

HIAI Question II

Explain the Department's understanding of the nature and extent of its and its predecessors' responsibilities to carry out inspections in relation to the two Sisters of Nazareth Homes in Derry/Londonderry. Explain in detail how this responsibility was fulfilled across the period.

Inspection responsibilities under the 1908 Act (in force until 1950)

21. Witness statements in respect of the above homes refer to linked primary schooling and industry: in the case of Termonbacca, a farm and in the case of Nazareth House, a laundry. Linked educational and industrial provision was characteristic of the industrial schools operating in Ireland between the 1800s and late 1940s. The Sisters of Nazareth in 1900, established an industrial school for boys in Belfast known as Nazareth Lodge. Under section 46 (3) of the 1908 Act, the MOHA had a duty to inspect certified reformatories and industrial schools at least once a year. The Department does not currently hold any information regarding such inspections other than the 3 reports contained in **SR 72** statement in relation to inspections carried by the MOHA in respect of Nazareth Lodge Industrial School. However, whilst her statement contains extracts from inspections of Nazareth House undertaken in the early 1920s which make reference to inspection by the Ministry of Education in relation to the schooling of children in the home., it would appear that during the period in question the Nazareth House and Termonbacca institutions were not industrial schools but were homes governed by Section 25 of the 1908 Act (referred to in paragraph 22 below) in respect of which there was a power, but not a duty, to inspect.
22. With regard to children's residential institutions that were not reformatories or industrial schools, Section 25 of the 1908 Act provided that: "*the Chief Secretary may cause any institution for the reception of poor children or young persons, supported wholly or partly by voluntary contributions and not liable to be inspected by or under the authority of any Government department, to be visited and inspected from time to time by persons appointed by him for the purpose*". This appears to be the first mention in legislation of inspection of children's homes. Unlike the inspection of reformatories and industrial schools, however, which was to be carried out annually by the MOHA, section 25 of the 1908 Act provided that "*The Chief Secretary, with the consent of any society or body corporate established for the reception of poor children or the prevention of cruelty to children may, subject to such conditions as the Chief Secretary may prescribe, appoint officers of the society or body corporate for the purpose [of visitation/ inspection]*".

Home Affairs, became part of the Social Work Advisory Group (SWAG) within the then Ministry of Health and Social Services under the direction of a Chief Social Work Advisor.

28. The Department does not currently hold any documentation relating to inspections of children's homes carried out under the 1950 and 1968 Acts. The 1984 DHSS statement to the Hughes Inquiry, with reference to inspectorial functions under the MOHA noted:

*“work was carried out on the basis of short visits and reports were prepared for Child Welfare Branch. These reports gave the Inspector's overall impression of the home visited and of its occupants and raised any matters on which action might be taken by the Ministry, for example in respect of improvements to physical facilities not all files relating to visits carried out and reported on by the Children's Inspectors are still in existence; this is due to the normal process of review and destruction of old files. However, from the information available, the visits to statutory homes appear to have been less frequent than those to voluntary homes”.*⁸

29. The Report of the Committee of Inquiry into Children's Homes and Hostels (1986) (the Hughes Inquiry report) noted *“It appears that there was no explicit policy in relation to the frequency of inspections or on the scope and contents of inspection reports during the period until 1973”.*

30. It is also noteworthy that the following reports of the Child Welfare Council⁹:

- “Children in Care” HMSO 1956 (the 1956 CWC report);
- “The Operation of Social Services in relation to Child Welfare” HMSO 1960 (the 1960 CWC report); and
- “The role of Voluntary Homes in the Child Care Service” HMSO 1966 (the 1966 CWC report)

make no mention of the extent to which inspections of children's homes were carried out by the MOHA or the impact of the MOHA's inspection findings.

The 1966 CWC report notes that until the 1950 Act came into force the only authority for the inspection of children's homes was contained in section 25 of the 1908 Act and that under the authority of this Act *“the Children's Inspector appointed by the MOHA visited and inspected homes for the*

⁸ Paras 3.57 and 3.58

⁹ The Child Welfare Council, established under section 128 of the 1950 Act was charged with the duty of:

- (a) advising the Ministry upon any matter referred to them by the Ministry in connection with the performance by the Ministry of its functions under the 1950 Act or under the Adoption of Children Act (NI) 1950; and
- (b) making representations to the Ministry with respect to any matter affecting the welfare of children and young persons.

reception of poor children or young persons supported wholly or in part by voluntary organisations". The only further reference in these reports to inspection is again found in the 1966 CWC report but this reference related to the functions of administrative authorities. Under the heading, "Visits and Inspection", the report states:

"We consider that the question of inspection of homes is adequately covered by the Ministry's present regulations, which provide for visiting by members of the Committee in charge of the Home" (see paragraph 50 regarding the visiting responsibilities of administering authorities).

