes.

17 Q. They can see from the report that, to use a common  
18 parlance, the writing is on the wall potentially.

19 A. Uh-huh.

20 Q. What then seems to happen is a meeting takes place  
21 between the Department and the representatives from the  
22 Management Committee in November 1981 we can see at  
23 11064. That's the Management Committee talking about  
24 the meeting. If we can look then at 40334. My  
25 apologies. 40334 is the minute. We can see that this

1 is a meeting that you are at along with Mr Sterling.

2 Was he the head essentially of the Childcare Branch at  
3 that stage?

4 **A. He would have been Undersecretary in the Department at**  
5 **the time. So he had a much wider remit than just --**

6 Q. Childcare?

7 **A. -- Social Services.**

8 Q. Mr Armstrong, he was the second in command of the  
9 Childcare Branch. Is that correct?

10 **A. Aye, that's correct, yes, Mr Armstrong.**

11 Q. Then you have Mr O'Kane, Mr Donnell and yourself, who  
12 were the SWAG representatives.

13 **A. Yes.**

14 Q. Then the debate basically takes place over a number of  
15 pages where they talk about the aims and structures of  
16 the home, the education on the premises, the liaison  
17 between Rubane and the Board, the fall-off in referrals,  
18 financial implications that arise from those -- that  
19 fall-off.

20 If we look at 40336, the conclusion that is  
21 documented in the Department's minute --

22 **A. Yes.**

23 Q. -- is that:

24 "Mr Sterling considered that the SWAG inspectoral  
25 team had been handicapped by the fluctuating childcare

1 scene at the present time. This was partially due to  
2 the delay by the Board in bringing forward their plans  
3 for services for children post the Black."

4 That's post the Black Report.

5 **A. Yes.**

6 Q. "He continued that there was a particular problem with  
7 regard to Rubane because of its geographical location,  
8 which was removed from the main centres of population.  
9 While some of the answers might be found during the next  
10 12 months, he was unable to provide them presently. BR2  
11 recognised the difficulties and said that Rubane House  
12 wanted to compete as a resource, but the Management  
13 Committee had the feeling that the home had become  
14 vulnerable prematurely. Father McCann asked that the  
15 Management Committee's response to the SWAG report would  
16 be put on record in the Department. Replying in the  
17 affirmative, Mr Sterling paid tribute to the  
18 contribution made to childcare by the De La Salle  
19 Brothers in the past and said that he believed that  
20 there was a debt of gratitude to them from the entire  
21 community."

22 Was this a -- had you a sense at this meeting that  
23 the diocese and the Brothers recognised that they wanted  
24 comfort? They weren't getting comfort from the  
25 Department. This was really the beginning of the end of

1 Rubane?

2 A. I wouldn't say that I recognised it just at this time,  
3 and it was, as Mr Sterling said, that the Boards hadn't  
4 brought forward plans for children's services at that  
5 stage, but the other side of the coin was that we had  
6 actually provided them also with a road map, if you  
7 like, you know, which they had considered, and maybe  
8 they felt uncomfortable about it, but there were  
9 a number of things which they could have undertaken  
10 which may well have, you know, lifted Rubane, raised the  
11 whole character of the place up, raised the whole  
12 service that they were providing up to another level,  
13 but they didn't seem to be awfully enthusiastic about  
14 doing that. I think they wished to carry on, you know,  
15 working the way they had been and -- but there were  
16 a number of things.

17 For example, the whole issues around about the  
18 reward system that they had operating that we  
19 recommended that they changed. There were things about  
20 children's pocket money, clothing. All of these things  
21 they could have undertaken. They could have  
22 restructured the place. We felt that they could have  
23 done those things and would have maybe given them  
24 a better chance for survival, but at the same time, as  
25 Mr Sterling even pointed out at the time, the location

1       of the home so far away from children's homes was  
2       a major disadvantage, as was the fact that it was just  
3       for boys and Roman Catholic boys at that.

4    Q.   In fact, what then happens is your colleague,  
5       Mr Armstrong, is sent back. Various further  
6       considerations at the Management Committee about this,  
7       which I am not going to look at, but he is going to be  
8       sent back in February 1982 to see how the home has got  
9       on with dealing with your recommendations --

10   A.   Yes.

11   Q.   -- and you are going to take him down, because he hadn't  
12       been there before in essence.

13   A.   Yes. Mr Walker actually, if I could correct you there  
14       --

15   Q.   Mr Walker. My apologies.

16   A.   -- Mr Walker was a new colleague and he had been  
17       domiciled in England and had just come to Northern  
18       Ireland. He didn't know where Rubane was or, you know,  
19       he was unfamiliar with the territory and with the  
20       people. So to ease him in I accompanied him down to  
21       introduce him to BR2 and others and to show him the way  
22       to get there really as much as anything else.

23   Q.   But unfortunately as that is going to happen --

24   A.   Yes.

25   Q.   -- as he's got this responsibility for the Eastern Board

1 homes --

2 **A. Yes.**

3 Q. -- and is going to be checking on progress, just a few  
4 days beforehand two members of staff then made a series  
5 of allegations about childcare practices in Rubane.

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

7 Q. They made those allegations to Mr Morris within the  
8 Eastern Board.

9 **A. Yes.**

10 Q. He provides a report of 5th February 1982, which is at  
11 12101 and 12102. The Inquiry has already heard from one  
12 of the individuals who was bringing forward those --

13 **A. Okay.**

14 Q. -- complaints. The result of that was an embargo that  
15 was placed on the home then by the Eastern Board.  
16 That's set out in a letter of 22nd February 1982 by the  
17 director, Mr Gilliland. He is writing -- it is at 5761.  
18 He notifies the Department that that's what is going to  
19 happen. He also provides formally this report from  
20 Mr Morris, which I think you had already got or  
21 Mr Walker had already got from Mr Morris --

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

23 Q. -- and an investigation essentially begins into those  
24 matters. Ultimately there's a report from Mr Walker.  
25 That begins at 40328. Can we have a look at that,

1 please? It is of 8th April 1982. He begins by saying  
2 -- looking back with hindsight, perhaps this is not the  
3 word that he meant:

4 "Our plans, however ..."

5 This is to carry out the check on the implementation  
6 of the recommendations:

7 "Our plans, however, were thwarted by the complaints  
8 made by the two members of the Board's staff to the  
9 Eastern Board and we spent the two days investigating  
10 these. So I had to return to Rubane a fortnight later."

11 So he carries out this investigation. Can you  
12 remember did you partake in that with him?

13 **A. Yes, I did, yes. Uh-huh.**

14 Q. Ultimately -- we are going to have to skip a little --  
15 but on 6th April, before he provides this report, which  
16 deals with how the recommendations have been implemented  
17 --

18 **A. Yes.**

19 Q. -- a response from the Department. Mr Armstrong writes  
20 -- if we look at 5762, please -- he writes to  
21 Mr Gilliland addressing these particular concerns --

22 **A. Yes.**

23 Q. -- that were raised by the two members of staff to  
24 Mr Morris.

25 **A. Yes.**

1 Q. He sets out in this letter, if we move on to the second  
2 page of it -- he talks about in addition to childcare  
3 practices a particular member of staff with

4 and concern over that. He then says:

5 "I sure that you would agree that, while there can  
6 be room for improvement in the standards of childcare in  
7 this home, as in many others, both statutory and  
8 voluntary, the practices complained of did not represent  
9 a serious threat to either the safety or the welfare of  
10 the boys. In my opinion there is now no reason for your  
11 Board to" -- I think that's "continue" -- "an embargo on  
12 the admission of boys to Rubane. Social workers who  
13 have the responsibility for children whom they consider  
14 would benefit from the type of treatment and regime that  
15 is offered by the home should receive referrals."

16 I think there is a -- I will have to find the  
17 reference for it -- I think there is a formal copy of  
18 what was received in the Department that has -- was  
19 received in the Board that has the Department emblem and  
20 so on on it, but essentially he is saying, "Look, these  
21 are practices that, yes, they are not ideal. They have  
22 to change, but they in and of themselves don't require  
23 non-admission to the home", and he is communicating that  
24 to back to the Eastern Board.

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

1 Q. But what then happens, just as you are finishing that  
2 piece of work and communication, a former resident  
3 from -- who was in the home in the he makes  
4 an allegation to the police about his treatment, and  
5 then as a result the Eastern Board continue the embargo  
6 until they get a satisfactory answer from the police as  
7 to whether his claims were correct or not.

8 **A. That is correct. That followed.**

9 Q. If we go back then to -- so Mr Walker is performing this  
10 dual function of addressing those particular issues and  
11 then provides his report. If we can go to 40328, he  
12 provides his report on the recommendations and he lists  
13 out across five pages the 17 recommendations and what's  
14 done in response to them.

15 **A. Uh-huh.**

16 Q. It seems in fairness to the diocese and the Order they  
17 take on board the recommendations and do try to address  
18 them.

19 **A. Yes. There was a good attempt at doing that according  
20 to Chris Walker's report.**

21 Q. But what he does say then, if we go to the end, if we  
22 can go to 40332, he says, and if we can just maximise  
23 and scroll to the bottom of the page:

24 "It is very heartening to see that such prompt  
25 action has been taken to implement the recommendations

1 contained in the SWAG report, but I think that we need  
2 to be careful to avoid giving the impression that Rubane  
3 is now a first class facility. To a considerable extent  
4 I think that the motivation for change has been the  
5 belief that if the Brothers did not carry out the  
6 recommendations, the home would almost certainly close  
7 in the near future. Consequently many of the  
8 recommendations seem to have been accepted to the letter  
9 rather than the spirit and much work is still needed to  
10 bring the unit into line with the best of residential  
11 social work facilities. One area that the report did  
12 not give much consideration to was the day-to-day  
13 childcare practice in relation to the boys. I still  
14 have considerable doubt about the quality of these or of  
15 the ability of any manager to greatly improve them,  
16 considering the quality of many of the staff employed in  
17 the home. Furthermore, one must question the future  
18 need for facilities designed for a single sex and  
19 situated a considerable distance from their main  
20 catchment areas. Although I did not have the  
21 opportunity to follow it up, I gained the impression  
22 that many of the boys go home every week-end and for  
23 most of their holidays. I question the need for such  
24 children to be in residential care at all, and if they  
25 require boarding school education, this would be more

1           appropriately dealt with by the Department of Education  
2           and the Education & Library Board."

3           So although he wasn't party to the initial SWAG  
4           report in 1981 and he comes into post and checks on the  
5           recommendations, he is clearly signalling he doesn't  
6           think this is a good idea, if I summarise it in those  
7           terms.

8   **A. Yes. I think that would be his point of view all right**  
9           **and I wouldn't disagree with it. There clearly had been**  
10           **an effort to do some things, but when it got down to**  
11           **recruiting, you know, well trained staff and -- that**  
12           **would have been a difficulty to begin with for the**  
13           **Order, because they always had to have a group of**  
14           **Brothers based there, and they changed them quite often,**  
15           **you know, every couple of years. Some of them would**  
16           **come and some of them would go and they would have**  
17           **formed part of the staff group, and the existing staff**  
18           **group, when we did the inspection, there was only one**  
19           **trained member of staff there and it was he who raised**  
20           **the points -- DL81, who I think you said you have**  
21           **already seen -- but it was he who had gone in to see**  
22           **Mr Morris with his view that they were not providing**  
23           **good -- a good residential childcare service in the**  
24           **home. So there would have been a need for, you know,**  
25           **a root and branch change in the place to have it**

1           **functioning in a way that would have made it a valued**  
2           **resource for the Boards.**

3    Q.   That communication essentially prompts another meeting  
4           that takes place.  If we can look at 5773, it takes  
5           place in April 1982, and there's a list of people from  
6           both the Department, the Eastern Board and Rubane staff  
7           as well as Mr Walker is there, who was obviously the  
8           author of the report.

9    **A.   Yes.**

10   Q.   Mr Wilson was the Chairman.  What was his role?  Can you  
11           remember?

12   **A.   He would have been Assistant Secretary in Civil Service**  
13           **and he would have had the responsibility -- wider**  
14           **responsibility than just the Childcare Branch, but he**  
15           **would have been the senior officer in the Department.**

16   Q.   So this is at a very -- as with the last meeting, this  
17           is at a high level --

18   **A.   Yes.**

19   Q.   -- as far as the Department is concerned --

20   **A.   Absolutely, yes.**

21   Q.   -- raising and dealing with these issues.  It seems  
22           there is a frank exchange of views that takes place  
23           during that meeting and the various concerns are aired  
24           and discussed, and on the second page then the --  
25           paragraphs 10 and 11:

1           "Further clarification of the Board plans post Black  
2           was necessary before any meaningful discussion of the  
3           long-term future of Rubane could take place. The  
4           Department would be examining the Board's plans for all  
5           their services for the next five years and the  
6           facilities at Rubane will be kept in mind when these  
7           plans are being discussed.

8           The way forward in the short-term was for the  
9           Management Committee to meet and discuss with all the  
10          Boards how Rubane can best meet their needs. The  
11          Department of Education should be advised of the  
12          short-term plans for the home in light of these  
13          discussions. Further discussions can be held when the  
14          future of Black is clearer and perhaps on a wider format  
15          to consider other Social Service work besides  
16          childcare."

17          So if I were to characterise it in this way, the  
18          signal is being given, "You really need to look long and  
19          hard at what you are doing, because if you keep doing it  
20          in the way you have been doing it, there is no future  
21          for it". Is that fair or is that not the sense you had?

22      **A. I think that's fair. I think it was another stepping**  
23      **stone, if you like. Two meetings with senior officials**  
24      **from the Department who were more or less saying the**  
25      **same thing, you know, "You have either got to change and**

1       **find a role for yourself or persuade the Boards that**  
2       **there is a need for the service you are providing".**

3   Q.   There then is more correspondence that go on over the  
4       embargo that's in existence until the police finish  
5       their work on the allegations that have been brought by  
6       the former resident. In the end the embargo is lifted  
7       after that investigation takes place.

8   **A.   Yes.**

9   Q.   It seems -- I appreciate you are not named on this. Can  
10       I ask you just to look for me at 40349? It is a letter  
11       of 10th January 1984 from Mr McCoy. That's Kevin McCoy  
12       -- Is that right --

13   **A.   That's correct, yes.**

14   Q.   -- who was the senior social work adviser? So he was,  
15       if I understand your statement, a layer above you and  
16       Mr Walker. Is that right?

17   **A.   Yes, he was, yes.**

18   Q.   What he appears to be signalling to Father McCann is in  
19       the second paragraph:

20               "Since that time ...",

21               ie the time of the investigation, '81, the  
22       subsequent report in '82 -- he says:

23               "Since that time Mr Walker has been in regular  
24       contact with the senior staff of the home. I am aware  
25       that he feels that a period of stability has again been

1       achieved after a time when the whole future of the  
2       facility was in doubt because of the falling number of  
3       admissions."

4             Then he says:

5             "Mr Walker will continue to keep in touch with the  
6       staff of the home regularly. If, however, you feel that  
7       there are any subjects that you would wish to discuss  
8       with him in the future, I am sure that he would be  
9       pleased to make himself available to you and your  
10      committee."

11            What I want to ask you about this is not so much  
12      Mr Walker -- Mr McCoy setting out what the position was  
13      for him and what he was doing, but is that what  
14      happened? When SWAG resumed or began this heavy  
15      inspection system in '81 to '83 and looked at all of the  
16      homes, is this -- was there a general -- you then kept  
17      in touch with the homes that you were responsible for  
18      inspecting?

19      **A. Not necessarily the ones that we -- as you know,**  
20      **Mr Walker didn't -- wasn't involved in the initial**  
21      **inspection --**

22      **Q. Yes.**

23      **A. -- but because it was a voluntary home within the**  
24      **Eastern Board, because he had a responsibility to liaise**  
25      **with the Eastern Board, then he would have kept an eye**

1           on that voluntary home in the same way as whenever I was  
2           involved with the           Board, I would have kept  
3           an eye on           , keeping an eye, if you like,  
4           make the odd monitoring visit to it. If they had any  
5           difficulties, they knew they could contact me and  
6           I would come in and see them and try to resolve them for  
7           them.

8    Q.    So if I understand the structure, you could have these  
9           detailed inspections that took place over a number of  
10           days --

11   A.    **Yes, yes.**

12   Q.    -- but after that regime was instituted in '81 and they  
13           took place, then there was an ongoing relationship --

14   A.    **Yes.**

15   Q.    -- by someone in your role with the homes that were  
16           within the Board you were given to look after?

17   A.    **Yes, yes.**

18   Q.    That consisted of both a proactive and a reactive  
19           element, if I have picked you up correctly. The  
20           proactive element was occasional monitoring visits --

21   A.    **Yes.**

22   Q.    -- which presumably were not of three-day duration.

23   A.    **Oh, no.**

24   Q.    They were calling in for a few hours to be about the  
25           place and see what was happening.

1 A. Yes, they were done by arrangement and one would have  
2 contacted the home and arranged to come and see them on  
3 a certain day and listen to any problems they had and to  
4 cast an eye over any changes that had been made --

5 Q. And then --

6 A. -- just to keep up-to-date with it.

7 Q. -- the reactive element was they were made aware by you  
8 that -- you worked in the same way as Mr McCoy is doing  
9 here --

10 A. Yes.

11 Q. -- that you could be contacted if they had any  
12 particular issue they thought you could help with.

13 A. Yes, that is correct, and it may well have been  
14 something that -- you know, they may have applied to the  
15 Department for grant aid. For example, you mentioned  
16 . I remember that they had  
17 a great problem with windows which were loose and  
18 rattled and the wind and rain got in through them, and  
19 they applied to the Department for a grant for replacing  
20 them, and, of course, I went and had a look at them and  
21 saw the difficulty, and obviously provided an input into  
22 the Department for that. So it could be anything like  
23 that. It could be physical about the structure. It  
24 could be difficulty in getting places on training  
25 courses. Anything at all.

1 Q. I am smiling, DL521, because I had to open and did to  
2 the Panel many months ago now all about the windows --

3 **A. Yes.**

4 Q. -- as part of the grants work when we looked at Nazareth  
5 House.

6 Was that the system then that essentially continued,  
7 one of major inspection occasionally, monitoring that  
8 would have taken place? Was that visits two or three  
9 times a year essentially or every year?

10 **A. Yes, two or three times a year, and the Board homes were**  
11 **different, the voluntary homes. Because we were the**  
12 **registering authority -- the Department was -- we would**  
13 **have maybe made more visits to them, but through contact**  
14 **with the Assistant Directors at Board level I would have**  
15 **contacted them, met with them, had a discussion with**  
16 **them about what changes were around and quite often they**  
17 **would have taken me to see what changes they were making**  
18 **on the ground, to introduce me to members of a fieldwork**  
19 **team or to the staff in one of the Board's homes, new**  
20 **appointments, something like that.**

21 Q. Eventually then that role of inspecting becomes your  
22 primary focus essentially --

23 **A. Yes.**

24 Q. -- by 1987, whenever the Social Services Inspectorate is  
25 set up.

1 **A. Yes.**

2 Q. That really continued then as the method of -- the  
3 check.

4 **A. Yes.**

5 Q. But am I right in saying that over your time in that  
6 role the existence of voluntary homes was reducing and  
7 reducing in terms of childcare provision?

8 **A. Yes, they were, yes. I saw quite a few voluntary homes  
9 close their doors during the time I was involved.**

10 **The other thing about changing over to the  
11 inspectorate was at the beginning it was only the  
12 inspectors with the Family and Childcare remit or  
13 advisers with the Family and Childcare remit who were  
14 actually inspecting, but when we became an inspectorate,  
15 then other colleagues who had responsibility for other  
16 client groups became inspectors as well and inspection  
17 became part of their role as well.**

18 Q. Is it fair to say that by the early '90s then, whenever  
19 we are seeing major changes coming towards the '95  
20 order, that the detail and level of those inspections  
21 became even greater than they were at the time that SWAG  
22 --

23 **A. Yes.**

24 Q. -- was doing its work in the early '80s?

25 **A. Yes. I mean, the only other statutory inspection that**

1 I did would have been of voluntary adoption societies,  
2 but then SSI decided -- one of the last inspections  
3 I was involved in was an inspection of foster care,  
4 which we carried out in districts in I think it was  
5 maybe all four Boards.

6 Q. So the SSI became a much greater role --

7 A. Yes.

8 Q. -- across the childcare service or provision that was  
9 available?

10 A. Yes. Our role -- our role changed, yes.

11 Q. DL521, I don't propose to ask you anything further. It  
12 may be some of the Panel Members will want to ask you  
13 something.

14 A. Of course.

15 Q. I would be grateful if you just remain where you are for  
16 a few moments while we do that.

17 A. Okay.

18 **Questions from THE PANEL**

19 CHAIRMAN: DL521, can I take you back to one of the early  
20 things you said in your evidence probably about an hour  
21 or so ago now? When you arrived to carry out this  
22 inspection --

23 A. Yes.

24 Q. -- you found that, although the home was registered for  
25 70 children, there were only 32.

1 **A. That is correct, yes.**

2 Q. Was that a surprise to you?

3 **A. Absolutely a surprise to us. We went down there at the**  
4 **time expecting there to be more, maybe not up to 70, but**  
5 **we expected there to be quite a few more young people**  
6 **there, and we also expected to find all of the**  
7 **accommodation being active, but, in fact, they had**  
8 **closed two of the chalet units when we got down to it,**  
9 **and that was a surprise to us. We expected all of the**  
10 **accommodations to be being used, all the residential**  
11 **accommodation, and certainly more boys there than there**  
12 **were.**

13 Q. You have anticipated the next question --

14 **A. Yes.**

15 Q. -- which is why was that known -- sorry -- why was that  
16 not known to the Department beforehand?

17 **A. Why was it not known in the Department?**

18 Q. The impression I have is here it is operating at just  
19 under half the strength --

20 **A. Yes.**

21 Q. -- two of the chalets built -- what -- fifteen years or  
22 so before --

23 **A. Yes.**

24 Q. -- or less than that at great expense unoccupied,  
25 a dramatic change in what's actually happening on the

1 ground, and yet it comes as a surprise to the  
2 inspectors. Is that because this information had not  
3 been either proffered or sought in the years when there  
4 weren't any inspections?