The period immediately prior to the Hughes Inquiry (the Hughes Inquiry commenced in 1982/3)

31. With reference to the period following the transfer of responsibilities in 1974 from the MOHA to the DHSS in relation to services for children in residential care under the 1968 Act, the 1984 DHSS statement to the Hughes Inquiry noted: *"In February 1976, the Social Work Advisers were asked to make a full report on each facility annually with reports being passed to the administrative Branch"*¹⁰. However, the statement records that the new procedures were not fully implemented because of changes in staffing within the SWAG and subsequent changes in working arrangements. It stated:

"Following the discovery in 1980 of homosexual malpractice at children's homes a new system of inspections was developed by the Department. Two social work advisors now spend at least 3 days inspecting each home. Their scrutiny and observations take in the following:

- *fabric and physical characteristics of the facility*
- *aims and objectives*
- *profile of the residents*
- *management arrangements*
- *staffing*
- *approach to the residential task*
- *records and review arrangements*
- *support services*
- *contacts with the community*

32. The 1984 DHSS statement to the Hughes Inquiry also noted that during the period October 1980 – March 1984, all children's homes in the Province (21 voluntary and 38 statutory homes) had been inspected. Follow up visits were conducted in 1985 to check on the implementation of recommendations. In June 1985, the DHSS wrote to Boards and voluntary

¹⁰ Para 3.59

organisations indicating its intention of introducing annual inspections of children's homes and hostels.

33. With regard to the Departmental inspection programme, the 1986 Hughes Inquiry report makes reference to the Inquiry having made certain criticisms regarding the frequency, nature and scope of inspections undertaken by the MOHA and the DHSS during the 1960-1980 period. The report also stated:

“The interval between the introduction of the Department’s new inspection procedures in June 1980 and the completion of follow up visits in June 1985 may also seem excessive and open to criticism. We prefer, however, to acknowledge the positive aspects of the new arrangements, namely the comprehensive scope of the inspections and reports and the substantial commitment of professional resources which this programme required. Our examination of the reports in which we have had an interest satisfied us that the Department has made significant progress in making up the deficiencies in its information base”.

34. The Inquiry report recommended that annual inspections by the SWAG should involve a sample scrutiny of residents' personal files to ensure that social work visiting and reviews were regular. It further recommended that the inspection programme should include unannounced visits and that significant matters arising should be recorded and pursued. The report also noted *“with satisfaction that SWAG reports are now made available to the Boards and voluntary organisations, whereas previously they were treated as confidential to the Department”.*

The period following the Hughes Inquiry

35. In 1986, the SWAG, in collaboration with the Boards' Assistant Directors of Social Services agreed a comprehensive set of standards for residential child care. This was the first time that an explicit statement of practice and professional criteria had been issued. In 1986 the SWAG was renamed the Social Services Inspectorate (SSI). In 1994, the SSI further developed standards for the inspection and monitoring of children's homes: "Quality Living Standards for Services: Children who live away from Home". This was issued by the Management Executive in 1995 under cover of Circular HSS (PPRD) 3/95 and was the framework within which a programme of annual inspection of voluntary children's homes (including 2 unannounced visits) and 3 yearly inspections of statutory children's homes was conducted by SSI. This programme included a strong emphasis on the need for Inspectors to speak directly to children and seek confidential feedback from children and their parents regarding aspects of the care in the home.

MOHA/DHSS that a home was not being conducted in accordance with regulations made or directions given or was otherwise unsatisfactory, these Departments had the power to remove registration.

9. In the absence of file documentation, the Department is unable to determine how rigorous or otherwise the registration process might have been in the 1950s. With reference to the procedure under the 1950/1968 Acts, a written statement provided in 1984⁴ (the 1984 DHSS statement) by the DHSS to the Committee of Inquiry into Children's Homes and Hostels, chaired by His Honour Judge W H Hughes (the Hughes Inquiry)⁵ stated:

"The procedure in dealing with applications for registration has been to consult the Children's Inspectors/Social Work Advisors to obtain a recommendation as to whether registration should be granted. The professional advisors would normally visit the facility ... to discuss aspects of its proposed operation with the administering authority and to assess the adequacy of the facilities to be provided, including the arrangements for staffing".

Inspection of children's homes

10. The MOHA and DHSS inspection functions during the periods that Termonbacca and Nazareth House were operating as children's homes are set out in detail at paragraphs 21-38.

The making of capital grants/loans in respect of premises (from 1950) and the provision of funding to support staff training.

11. The Department is presently unable to determine whether any capital funds were made available by the MOHA or the DHSS to the Sisters of Nazareth in respect of premises used by the Termonbacca or Nazareth House children's homes (see paragraphs 76-87 for other funding arrangements). Whilst Departmental training support for residential staff has been available since

⁴ Document undated but the date has been deduced from the information contained therein.