5 **A. I don't think that the information was sought.**

6 Q. So there were significant changes happening and the  
7 Ministry hadn't checked up to see what was happening --

8 **A. Well, certainly the --**

9 Q. -- in terms of the size and the numbers of children  
10 there?

11 **A. Yes, yes. The establishment was still there. There**  
12 **weren't the number of children in it. There had been**  
13 **I think some anxiety in the school about the numbers**  
14 **falling, and they may have taken that up with the**  
15 **Department of Education, but we weren't aware when we**  
16 **went down there that there had been such a reduction in**  
17 **the number of boys residing in the place.**

18 Q. The general impression that you have perhaps conveyed of  
19 the home as a whole when you arrived is that, first of  
20 all, it is like a boarding school, because it is  
21 dominated by the educational requirements of the school  
22 component of the whole structure.

23 **A. Yes.**

24 Q. But a school in which quite a number of the children go  
25 home either at weekends, as we have heard, to their

1 families in Belfast or during the school holiday period,  
2 and yet the children leave when they reach the end of  
3 the secondary school compulsory attendance age --

4 **A. Yes.**

5 Q. -- which is 16, and, as I understand, your point is the  
6 educational component of the structure was essentially  
7 driving everything else or to a very large extent  
8 dominating everything else?

9 **A. Yes. I think the De La Salle Brothers, they are**  
10 **a teaching order, and they had established quite**  
11 **a number of schools in Belfast, for example, and, in**  
12 **fact, throughout Ireland, and I do remember BR2 saying**  
13 **to me in a conversation that priority when they**  
14 **recruited Brothers in was for the Brothers to become**  
15 **teachers --**

16 Q. Yes.

17 **A. -- and I can -- I think I could quote him in saying he**  
18 **said that if someone couldn't make it at teaching, they**  
19 **would become a housemaster.**

20 Q. Well, we have certainly had one or two examples where  
21 that might be said to be the case.

22 **A. Yes.**

23 Q. In other words, that the childcare function of the  
24 component did not perhaps receive as great a degree of  
25 attention as those things which were needed to service

1 the school aspect of it.

2 A. Yes, yes. I mean, at every stage, both at admission the  
3 school had an influence and, of course, at discharge it  
4 had an influence, and then it had an influence on the  
5 care side through the system that they had for giving  
6 rewards and marks, which -- the school had 50% of the  
7 marks to give the boys, which had an influence on the  
8 amount of pocket money they got and whether they got  
9 other privileges as well. So there was a very big  
10 influence by the school. As well as that a number of  
11 the teachers would have done additional work,  
12 after-hours work where they provided recreational  
13 activities for the boys as well.

14 Q. Making it much more like a boarding school of the old  
15 type with the teachers just working all the time. They  
16 changed to games masters or running activities for the  
17 boys.

18 A. Yes, it was a bit like that and then, of course, the  
19 Brothers resided there as well and so, you know, they --  
20 some of the Brothers who were teachers also were  
21 involved in undertaking sleeping in duty, if you like,  
22 you know, being involved in sleeping in the boys'  
23 accommodation or close to it at night-time and were on  
24 call.

25 Q. Yes. Thank you very much.

1 MS DOHERTY: Thank you very much. That has been really  
2 helpful. Can I just check -- I know it is a long time  
3 ago -- during the inspection processes did you feel  
4 there was an appetite from the Brothers to discuss  
5 childcare practice and about changing approaches to  
6 working with children?

7 **A. Well, I think that BR2, who had actually undertaken**  
8 **, and his**  
9 **deputy, they would have, you know, been happy to discuss**  
10 **it, but, you know, I didn't get that impression from**  
11 **everyone in the place that they were very much**  
12 **interested in the boys, you know, in the same way.**  
13 **I found BR2 in particular certainly seemed to have the**  
14 **interests of the boys at heart.**

15 Q. Can I just ask when you said that your assessment was in  
16 line with what the social workers -- visiting social  
17 workers had told you --

18 **A. Yes.**

19 Q. -- how you actually got that information from the  
20 visiting social workers?

21 **A. I think BR2 himself told us that in the beginning. He**  
22 **said that that was the social workers' perception when**  
23 **we -- when he -- when we met with him at the beginning**  
24 **of the inspection, and when we formed our own view, it**  
25 **coincided really with the view of the social workers to**

1           **a large extent.**

2    Q.   But there would have been no process as part of the  
3           inspection of talking to the Boards or talking to the  
4           field social workers about their experience of engaging  
5           with Rubane?

6    **A.   No, we didn't do that.**

7    Q.   Okay.  Can I just ask finally did you -- what your sense  
8           was of the respective roles of the Management Committee  
9           vis-a-vis BR2 and his deputy?  Did you have a sense of  
10          that?

11   **A.   The Management Committee would have been advisory really**  
12          **to BR2.  I think there was only one lady on the**  
13          **Management Committee, whom we may have recorded in the**  
14          **report, who was active and came in and took a special**  
15          **interest in I think the catering or something like that,**  
16          **because she was from a catering background, but aside**  
17          **from that other members of Management Committee were**  
18          **also clergymen, who may have come in for some other**  
19          **reason, but there was no concerted effort by the**  
20          **Management Committee members to visit the home outside**  
21          **of the meetings that they -- that they were obliged to**  
22          **go to.  In fact, if I remember rightly, there were**  
23          **probably four or five clergymen on the Management**  
24          **Committee, priests of the diocese mainly.**

25   Q.   Yes, because it is interesting when that lady starts to

1 do some visiting, it is very much about the kitchen and  
2 the facilities and things ...

3 **A. Yes.**

4 Q. Okay. Thank you.

5 **A. Okay.**

6 MR LANE: When you were appointed to the inspectorate, were  
7 they specifically looking for somebody with residential  
8 experience?

9 **A. No. I had residential experience obviously. I worked**  
10 **in residential care, but that is not how the job was**  
11 **advertised. It was advertised for social work adviser**  
12 **and I was recruited in. It may well have been that**  
13 **whenever I came up, because I had the experience of**  
14 **residential care, somebody thought it might be a good**  
15 **idea to have someone with that sort of experience in the**  
16 **group, because there was no-one else in the group that**  
17 **I can recollect who had actually worked in residential**  
18 **care. The rest of my colleagues had all been field**  
19 **workers. They may well have been in management posts**  
20 **with responsibility for residential care, but they never**  
21 **actually worked at the coal face in residential care.**

22 Q. You had obviously worked at three or four other places  
23 in Northern Ireland residentially.

24 **A. Yes.**

25 Q. Did you see Rubane as being dated by comparison with the

1 sort of care that was being provided in the other homes?

2 **A.**

3 **There were boys of the same age and**  
4 **some older. They also had a very rigid -- even more**  
5 **rigid approach in many ways than Rubane had. As it**  
6 **happened, I went back and inspected**  
7 **at this stage as well.**

8 Q. Did you then come to similar conclusions?

9 **A. Even more dramatic ones in relation to some of the**

10

11 Q. Okay. Thank you.

12 CHAIRMAN: Well, DL521, thank you very much indeed for  
13 coming to speak to us today. We are very grateful to  
14 you for doing that. I am sure you will be relieved to  
15 hear we don't have any other questions. Thank you.

16 **A. Thank you very much.**

17 **(Witness withdrew)**

18 MR AIKEN: Chairman, Dr Harrison is the next witness.

19 Perhaps if we took a short break to allow that to be  
20 organised.

21 CHAIRMAN: Yes. Well, if we start again no later than 3.35.

22 (3.25 pm)

23 (Short break)

24 (3.35 pm)

25

1 DR HILARY HARRISON (recalled)

2 MR AIKEN: Chairman, Members of the Panel, the next witness  
3 this afternoon is Dr Hilary Harrison, who has told me  
4 she wants to be called "Hilary" in accordance with how  
5 we have treated everyone else. She is aware, Chairman,  
6 you are going to ask her to affirm.

7 CHAIRMAN: I am not, in fact, because you have already  
8 affirmed, Hilary, and therefore you are still bound by  
9 that, even though I appreciate for you and for us it was  
10 a long time ago.

11 **A. Thank you.**

12 **Questions from COUNSEL TO THE INQUIRY**

13 MR AIKEN: Hilary, you have provided on behalf of the  
14 Department two statements in the context of this module.  
15 The first of those is of 19th September 2014, which also  
16 seems like a long time ago now I am sure as you dealt  
17 with the various large bundles of material, but at  
18 RUB1887, if we can bring that up, please, that's the  
19 front page of the first statement, which I trust you  
20 recognise.

21 **A. Yes.**

22 Q. Then if we move through to 1899, please, and that is the  
23 last page of the first statement. Can you confirm you  
24 have signed that, Hilary?

25 **A. Yes, I have signed that.**

1 Q. Then you have provided a second statement to the Inquiry  
2 of 3rd December. That begins at RUB5958, please. Then  
3 the last page is at 5965. Can you again confirm you  
4 have signed that second statement?

5 **A. Yes, that's my signature.**

6 Q. You want to adopt them both as your evidence before the  
7 Inquiry in respect of this module?

8 **A. I do.**

9 Q. Hilary, as I indicated to you already, the Panel has had  
10 the opportunity to consider both of these statements,  
11 and in particular the Department's approach in the  
12 second statement to try and stand back and look at the  
13 material, the evidence that has been received and try  
14 and address the specific issues about systems failures,  
15 and the admissions that you have been in a position on  
16 behalf of the Department to make is something that the  
17 Inquiry -- that's an approach that we have been trying  
18 to encourage amongst those participating. It is  
19 an approach obviously that you embraced on behalf of the  
20 Department in respect of this module that has been  
21 particularly helpful.

22 **A. Thank you.**

23 Q. No doubt it is something that will continue then in  
24 respect of the next modules to come. It is going to  
25 make hopefully this afternoon a shorter experience for

1 everyone, because I want to go to essentially five  
2 issues that are the main features of what you have had  
3 to say on behalf of the Department. It may be that in  
4 respect of some of these, while they apply to Rubane,  
5 they will also be of wider application and they are  
6 things we will have to turn to as the modules progress.

7 The first one is in respect of staffing. If you can  
8 look with me at your second statement at 5959, please,  
9 and in -- I am going to summarise it, as I said, because  
10 the Panel have had the opportunity to read it already,  
11 but essentially in paragraphs 1 to 5 you set out what  
12 the Ministry did in terms of challenging the De La Salle  
13 Order for having inadequate staff in the home really  
14 from its outset --

15 **A. Yes.**

16 Q. -- until you identify -- if we move on to the second  
17 page I think and paragraph 5 -- until essentially 1965,  
18 and in paragraph 6 you record that the issue does not  
19 seem thereafter to be flagged up as often. It may be in  
20 the '66 report from Miss Hill that it was described as  
21 improving. Whether they ever got to the -- in line with  
22 the various reports and recommendations --

23 **A. Uh-huh.**

24 Q. -- that may be another matter, but the point you make is  
25 that the Ministry of Home Affairs is writing repeatedly

1           trying to encourage not to have more numbers and on  
2           occasions says there is to be no more admissions and  
3           threatening at its zenith effectively in 1964 to would  
4           have to consider deregistering.

5   **A. Yes.**

6   Q. I suppose, as I was flagging up for you beforehand,  
7           trying to summarise this and bring this all together as  
8           an issue, you have over a fifteen year period the  
9           Ministry recognising a problem and not necessarily  
10          getting very far with resolving it, and I was asking you  
11          beforehand as to the options that there were available  
12          to the Ministry to insist that the changes they  
13          recognised were needed were brought into effect.

14                 Was deregistration basically the only way that the  
15          Ministry could have put an end to this staffing problem  
16          if, for instance, the De La Salle Brothers chose,  
17          despite your -- the recommendations --

18   **A. Uh-huh.**

19   Q. -- to keep admitting children, to keep lifting the  
20          numbers up? You are aware of the issue over the  
21          intermediate school.

22   **A. Yes.**

23   Q. That seems to have been what lay behind it.

24   **A. Uh-huh.**

25   Q. Was deregistration really the only power in the end that

1 the Department or the Ministry had, and it was a choice  
2 as to whether to exercise it or not? What else could  
3 they have done than what they did do, which was didn't  
4 really achieve anything certainly for a number of years  
5 until potentially '65 and thereafter?

6 A. Well, if we look at the 1950s, and that's when the issue  
7 of overcrowding began to be mentioned in Miss Forrest's  
8 inspection reports, for them to consider deregistration  
9 at a time when there were very few voluntary welfare --  
10 there were very few welfare homes, there were very few  
11 homes in the statutory sector, the main residential  
12 provision was by voluntary organisations, that to  
13 consider deregistration then would have been essentially  
14 a disaster for the children who were accommodated in  
15 those homes, and if we are considering Rubane in  
16 particular, there were about 80 children I think at its  
17 height. The welfare authorities wouldn't have been able  
18 to have accommodated those children. There just wasn't  
19 the provision available.

20 I think that it's probably a bit unfair to suggest  
21 that nothing happened, because there is evidence that  
22 Miss Forrest was consistently raising the issue of  
23 overcrowding and the numbers did actually reduce. They  
24 did appear to comply with the request that no further  
25 children should be admitted at one stage until the

1 correct numbers had been achieved. Certainly when it  
2 came to discussing the chalet provision, which began to  
3 be discussed as far as I can ascertain from the late  
4 1950s, staffing was one of the key elements that the  
5 Department was stressing must be addressed, and by  
6 I believe 1965 they had -- they did appear to have  
7 satisfactorily addressed that, because in future  
8 correspondence about the new developments the issue of  
9 staffing didn't appear to be a problem. So they did --  
10 the Department was able to address staffing without  
11 resorting to the Draconian measure of completely  
12 deregistering the home.

13 Q. What I am getting at, Hilary, is whether in essence the  
14 control that was available to the Department -- so, for  
15 instance -- I am not going to go back and look at the  
16 specific sequence of events, because we opened it during  
17 the first week, but the Ministry was saying, "There is  
18 too many numbers. Sort out the staff" --

19 A. Yes.

20 Q. -- and then more numbers were brought in. The staff  
21 wasn't changed. They would be told again, "More -- this  
22 needs to be resolved". More would come and so it would  
23 go on.

24 A. Uh-huh.

25 Q. What I am asking you about is really about what control

1           there ultimately was for the regulatory authority.

2   **A. Uh-huh.**

3   Q.   What measures could be taken other than telling them,

4           "Stop admitting kids".

5   **A. Uh-huh.**

6   Q.   "Get the numbers down.  Get the staffing up"?

7   **A. Yes.**

8   Q.   What actual control or measures could be taken to make

9           sure they actually did that, that basically the Ministry

10          wasn't being ignored?

11  **A. Yes.  Well, I suppose the threat of deregistration was**

12          **the ultimate threat, and that was mentioned, but it**

13          **appeared that -- I don't think the Ministry was**

14          **completely ignored, because the numbers of children did**

15          **reduce over time, and, as I say, when the new**

16          **accommodation was being discussed, that -- the staffing**

17          **issue appeared to have been resolved by the time that**

18          **the new developments were agreed.**

19  Q.   So you think the change by 1969 of the chalets coming on

20          stream and the house lay staff, that that produced --

21  **A. Yes.**

22  Q.   -- made things better than they had been up to that

23          point?

24  **A. I think so, yes.**

25  Q.   Ultimately in terms of the deregistration, the nuclear

1 option, that would have caused two difficulties. One  
2 you have identified, which is what would have been done  
3 with the children who were there? They would have to be  
4 taken on board by the welfare authorities. There was  
5 issues about whether all of the children who were there  
6 would have been people in care --

7 **A. Yes.**

8 Q. -- if the welfare authorities were involved, but in  
9 addition to that issue about what to do with the  
10 children there was obviously a sensitive issue about you  
11 were tackling the Roman Catholic Church's --

12 **A. Exactly, yes.**

13 Q. -- way of doing social service, as it were --

14 **A. Yes.**

15 Q. -- or childcare.

16 **A. There would have been a political dimension to it. If**  
17 **the Department had closed down a Catholic home,**  
18 **I imagine that there would have -- there may have been**  
19 **repercussions that wouldn't have been particularly**  
20 **welcome in the political climate that they were**  
21 **operating within.**

22 Q. So in terms of the control mechanism, which ultimately  
23 was deregistration, that was in the particular  
24 circumstances of Northern Ireland and the time that  
25 these events are happening --

1 **A. Yes.**

2 Q. -- something difficult to contemplate doing --

3 **A. Yes.**

4 Q. -- because of the ramifications for it in a whole series  
5 of directions.

6 **A. Absolutely, yes.**

7 Q. The second issue that I want to deal with, Hilary, is  
8 about the inspection system. You have been very frank  
9 on behalf of the Department. In paragraph 20, if we can  
10 look at 5963, please -- and, as I said to you  
11 beforehand, there is two areas that I want to look at.  
12 The first is about the Department's own inspections.  
13 You have drawn attention to the conclusions that were  
14 arrived at in the Hughes Report about the manner of  
15 departmental inspections, and just if I may give the  
16 Panel the references in the bundle to the extracts that  
17 you are referring to. There are on HIA921, 922, 920 and  
18 930. That's what you have set out in paragraph 19 of  
19 your statement.

20 In paragraph 20 you say:

21 "The Department did not challenge the findings of  
22 the Hughes Report in respect of inspections of Rubane.  
23 It accepts that while inspections were conducted  
24 regularly in the early years and were reflective of the  
25 standards at the time, the same conclusions in respect

1 of their capacity to provide a genuine insight into the  
2 standard of care in the home might well apply to those  
3 carried out from 1950 to the period under consideration  
4 by the Hughes Inquiry."

5 So if you just scroll up to paragraph 19 so that  
6 that's in context, the point that's being made is you  
7 are reflecting on the Hughes Inquiry, saying that the  
8 inspections of the '70s as a means of gaining a genuine  
9 insight into the standard of care in the home were  
10 inadequate.

11 **A. Yes.**

12 Q. As I understand the position, you are saying on behalf  
13 of the Department that it is likely if that was the  
14 finding in respect of inspections in the '70s, they  
15 weren't really any different in the '60s and '50s --

16 **A. Yes.**

17 Q. -- and while we have, you know, the same inspection,  
18 same type of reports and they are available -- so in  
19 fairness to the Ministry it seems they were going into  
20 Rubane almost annually, sometimes more than once a year  
21 --

22 **A. That's right.**

23 Q. -- and there does seem to have been an engagement with  
24 the staff in Rubane, but the same criticism that you  
25 made in Module 1 essentially applies to that form of

1 inspection, that it didn't really get to the heart of  
2 the care of the children.

3 **A. Yes, that's right. To be fair, they were probably**  
4 **reflective of standards at the time and, you know, had**  
5 **we been able to compare standards in the UK, I am not**  
6 **sure we would have found a very different -- a very**  
7 **different style of reporting at that period, but they**  
8 **certainly were not suitable in terms of gauging the**  
9 **quality of care for children in the home. Inspectors,**  
10 **as I understand it, spent a few hours there. They maybe**  
11 **checked statutory books, but there was really no**  
12 **in-depth enquiry as to managing, function, structures,**  
13 **children's day-to-day living, routine and the care they**  
14 **received and their contact with families and so on.**

15 Q. So although reflective of how things were done at the  
16 time --

17 **A. Yes.**

18 Q. -- the Department's view is on reflection they were  
19 inadequate --

20 **A. Yes.**

21 Q. -- in essence. Is that fair --

22 **A. Yes, it is.**

23 Q. -- to characterise it in that way?

24 The second area that -- in respect of inspections,  
25 if we move through to paragraph 21, this is a specific

1 issue that arises because under the Voluntary Home  
2 Regulations regulation 4 was the mandatory duty to  
3 ensure the home was being run in a way that made it  
4 satisfactory for the well-being of the children, and  
5 then in the sub-paragraph the way it seems that was  
6 going to be met or envisaged as being met or one way of  
7 ensuring that that standard was being met was that of  
8 the administering authority having a voluntary visitor  
9 going in for that specific purpose and then reporting  
10 back to the administering authority as to being  
11 satisfied that the home was being run in the best  
12 interests of children.

13 **A. Yes.**

14 Q. You say here in 21:

15 "A fundamental purpose of any inspection should be  
16 to ensure that statutory requirements are being met.  
17 The Department accepts that despite annual inspections  
18 and frequent visiting by the Ministry ... evidence was  
19 not sought to demonstrate that the Board of Governors  
20 was fulfilling its statutory responsibility regarding  
21 the monthly visitation of the home. A person should  
22 have been appointed by the Board of Governors to satisfy  
23 him or herself whether the home was being conducted in  
24 the interests of the well-being of children and report  
25 on that visit."

1           It seems -- something -- one of the inspections  
2           I think does recognise that there is no monthly visitor  
3           --

4   **A. Yes.**

5   Q. -- and then -- but there is nothing done beyond that  
6           then to put that right, whereas all the rest of the  
7           inspections don't really mention it at all.

8   **A. Yes. I think the inspection that you are referring to**  
9           **was -- would that have been the reference to "no**  
10           **visiting committee"?**

11   Q. Yes.

12   **A. Yes. It was a strange reference, that. I didn't**  
13           **understand whether that referred to the visitor**  
14           **appointed by the administering authority or some other**  
15           **kind of visiting committee. I didn't understand it, but**  
16           **you are right. Nothing was done to address it.**

17   Q. Nothing was done?

18   **A. Uh-huh.**

19   Q. The point that you make -- you make it later on in your  
20           statement -- that the consequence of not doing that --  
21           perhaps if I was to put it this way. What is the  
22           benefit to having that check? What benefit was likely  
23           to arise if that system was being run properly?

24   **A. Well, the purpose of the person to be appointed by the**  
25           **administering authority was to visit once a month and**

1 specifically report on the well-being of children in the  
2 home. Obviously of necessity that would require asking  
3 certain questions, perhaps speaking to children, and  
4 gauging some idea of the standards of care that were  
5 being received -- that was being received by the  
6 children, and most importantly feeding that back on  
7 a regular basis to the Management Committee.

8 Now when that is being done properly, that person  
9 should have a very visible presence in the home.  
10 Children should be aware that they're there. Staff  
11 should be aware that they're there and the purpose of  
12 their visit. So just like in a reg... -- a good  
13 inspection function, whilst monitoring -- monthly  
14 monitoring and inspections of themselves will not  
15 prevent the abuse of children, they nevertheless serve  
16 to assist the safeguarding of children by hopefully  
17 minimising opportunities for abuse to occur or by  
18 alerting those who might be tempted to perpetrate abuse  
19 to the effect that there are checks and balances in the  
20 system, that they do not have the opportunity, for  
21 example, to conduct their activities in secret, that  
22 there are people coming in to monitor and inspect the  
23 way the home operates.

24 Q. So the benefit -- and the point you make is it can't  
25 prevent abuse --

1 **A. No.**

2 Q. -- but what it can do is make it more difficult --

3 **A. Yes.**

4 Q. -- and manage the risk --

5 **A. Yes.**

6 Q. -- better. I suppose when you call a spade a spade and  
7 strip this back to what it is, for the entire existence  
8 of this home basically until right at the end, perhaps  
9 '83, '84, '85, this check on potential abuses and  
10 ensuring on a proactive basis that the place is being  
11 run in the best interests of children just isn't being  
12 performed. Not only is it not being performed. Those  
13 with the statutory responsibility to oversee ultimately  
14 don't seem to have been exercised by it.

15 In fairness to the last witness, who was very frank,  
16 even when SWAG do their 1981 inspection at the start of  
17 -- I think I characterised it as a blitz and he accepted  
18 that's probably what it was -- all homes were being  
19 inspected over a two-year period --

20 **A. Yes.**

21 Q. -- it still didn't register. Why do you think, given  
22 how you characterise what it was supposed to achieve --

23 **A. Uh-huh.**

24 Q. -- does the Department have any view as to why did it  
25 not register with those who were carrying out their

1 functions that, "This is something that's important,  
2 that we need to be on top of"?

3 A. Yes, yes. I do find it surprising that it didn't.

4 I note that in the early inspections people were  
5 conscious that a chaplain was visiting the home and  
6 whether or not they assumed that there were sufficient  
7 people, clerics coming in from the community or whatever  
8 to -- and that somehow that was serving the same  
9 purpose. It is no excuse. It is no proper excuse, but,  
10 I mean, there may have been some thinking to that  
11 effect.

12 In terms of why the '81 inspection didn't pick up  
13 this point, I had noted that an early monitoring request  
14 sent out by the Department to voluntary homes listing  
15 the type of information that needed to be returned to  
16 the Department had a list of areas and that again wasn't  
17 included. The reports or annual reports of monthly  
18 visitors wasn't included in that list, and I think  
19 the -- I was given the impression that that list also  
20 served to give a structure for inspection reports,  
21 because the inspection reports do seem to follow the  
22 list. It is somewhere in the evidence. I am sorry for  
23 bringing this up now without mentioning it before.

24 Q. I understand what you are saying. If they followed that  
25 --

1    **A. There was a list which appeared to give a structure for**  
2       **the homes' monitoring information --**

3    Q. Yes.

4    **A. -- and the inspection reports seem to follow that**  
5       **structure --**

6    Q. Yes.

7    **A. -- but unfortunately it did not include any reference to**  
8       **the statutory requirement to appoint the monthly**  
9       **visitor.**

10   Q. To cut right to the chase, Hilary, it seems that no-one  
11       involved in running this home or regulating it paid much  
12       heed to the regulations in the statute that allowed it  
13       to exist.

14   **A. Uh-huh. Uh-huh.**

15   Q. Is that fair or ...?

16   **A. Well, that particular requirement in the regulations**  
17       **appears to have been overlooked.**

18   Q. The next issue I want to deal with, and I am just going  
19       to deal with it in short form, is that of the  
20       administering authority of this particular home. At  
21       paragraph 22 you make the point, apart from some early  
22       references to communication with the Bishop, that the  
23       Department also accepts that its predecessors didn't  
24       appear to engage or communicate with the Governing Board  
25       for Rubane, which was, the Department says, the

1 administering authority for the home.

2 With particular reference to the '64 incident the De  
3 La Salle Order was permitted to deal with the issue,  
4 carry out its own investigation without reference to the  
5 Board which held statutory responsibility for the  
6 welfare of children in Rubane and to whom the Order was  
7 accountable for running the home. So the potential for  
8 important information to be shared with the Ministry and  
9 the police was, therefore, diminished.

10 You did make the point to me earlier that there is  
11 reference in some of the inspection reports to  
12 conversations taking place between the Inspector and the  
13 Brother in charge, it being recorded that the Brother in  
14 charge would have to speak to the Governing Board about  
15 that.

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

17 **Q.** So it is something -- the existence of it, the Governing  
18 Board, as it were, ultimately being the person the  
19 officer in charge or person in charge needed to go to  
20 was something Department officials were aware of it  
21 seems.

22 **A. Yes, yes, they were, yes. I refer to the fact that**  
23 **Miss Forrest, when they were discussing the proposed new**  
24 **accommodation, had written in her report that BR15 was**  
25 **to mention this at the next meeting of the Board, and**

1           that the Bishop had -- was -- possibly a comment --  
2           would possibly accompany them to look at similar  
3           provision in England.

4   Q.   That's I think 1963 --

5   A.   **Yes, it would have been thereabouts.**

6   Q.   -- those references.

7   A.   **Uh-huh.**

8   Q.   But is it fair to say that from the material that's  
9           available the Ministry doesn't appear to have certainly  
10          engaged in a clear way?  What I mean by that is there's  
11          discussions that seem to take place between the Brothers  
12          and the Ministry --

13  A.   **Yes.**

14  Q.   -- and they go on in the late '50s, early '60s.  There  
15          is a meeting in 1963 between the Ministry and members of  
16          the Governing Board.  We have looked at that memo  
17          a number of times.  That's when the diocese effectively  
18          make their position clear --

19  A.   **Yes.**

20  Q.   -- that they are more in favour of one type of care --

21  A.   **Voluntary, yes.**

22  Q.   -- than another.

23  A.   **That's right, yes.**

24  Q.   Then there are further engagements between the Board --  
25          sorry -- between the Brothers and the Ministry.  It

1 doesn't appear to have been very clear who was answering  
2 to whom about what.

3 **A. Yes.**

4 Q. Is that fair or do you feel, you know, the Ministry did  
5 know ultimately what the structure was and perhaps did  
6 not always communicate as they should have, which is the  
7 point you are making in 22 --

8 **A. Yes.**

9 Q. -- but they knew what way the home operated?

10 **A. I think they knew what the structure was. I'm not sure**  
11 **that -- again with hindsight that they perhaps**  
12 **appreciated the significance of the role of the Board of**  
13 **Governors as the administering authority within the**  
14 **regulations and --**

15 Q. Is the point you are making that they should have -- as  
16 you reflect on it now --

17 **A. I think so, yes.**

18 Q. -- they should have made sure that communication always  
19 included the Governing Board rather than --

20 **A. Yes.**

21 Q. -- on occasions just being with the Brothers?

22 **A. I would -- yes, I would -- I would think that that would**  
23 **be right, yes --**

24 Q. I want to --

25 **A. -- and I do make the point that had the Governing Board**

1       **been involved in the '64 incident, then there was the**  
2       **potential for more information to have been shared with**  
3       **more people.**

4    Q. Well, on that subject that's what I am coming on to now  
5       is the 1964 incident. You address this in  
6       paragraphs 18, 19 and 20 of your first statement.

7       I just want to look at those briefly at 1893, because at  
8       the time you file the first statement, Hilary, that's  
9       based on the material that was then available, and it  
10      appeared to characterise this as a single incident -- if  
11      we scroll down to paragraph 18, please -- a single  
12      incident involving one Brother and one boy.

13       If we just scroll on to the next page, please,  
14      paragraph 20, there are two issues in here that I want  
15      to address with you. We talked about them beforehand.  
16      The first is in dealing with the 1964 incident --  
17      and there's lots of documentation that's available about  
18      that incident and how it was handled, including  
19      correspondence with the police, then with the Order  
20      itself, the record of the meeting where Provincial  
21      brings what he is prepared to tell to the Ministry, and  
22      we will come back to look at what he didn't tell -- but  
23      the point that you make in paragraph 19 is recognising  
24      that in 1948 an incident had been alleged in  
25      St. Patrick's and had made its way to the Ministry.

1 Mr Warnock was involved in correspondence that went on  
2 between him and the Bishop as to how that would be dealt  
3 with. You make the point then that whatever about  
4 the -- it was concluded and communicated that there was  
5 nothing to those allegations, but you make the point at  
6 the end of paragraph 19 that it is unlikely that the  
7 officials who were dealing with the 1964 incident would  
8 have known about the earlier matter --

9 **A. Yes.**

10 Q. -- and I raised with you -- and it is something that  
11 I am going to repeat then when we get slightly further  
12 on to Hughes -- does this not raise a systems issue  
13 about how information was maintained in terms of how  
14 knowledge was passed on, because the decision-making  
15 around 1964 -- like if I use the analogy of getting into  
16 a car with someone, if you are -- if you don't know they  
17 have been convicted of five dangerous driving events,  
18 you won't mind at all perhaps getting into their car,  
19 but if you do have that piece of information, your  
20 decision-making about whether to get in or not might be  
21 entirely different. If the knowledge of '48, however  
22 that was ultimately resolved, which had been in the  
23 Ministry wasn't then available to those making the  
24 decisions about 1964, does that not raise a difficulty  
25 about how important knowledge of these types of issues

1 of abuse of children in a children's home was being  
2 recorded and passed on?

3 **A. Absolutely. I accept the point. It is critically**  
4 **important that knowledge about events such as this**  
5 **shouldn't drop through the system in any way, that there**  
6 **should be some sort of ability within the kind of**  
7 **corporate knowledge base for those incidents to be known**  
8 **about and carried forward. Today in these days of**  
9 **advanced technology and so on it probably is a lot**  
10 **easier to ensure that that happens. I think if we look**  
11 **at the days, you know, back in '64, when people were**  
12 **dealing with large files and different storage**  
13 **facilities and, you know, the difficulty of maintaining**  
14 **that kind of knowledge with officials coming and going,**  
15 **I think we would have to recognise that there would have**  
16 **been a real difficulty in ensuring that that was carried**  
17 **forward. Obviously it was terribly important that it**  
18 **should have been, but whether the systems in '48 and '64**  
19 **would have been capable of doing that is another**  
20 **question, and whether from that point of view you can**  
21 **say there is a systems failure I am not sure, because I**  
22 **am not sure that government departments in those -- in**  
23 **that era would have had the capacity to ensure that that**  
24 **knowledge was carried forward.**

25 **Q. Your point -- and this is something that the Panel**

1 always bears in mind, the difficulty -- the rucksack of  
2 hindsight --

3 **A. Yes.**

4 Q. -- that we are looking back and trying to transport  
5 ourselves back to what happened --

6 **A. Yes.**

7 Q. -- at a particular point in time -- but is this not of  
8 such import that whatever the difficulty that might have  
9 been in how it was done in terms of it will have to --  
10 typewriting might not have been as extensive. There's  
11 a lot of handwriting in a lot of this material --

12 **A. Yes.**

13 Q. -- and therefore filing of hard copy, but it is of  
14 sufficient import that that knowledge should not ever  
15 have got lost, however the system was developed to  
16 ensure that was the position. Is that fair?

17 **A. I would agree that it would have been extremely**  
18 **important for that knowledge to have been carried**  
19 **forward.**

20 Q. When the '64 incident takes place and the -- it was  
21 obviously a very serious issue that was -- certainly for  
22 those officials, if they didn't know about the  
23 allegations of '48, they were dealing with an accepted  
24 allegation as a fact that a person working in  
25 a children's home had sexually abused a boy and how that

1 would be dealt with.

2 You have set out in your first statement the  
3 Department's view that the actions that were taken were  
4 appropriate, given the state of knowledge of sexual  
5 abuse at the time this was being dealt with and the  
6 information that was communicated to the Ministry at the  
7 time. I want to just take that issue. Before we move  
8 on to what the Ministry should have been told, so just  
9 working on the basis of what the officials were told,  
10 that it was one incident involving one boy and the  
11 Brother had been dealt with. So the member of staff had  
12 moved on. There might have been a prosecution if he was  
13 still in -- in fact, there would have been if he was  
14 still in the jurisdiction. In one of the communications  
15 involving Miss Forrest there's an indication that  
16 consideration was being given as to whether the home  
17 should continue. So these types of issues are being  
18 considered. It is obviously a very serious incident.

19 Would some form -- and again with hindsight, and  
20 I am trying to ask you to look back to -- bearing in  
21 mind what was known about sexual abuse then is very  
22 different from what is known now -- would some form of  
23 even generic communication --- and I was giving you  
24 an example. We can look at the example. 11190 is  
25 a type of communication I have got in mind. It is

1 a communication from October '65. So it is the  
2 following year, and it is making the point about  
3 non-compliance with a particular part of the regulations  
4 where information isn't being conveyed to the Ministry  
5 in the way that it should be under the regulations.  
6 People are being told, "Look, make sure you do that".  
7 No-one is necessarily being identified as the culprit  
8 for this. So nobody is being singled out and saying,  
9 "Oh, it is the De La Salle Order who is not doing this"  
10 or "It's the Eastern ..." Then it would have been the  
11 Belfast Welfare Authority. Nobody is singled out, but  
12 the import of the message is communicated.

13 What I am getting at is could -- would it not have  
14 been appropriate for the Ministry to at least have sent  
15 out a generic type communication to those homes saying  
16 -- without identifying who or -- the boy or the Order or  
17 Rubane -- that it has come to the Ministry's attention  
18 that a member of staff in a children's home had sexually  
19 abused a boy --

20 **A. Uh-huh.**

21 Q. -- and then causing everyone who was running the homes  
22 to be on notice --

23 **A. Uh-huh.**

24 Q. -- of that as a potential risk to be guarded against?  
25 Is that -- even taking oneself back to 1964?

1    **A.**  I think that I have said that the state of knowledge in  
2           1964 about sexual abuse was extremely scant, if anyone  
3           had any knowledge at all about it.  Certainly there  
4           wouldn't have been any significant knowledge about the  
5           vulnerability of children in residential care to such  
6           abuse.  I -- again thinking or trying to think about  
7           that context, I think that the -- certainly the thrust  
8           of both the police investigations and the Provincial's  
9           report appear to reassure the Ministry that this was  
10          an extremely unusual, one-off, isolated incident, that  
11          such a thing was unthinkable that it would occur again,  
12          and that the problem had been dealt with, and it  
13          probably was unthinkable at that time to -- for them to  
14          even conjecture that it might be a problem in other  
15          homes.

16    **Q.**  So my analogy or my suggestion of some form of generic  
17          communication, you can understand why that was not the  
18          approach taken in these particular circumstances based  
19          on what was known --

20    **A.**  **Yes.**

21    **Q.**  -- because we are going to come then to look at what  
22          should have been known --

23    **A.**  **Yes.**

24    **Q.**  -- but -- and that's why the Department looking back now  
25          don't fault -- whether the Panel does is a different

1 matter -- but the Department doesn't fault, looking  
2 back, at what the officials did, given what they were  
3 actually told.

4 **A. Yes. Uh-huh, and given there had been a -- you know,**  
5 **that the police had been involved and appeared to be**  
6 **satisfied that the account given by the Provincial was**  
7 **also an accurate one.**

8 Q. If we then tackle that second issue rather than what was  
9 known, you address in your second statement, if we can  
10 look at 5962, please, in paragraphs 17 and 18, Hilary,  
11 about what should have been known. You identify in  
12 paragraph 16 that it has now come to light that what the  
13 Ministry was told was not what actually had occurred  
14 involving this Brother, that it wasn't confined to one  
15 incident with one boy, that it was with a series of boys  
16 over a couple of -- couple of boys each year over three  
17 years. You make the point then:

18 "Failure by the Provincial to disclose such  
19 information to the Ministry and the police was a serious  
20 breach of trust which may have had lasting consequences  
21 for a number of children."

22 You point out then:

23 "The September 2014 statement noted our concern that  
24 the Provincial did not share with the Ministry and the  
25 police information about the 1958 allegations."

1 I am going to come back to that.

2 "The Department believes that this, in addition to  
3 the serious misleading of the Ministry and the police  
4 about the extent of BR14's admissions, compromised the  
5 proper investigation of the incidence of abuse in the  
6 home."

7 Then you say:

8 "It is most likely that if they had been made aware  
9 of this information", ie that it was more than one boy  
10 on one occasion, "it is likely the police and the  
11 Ministry would at the very least have established  
12 an arrangement whereby every boy in the home would have  
13 been interviewed as well as past residents. Relevant  
14 welfare departments would also have needed to have been  
15 alerted to the investigation, thus creating further  
16 opportunities for the disclosure of abuse by children in  
17 their care."

18 There is a number of issues that come out of that.  
19 The Ministry weren't told about the 1958 set of  
20 allegations and they were told a limited piece of  
21 information about the 1964 incident. At the same time  
22 they were not told by this Provincial who was visiting  
23 them to talk about these matters that he was also  
24 handling another incident, albeit in Dublin --

25 **A. Yes.**

1 Q. -- although you point out in your statement that  
2 ultimately that Brother was moved to , but he  
3 was dealing with another Brother with a similar problem.

4 **A. Yes.**

5 Q. If all of that had been laid out, then the Department's  
6 or the Ministry's response you say would have been in  
7 all likelihood very different from the response that was  
8 taken.

9 **A. Yes, I think so. I think there would have been**  
10 **an immediate recognition that there was a much wider**  
11 **problem here than had originally been recognised, and**  
12 **I am sure some other means of dealing with that and the**  
13 **investigation of that would have been established.**

14 Q. You say, if we just scroll on down, please, to  
15 paragraph 18, that:

16 "It must be concluded that such scrutiny might have  
17 had the potential to alert the police, the Ministry and  
18 the authorities responsible for children's care that  
19 sexual and physical abuse of children in Rubane was more  
20 prevalent than the presenting complaints suggested."

21 Then you say this:

22 "The Department believes that as a consequence of  
23 vital information having been withheld in relation to  
24 the 1964 investigation an opportunity which had the  
25 potential to lead to earlier recognition of the

1 vulnerability of children in institutional care was  
2 lost."

3 If I strip that back, call it what it is, in -- it  
4 is not until 1980 --

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

6 Q. -- on the Department's position that as a result of  
7 Kincora and then Rubane the sexual abuse by staff of  
8 children becomes a matter of concern --

9 **A. Yes.**

10 Q. -- something to be dealt with, and the point the  
11 Department is making here, as I understand it, and you  
12 correct me if I'm wrong, is that if the Department had  
13 known or been told or had moved the knowledge on about  
14 '48, if the '58 problems with BR17 had been disclosed --  
15 and the Panel will no doubt recall the reference to him  
16 being cross-examined for six hours and only gave in  
17 whenever he was going to be kept overnight --

18 **A. Yes.**

19 Q. -- if that investigation had been disclosed and the  
20 extent of the '64 problem was disclosed --

21 **A. Yes.**

22 Q. -- are you saying the balloon would have gone up or is  
23 likely to have gone up at that point?

24 **A. I think -- I think that definitely alarm bells would**  
25 **have rung at that point.**

1 Q. Or is it fair to say if they had not rung at that point,  
2 then they should have rung at that point?

3 **A. Then they should have, yes.**

4 Q. Now the other issue that I want to raise in relation to  
5 the 1964 incident is that that fact that it occurred,  
6 which was known not only to the De La Salle Order but to  
7 Down Welfare Authority -- so the Health & Social Care  
8 Board come into this bracket. Belfast Welfare Authority  
9 and the Ministry of Home Affairs know about the 1964  
10 incident at the time. The Hughes Inquiry then comes to  
11 look at homosexual offending in children's homes,  
12 principally but not just, but quite narrow terms of  
13 reference, of which that was its central feature. It is  
14 clear that the 1964 incident in Rubane is never brought  
15 to the Inquiry's attention. This Inquiry has asked and  
16 received witness statements from a variety of sources  
17 addressing that issue --

18 **A. Yes.**

19 Q. -- but principally in relation to the Department the  
20 point that the Department has made is that a file that  
21 contained that '64 material, whoever decided to mark it  
22 "Secret" for whatever reason, that file transferred in  
23 1973 through the NIO or into the NIO --

24 **A. Yes.**

25 Q. -- and didn't move into the Department of Health --

1 **A. That's right.**

2 Q. -- at the reorganisation --

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

4 Q. -- and eventually ironically in 1983 then the NIO moved  
5 that file to PRONI. It is not in the Department of  
6 Health, nor is the knowledge base, ie the people from  
7 '64 have long since -- I think Miss Forrest might have  
8 been the last and she left in '76.

9 **A. '76, yes.**

10 Q. So the knowledge base isn't there and if the Panel  
11 accept that's what happened with the file -- the issue,  
12 though, that I want to ask you about, which we were  
13 discussing beforehand, is the same issue about 1948.  
14 However it came about, the file doesn't perhaps stay  
15 where it should stay. It goes off where it went as  
16 a result of the reorganisation, however that came about,  
17 and the NIO for whatever reason send it to PRONI in the  
18 way that they do.

19 **A. Yes.**

20 Q. But you have the regulator, as it were. The name  
21 changes over time, but ultimately that's what it is.  
22 They are responsible for the voluntary homes. The  
23 knowledge of what occurred in 1964 isn't something that  
24 should ever have been lost to the Department. If that's  
25 fair, then does not raise the systems issue that --

1    **A. Uh-huh.**

2    Q. -- whatever the circumstances, however it came about,  
3       that material or the message from that material should  
4       have been available to the Department to communicate to  
5       the Hughes Inquiry? Whatever about others who should  
6       have been in the same position and perhaps ought to have  
7       done the same things, principally looking at the  
8       Department's position, should that knowledge not have  
9       been available, or is there not a systems issue then, as  
10      it was the case it wasn't available?

11   **A. That knowledge should have been available in the**  
12      **Department to provide to the Hughes Inquiry. I agree**  
13      **that the file may have been passed to the newly created**  
14      **Northern Ireland Office at the time of reorganisation,**  
15      **because --**

16   Q. There was a criminal element.

17   **A. -- there was a criminal element to it and perhaps that's**  
18      **how it got into a different system, but certainly the**  
19      **knowledge that a child had been abused in a residential**  
20      **home should have been carried on within the Department**  
21      **that had responsibility for the care of children in**  
22      **residential homes. Again the systems didn't appear to**  
23      **have the capacity to ensure that that knowledge was**  
24      **carried forward.**

25   Q. In fairness to the Department there was -- because of

1 the narrowness of the Hughes' terms of reference, there  
2 was a debate at one stage as to whether Rubane would  
3 still fall within the terms of reference --

4 **A. Yes.**

5 Q. -- because the officer in charge hadn't been prosecuted.

6 **A. That's right, and BR77, it was a physical ...**

7 Q. A physical element.

8 **A. Yes, element.**

9 Q. In fairness to the Department the communication -- at  
10 the time when the Inquiry raised with the Department  
11 that Rubane potentially might fall outside, the position  
12 of the Department was --

13 **A. Yes.**

14 Q. -- "Well, it shouldn't fall outside, and if there is  
15 an issue over the interpretation of the terms that cause  
16 it to fall outside, then we will do something about the  
17 terms".

18 **A. Exactly, yes.**

19 Q. The Department's position is it wasn't doing anything to  
20 hide Rubane.

21 **A. Absolutely not.**

22 Q. In fact, it was keeping Rubane in, but you are accepting  
23 of the point that that knowledge shouldn't have  
24 disappeared so that it should have been capable of being  
25 communicated?

1   **A. Yes.**

2   Q. The one other issue that I want to deal, because you  
3       raised it with me, and I want to raise it in your  
4       evidence, and perhaps everyone is coming to terms with  
5       -- the information has only come out in the last few  
6       days -- but in

7

8                                   and BR2 explained to the Inquiry on  
9       Monday that the reference in his statement to DL314  
10      being

11

12

13

14                   Now it seems that he himself did not see that  
15      individual and the police assured him, he told the  
16      Inquiry, that they did not regard the Brothers in any  
17      way as being connected to this. It seems -- I am trying  
18      to recall his evidence accurately -- whatever  
19      communication there was,

20

21

22

23

                                  your issue, as

24

I understand it on behalf of the Department, is whatever  
25      the rights and wrongs of what took place, an individual

1       who would have put children at risk was it was said --  
2       whether it is right or not -- was housed in a children's  
3       home for a period of time. The person in charge dealt  
4       with those individuals as if the allegation was true,  
5       but didn't bring it to the attention of the Department  
6       or the Ministry.

7       **A. Yes.**

8       Q. It would have been I think the Department by

9       **A. The Department, yes.**

10      Q. What you were raising with me was the consequences --  
11      what might have flowed -- if someone had picked up the  
12      phone and said of this incident, you point to a series  
13      of things that are likely to have taken place as  
14      a result, and that not knowing the piece of information  
15      you regard as a serious failing, that really you should  
16      have -- the Department should have been told about this.

17      **A. Yes.**

18      Q. The things that you point to -- and then I will ask you  
19      to explain it in further detail to the Panel -- is the  
20      bomb that was left at Rubane. Without going into the  
21      detail of it at this stage, "Why would a bomb be left at  
22      a children's home?" is a question you raise, without  
23      going into the supposition behind that at this point.

24             The second issue that you raise is a series of  
25      dignitaries did attend and continued to attend the home,

1 and the security risk to them --

2 **A. Uh-huh.**

3 Q. -- and to the children is something that is alive for  
4 you.

5 The third and most important issue you were raising  
6 with me is, "Well, what about the children who might be  
7 exposed to risk as a result of this taking place?"

8 **A. Uh-huh.**

9 Q. So in that framework do you want to explain to the Panel  
10 why that revelation came as quite a shock to you on  
11 behalf of the Department?

12 **A. Yes. We consider -- I haven't seen the transcript or  
13 have the full details but, as I understand it,**

14

15

16

17

18

19

. The Department wasn't informed, nor  
indeed were the welfare authorities informed of the fact  
that ,

20

21

22

23

24

25

Our concern about that would have been that, first  
of all, how did an individual with --  
, how did he manage to

1 get a post in a children's home? Was his background  
2 known? Did he have any previous convictions?

3  
4 ? Were any  
5 children brought --

6 ? What  
7 did it say about the management, supervision, monitoring  
8 of the home? What did it say about the children being  
9 placed at potential risk?

10 We know afterwards that a bomb was placed in

11  
12  
13 . It was a Loyalist bomb. Children and  
14 other staff were placed at risk, but we hadn't -- the  
15 Department didn't have the opportunity to try and assess  
16 that potential of the risk beforehand.

17 That was information that, had it been known, it  
18 would have needed to have gone as far as the Secretary  
19 of State really in terms of the security implications.  
20 We know that after the bomb was placed that the  
21 Secretary of State's wife made a visit with  
22 Miss Forrest, and again had there -- if there had been  
23 potential for reprisals or whatever, would she and  
24 others have been placed at risk by virtue of that?

25 We also consider that it was a serious failing on

1 the part of the police that we were not alerted, that  
2 the Ministry wasn't alerted to the fact that they had  
3 had to go into a children's home and  
4

5 We would have expected to have been  
6 informed about that by the police. I think that's  
7 likely to have again sparked off some sort of  
8 investigation, inspection, inquiry. Now I am not  
9 talking about a high level inquiry, but certainly  
10 an inquiry on the part of the Ministry and no doubt  
11 welfare authorities as to the continuing security of  
12 children in the home.

13 Q. In fairness, Hilary, the police aren't yet in a position  
14 to know this allegation being made. BR2's evidence is  
15 he was told by the police.

16 A. Yes.

17 Q. That's obviously something the Inquiry will have to take  
18 up. What we can be sure of is the person in charge of  
19 the home knew and the Inquiry will have to look at  
20 whether something more should be done --

21 A. I understand, yes.

22 Q. -- in terms of the police. Certainly you are quite  
23 right. The Order would point to the fact that, if the  
24 message came from the police, surely they should have  
25 communicated with the Department and you immediately

1 identify yes, of course, if that's what happened, that's  
2 exactly what should have taken place.

3 **A. Yes. Uh-huh.**

4 Q. It is a matter that the Inquiry will have to look at  
5 further, but you are highlighting at this stage on part  
6 of the Department, having become aware of it in recent  
7 days, it is a very serious matter that would have  
8 sparked activity within the Department in order to deal  
9 with the potential risks to children.

10 **A. Yes.**

11 , the fact that an adult who  
12 wasn't a member of staff was able to stay in the  
13 children's home without any questioning or any notice  
14 being taken -- you know, taken by Brothers or by the  
15 staff or other children, you know, without them noticing  
16 that was certainly a matter of concern.

17 Q. Hilary, those are all the questions that I intend to ask  
18 you --

19 **A. Uh-huh.**

20 Q. -- in this module.

21 **A. Uh-huh.**

22 Q. I say that with a smile, because it may well be, as you  
23 know, that we have to keep doing this sort of thing as  
24 we go.

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

1 Q. Ultimately we will get towards an all-compassing look at  
2 -- and as I raised with you today in our discussion,  
3 there is a series of issues, including the point you  
4 raised with me about SWAG at the period of time when  
5 there was less focus on inspection --

6 **A. Inspection, yes.**

7 Q. -- and those are the matters that the Inquiry can  
8 obviously write to the Department about and look to  
9 address, but I don't intend to ask you any further  
10 questions at this point.

11 **A. Uh-huh.**

12 Q. The Panel Members may want to ask you something. If you  
13 just remain where you are for a moment.

14 **A. Yes. If I may just raise one other issue, just I noted**  
15 **again in my -- in our additional submission that**  
16 **a member of staff had been removed from the home in**  
17 **again because of allegations of sexual**  
18 **misconduct --**

19 Q. Yes.

20 **A. -- and the Department wasn't notified of that either.**

21 Q. Yes.

22 **A. I just wanted to make that clear as well.**

23 Q. Yes. Just bear with me then for a short while. The  
24 Panel may want to ask you something.

25

## 1 Questions from THE PANEL

2 CHAIRMAN: If I can just bring you back to the 1964  
3 incident, I see if we look at 5961 -- please could that  
4 be brought up -- at the very bottom of the page, if you  
5 expand it, paragraph 14:

6 "Based on the evidence now received, the Department  
7 believes the Ministry was deliberately misled by the  
8 Provincial Superior about the extent of BR14's abuse of  
9 children."

10 You go on to set out in some detail why you reached  
11 that. If we pass from that fact that the Department's  
12 view is that its predecessor was deliberately misled --

13 **A. Yes.**

14 Q. -- without pre-judging -- I can quite see why you make  
15 that point -- as I understand it, one of the  
16 consequences that could have flowed from a full and  
17 frank disclosure to the then Ministry of BR14's  
18 activities could in turn have led to discovery that  
19 there had been the episode in 1964 -- I'm sorry -- 1958  
20 and indeed going further back another incident in 1948  
21 --

22 **A. Yes.**

23 Q. -- but even if one just stops at 1964, do I understand  
24 you to be making the point that if that had all been  
25 gone into, there is at least the possibility that

1 perhaps almost two decades before it became something  
2 which was recognised as a danger, namely the risk that  
3 staff in an institution would abuse children, that that  
4 knowledge could have been obtained and then precautions  
5 taken and steps taken twenty years before Hughes?

6 **A. Well, it is my belief that certainly alarm bells would**  
7 **have rung, and I think that there would have been**  
8 **a realisation that this problem was wider than had --**  
9 **you know, than -- in fact, I think people would have**  
10 **thought the unthinkable at that stage.**

11 Now I have got to add a caveat, that, of course, all  
12 of this would have been dependent on children feeling  
13 able to disclose at the time that they were being  
14 abused. Again whether children in '64 would have felt  
15 that they could disclose that information to police or  
16 to whoever was questioning, you know, I think we have to  
17 acknowledge that they may have been less able to than  
18 they were in later years. So whether it would have led  
19 to the full scale sorts of changes that we saw as  
20 a result of the Kincora scandal breaking is another  
21 issue, but I think it certainly would have led to  
22 improved systems of staff appointment, supervision and  
23 monitoring at the very least.

24 **Q. Accepting the strength of the caveats you enter, it**  
25 **would be fair possibly to put it this way, that at the**

1 very least the possibility is that an opportunity was  
2 lost to discover these matters?

3 **A. Absolutely. Absolutely, and I think we have said that**  
4 **in our statement.**

5 Q. Of course, there was also an opportunity lost to call  
6 the Order to account as to the way it chose its staff  
7 and the way it dealt with matters of this sort --

8 **A. Exactly, yes.**

9 Q. -- because the Department was being or the Ministry was  
10 being assured this was a one-off, wouldn't happen again;  
11 almost unprecedented was the impression no doubt  
12 conveyed.

13 **A. Yes.**

14 Q. Yet, of course, the Provincial was telling Rome that  
15 this was much more serious.

16 **A. Yes, yes, and we know, of course, that the admitted**  
17 **offences of people who have perpetrated abuse of**  
18 **children -- that the offences which are admitted are**  
19 **usually the tip of the iceberg. Of course, that**  
20 **wouldn't have been known in '64, but --**

21 Q. I think we would all be engaging in hindsight if we  
22 realised --

23 **A. That's right, yes.**

24 Q. -- that at that time.

25 Can I take you now to a different matter, and it is

1 perhaps seen as a rather -- may be seen as a rather  
2 obtuse and technical point, but it deals with the 1952  
3 and the 1975 regulations and this matter of the  
4 visiting -- the monthly visiting. Now we quite  
5 understand the reasons why you say that was a very  
6 important possible means by which abuses might have been  
7 observed. For example, one that might occur is we have  
8 had lots of allegations in this particular module and  
9 indeed in others that you are familiar with where it is  
10 said that severe physical chastisement took place of  
11 children, and therefore if there was a bruise on the  
12 face or something like that and a visitor came in and  
13 asked the child, "How did you come by that?", well, of  
14 course, they might have been given an untrue explanation  
15 it was a sports injury or simply a fall, but if this was  
16 seen more than once, it might again start alarm bells  
17 ringing. Isn't that right?

18 **A. Yes.**

19 Q. That's the type of thing you had in mind.

20 **A. Absolutely, yes.**

21 Q. So again the opportunity in this instance definitely was  
22 lost, because the mechanism was not being provided for  
23 that opportunity to be taken advantage of.

24 **A. Yes. That's right. I mean, the purpose of those visits**  
25 **was specifically within the regulations to report on the**

1 welfare of children. Now you could not do that without  
2 seeing children and being aware of their general or  
3 physical appearance, even if they -- even if they are  
4 not engaging with you in conversation, but, you know,  
5 you would certainly be aware of the physical appearance  
6 of the children.

7 Q. Related to that is the arcane or obtuse point that  
8 I mentioned, which is who was the administering  
9 authority in this instance, because --

10 A. Yes.

11 Q. -- to put it in its simplest way, what was in existence  
12 here was a form of dual management. The diocese through  
13 the Management Committee provided the property,  
14 overseeing the way the structure is managed, building  
15 new buildings, improving existing buildings --

16 A. Yes.

17 Q. -- but the day-to-day conduct of the home was entirely  
18 in the hands of the Brother Superior, who was appointed  
19 by the Order. For many years it appears to be the  
20 position that the Ministry really dealt day-to-day with  
21 the Brother Superior or the manager, as I think he was  
22 also known --

23 A. Yes.

24 Q. -- almost to the exclusion of the diocese.

25 A. Yes.

1 Q. So from one point of view one might say, "Well, the  
2 regulations said 'carrying on the home'". The De La  
3 Salle Order was carrying on the home. That's one view,  
4 isn't it?

5 **A. Yes, it is, yes.**

6 Q. A more technical view might be the Board of Governors,  
7 it was being done for them and for the diocese --

8 **A. On behalf of the Board, yes.**

9 Q. -- and therefore perhaps at one remove they were  
10 carrying on the home.

11 **A. Yes, yes. It is an interesting point. I noticed, for**  
12 **example, in the St. Patrick's investigation in 1968 that**  
13 **the communication of the Ministry with the -- with St.**  
14 **Patrick's was with the Bishop, who would have**  
15 **represented the Governing Board. So there was no --**  
16 **there didn't appear to be any -- any confusion in the**  
17 **minds of the Ministry at that stage that it would have**  
18 **been the Bishop, who would have obviously represented**  
19 **the diocese, that they had to deal with and it was the**  
20 **Bishop who carried out the investigation.**

21 Q. I think one has to recognise that predated the 1950 Act  
22 and the 1952 regulations.

23 **A. Oh, yes, you are quite right. Yes, that's right. I had**  
24 **not appreciated that. Yes.**

25 Q. I think also, if I recall correctly, the complaint had

1           come to a leading barrister of the day, Mr McSparren --

2   **A. That's right, yes.**

3   Q.   -- who was also a leading political figure at the time.

4   **A. That's right, yes.**

5   Q.   He took it to the Bishop and then it went to the  
6       Minister.

7   **A. That's right.**

8   Q.   The Minister was content for the Bishop to investigate  
9       the matter.

10  **A. Yes, yes, that's right. Yes, it is an interesting**  
11  **point. Certainly the -- the Order were responsible for**  
12  **the day-to-day running of the home, but they appear to**  
13  **have to report to the Governing Board, which met at**  
14  **least once a year, and they provided a report to the**  
15  **Governing Board, and certainly plans for the development**  
16  **and so on had to be -- had to be passed by the Governing**  
17  **Board, and you remember that there was this difference**  
18  **of opinion as to what form the new development and so on**  
19  **should take, and the members of the Governing Board had**  
20  **a slightly different view to BR15, who was I gather the**  
21  **main sort of -- the main enthusiast for the new chalet**  
22  **accommodation, but there seemed to be some recognition**  
23  **that the Governing -- there was, you know, some need to**  
24  **engage with the Governing Board on those matters.**

25  Q.   Well, perhaps the difficulty could quite simply have

1           been resolved, because regulation 17 allowed for  
2           a change in the --

3   **A. Yes.**

4   Q.   -- arrangements to be made with the consent of the  
5        Ministry. So this unique dual management structure  
6        could have been accommodated by a simple process of  
7        saying, "Well, for the purposes of these regulations one  
8        or the other" --

9   **A. Is the --**

10  Q.   -- "will be treated as the administering authority".

11  **A. Yes, that's right.**

12  Q.   The trouble is that absolutely nobody thought about  
13        this. The Board didn't, the Order didn't --

14  **A. Yes.**

15  Q.   -- and the Ministry didn't either.

16  **A. The Ministry didn't. Absolutely.**

17  Q.   So it could all have been sorted out.

18  **A. It could.**

19  Q.   Thank you very much.

20  MS DOHERTY: Thanks very much. Can I just ask: even given  
21        the standards of the day, were you surprised at how  
22        little attention was given to the quality of childcare  
23        in the inspection of homes?

24  **A. Given the standards of the day up to '76, when the last**  
25        **inspection report was -- was written, looking at it from**

1       our perspective and from the perspective of someone who  
2       was used to inspecting against standards that were based  
3       on best practice and regulations and so on, there did  
4       appear to be very little attention given to the standard  
5       of care. There was a very superficial reference to  
6       children looking healthy and well dressed or in some  
7       cases not well dressed or under-nourished, but there --  
8       you know, there certainly was very little reference to  
9       it.

10       I am surprised, looking back with hindsight, but  
11       then, you know, I would imagine that that was not -- it  
12       was not something that was thought of important at the  
13       time for an Inspector to focus on, because there was  
14       such trust in staff and such trust in the --  
15       particularly in faith-based organisations that they were  
16       doing the very best for children in their care and, you  
17       know, to question that there might be poor standards of  
18       care, to go into this in more depth might not have  
19       seemed appropriate, because there was such implicit  
20       trust that this was happening.

21       In fact, actually in terms of inspection reports one  
22       of the things that the -- when the -- when the  
23       inspection function was moved to the Department of  
24       Health and Social Services in '72/'73, and moved to what  
25       was called the Social Work Advisory Group, that I noted

1       -- and you will have had it in -- you will have seen it  
2       in some of the evidence -- that the senior social work  
3       adviser talked about visits to children's homes as  
4       opposed to inspections. When I queried this, I was told  
5       that really the so-called inspections that had gone on  
6       before were actually more visits. They weren't even  
7       deemed to have been inspections by standards in '74 or  
8       '75.

9       Q. I mean, you do mention it yourself. In 1962 Miss  
10       Forrest and Miss Hill talk about the children in  
11       threadbare clothes, that they look cold and pinched.

12       **A. Yes.**

13       Q. They talk about the wash facilities and what -- the  
14       sense of torture it would be to actually wash in them.  
15       There doesn't seem to be any further action about that.  
16       There doesn't appear to be any follow-up with that.  
17       That is quite significant and basic, isn't it?

18       **A. It is.**

19       Q. It is not just about, "Is it child-focused?" It's  
20       about, "Are these children being properly cared for?"

21       **A. Yes, yes. Well, we don't know whether there was any**  
22       **follow-up --**

23       Q. Yes, (inaudible).

24       **A. -- because we don't know whether that was taken up with**  
25       **the home. Ensuing inspection reports don't make similar**

1 observations. So something -- you know, something must  
2 have been done about the clothing. So I just, you know,  
3 wouldn't be in a position to comment on whether or not  
4 it was taken up. One would hope that it was and that  
5 her visits and engagement with staff would have --  
6 should have made comment on that and tried to ensure  
7 that, you know, those clear defects were remedied.

8 Q. But the records we have would indicate -- I did say  
9 "appear" -- but the records we have -- I mean, there is  
10 quite good records kept of communication -- appear not  
11 to suggest that.

12 **A. Yes. Uh-huh.**

13 Q. Can I just say in relation to -- it's going back to the  
14 earlier point. One of the things that didn't happen in  
15 '64 was that the Ministry didn't contact the Governing  
16 Board. You know, one of the other issues about that  
17 time was the Governing Board didn't appear to be aware  
18 what was happening.

19 **A. Yes.**

20 Q. Does that seem like a failing in that at that stage it  
21 could have been said to the Governing Board, "How are  
22 you going to ensure that this does not happen again or  
23 are you confident?"

24 **A. Yes. I think we point that out in our supplementary**  
25 **submission, that the Governing Board was not engaged and**

1           that definitely was a weakness in the approach taken in  
2           '64.

3   Q.   Okay.  Just the final thing is, given that the  
4       dignitaries did visit Rubane, and, I mean, BR2 points  
5       out to that that in some senses they were saying it was  
6       the best experience, would you indicate to you it was  
7       seen as a home that was, you know, a good example of  
8       care to provide to a visiting dignitary?

9   A.   I am not sure.  I think the visit by Secretary of  
10       State's wife in

11

12

13           I think that people like the Child Welfare Council  
14       visited from time to time, but that would have been to  
15       inform their considerations of, you know, what needed to  
16       happen in relation to future childcare policy and so on.

17           I -- yes, I think that there were some other visits,  
18       but I don't think it was ever held up as an example of  
19       good practice.  I think that the visits were really to  
20       give, for example, a new Assistant Secretary or a new  
21       Permanent Secretary a flavour of what was out there  
22       rather than, you know, to hold the home up as an example  
23       of good practice.  I never got -- I haven't seen that  
24       as, you know, a purpose of the visits.

25   Q.   Okay.  Thank you.

1 MR LANE: I'd like to return to the question of the threat  
2 of deregistration, because clearly it would have had  
3 a major impact if a home of that size had had to be  
4 closed down all of a sudden, but surely there were a lot  
5 of other alternatives, weren't there, as well, such as  
6 turning to the Board of Trustees, or letters to the  
7 Authority -- Welfare Authorities not to place children  
8 there, or seconding in other staff, or arranging for  
9 another Order to run the home?

10 **A. Yes.**

11 Q. Weren't there all these alternatives besides to  
12 underline the importance of the message they are trying  
13 to give?

14 **A. Yes, yes. Those would have been possibilities, looking**  
15 **at it from today's standpoint, but again I think if we**  
16 **look back on the profile of residential care at that**  
17 **time and particularly within the voluntary sector,**  
18 **I think the emphasis in the Department was to try to**  
19 **bring these homes up to standard, to try to help them**  
20 **reconfigure by giving capital grants and redevelopment**  
21 **grants, and to help them reconfigure their premises and**  
22 **accommodation, and many of them did adapt in those ways,**  
23 **and also very importantly to provide -- ensure that**  
24 **staff were trained, and to encourage them to establish,**  
25 **you know, a good -- a qualified work force. So I think**



1 MR AIKEN: Chairman, Members of the Panel, that concludes  
2 today's evidence.

3 CHAIRMAN: Usual time tomorrow, ladies and gentlemen.

4 (5.05 pm)

5 (Hearing adjourned until 10 o'clock tomorrow morning)

6 --ooOoo--

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