⁵ A Committee of Inquiry established on 1 January 1984 by the Secretary of State for Northern Ireland to:

- inquire into the administration of children's homes and young persons' hostels who residents were subjected to homosexual offences which led to convictions by the courts or where homosexual misconduct led to disciplinary action against members of the staff, and into the extent to which those responsible for the provision of residential care for children and young persons could have prevented the commission of such acts or detected their occurrence at an earlier stage;
- consider the implications for present procedures and practices within the system of residential care, including in particular the adequacy and effectiveness of arrangements for the supervision and protection of children and young persons in residential care; and
- make recommendations with a view to promoting the welfare of such children and young persons and preventing any future malpractice;

and to report thereon to the Department of Health, Social Services and Public Safety.

7. Provision is made for the maintenance of the child or young person by the parent or guardian and for the upbringing of the child or young person in the religious persuasion to which he belongs. The Act also prohibits the sale of tobacco to persons under 16 years of age. It precludes the taking of pawns from person under the age of 14 and provides for the exclusion of children from licensed premises, and the giving of intoxicating liquor to a child under five is an offence. The children of vagrants who, by the nomadic habits of the parents, are prevented from receiving proper education may be sent to an Industrial School and the promoters of entertainments for children in premises reached by stairs must provide sufficient attendants to ensure the safety of the children.

Welfare Authorities in relation to Children

8. By a series of statutes Boards of Guardians were given the care of orphan and deserted children because they already had functions in regard to paupers but the legal status of children was such that special provision for their care was necessary when they came within the pauper class. Thus a Relieving Officer could bring an orphan or deserted child to the Workhouse where the Guardians maintained it or boarded it out with foster parents. The Guardians could also take control of the children of parents relieved in the Workhouse where they considered the parents unfit to have the care of the children. The Guardians could not take control of a child whose parents were not being relieved, even though it was in need of care and protection. The Relieving Officer or the Guardians could, however, bring such cases before a Court of Summary Jurisdiction in accordance with the provisions of the 1908 Act. The Guardians derived their powers to board out children from the Pauper Children (Ireland) Act, 1898 and 1902, and were enabled by statute to pay a cash allowance for a child's maintenance to the foster parent. With the passing of the Public Health and Local Government (Administrative Provisions) Act (N.I.), 1946, a new administrative structure was created to carry out the functions of Boards of Guardians. County and County Borough Councils, as Welfare Authorities acting through statutory Welfare Committees, have now assumed the Guardians' responsibilities in relation to children, and Welfare Officers have been appointed in each area.

Refractory children under the care of Welfare Authorities may, by order of the Court, be sent to an Industrial School.

Voluntary Homes

9. The Children Act, 1908, empowers the Minister of Home Affairs to arrange for the inspection of any Institution for the reception of poor children or young persons, but the Minister has no authority to give any specific directions for the management of the Institutions. There is thus no authority to require such homes to be registered nor is there any means by which any Government Department can interfere in the arrangements for the training, education or after-care of the children accommodated in the Institutions. There are a number of homes in Northern Ireland which accept destitute, orphan and illegitimate children. These homes are in most instances provided by religious organisations and it is probable that at least 1,000 children are being cared for at present. In some cases, e.g., Dr. Barnardo's Homes, effective after-care and boarding-out schemes are in operation, but, on the whole, it is evident that much more could be done in regard to standards of accommodation, education, training, etc. The lack of adequate financial resources is, however, a handicap at most Institutions.

- (iii) to authorise Welfare Authorities to supervise adopted children under school-leaving age or beyond that age ; and
- (iv) to prohibit advertisements being published indicating that
 - (a) the parent or guardian of the child desires the child to be adopted ; or
 - (b) a person desires to adopt a child ; or
 - (c) any person (except a registered adoption society or a Welfare Authority) is willing to make arrangements for the adoption of a child.

Illegitimate Children

50. In this connection the secrecy which surrounds the birth of such children has meant that the existing statutory requirements for boarding out and adoption have, in many instances, been disregarded. It seems at first glance that if all illegitimate children are to get the best possible start in life some authority should be responsible for their supervision from the time at which the birth is registered. The Government is, however, hesitant about providing any statutory requirements which would result in a child merely by reason of illegitimacy coming directly under the supervisory control of any authority, but there are some cases in which it is apparent that both boarding out and adoption regulations are ignored and it is essential that safeguards be introduced. Were it possible to secure the mother's co-operation with officials of the local Health Services and with Welfare Officers there is no reason why an illegitimate child, whose mother cannot for any reason retain it in her care, should not be dealt with on a voluntary basis. Failing such co-operation the alternative appears to be a statutory requirement whereby the Registrar of Births will notify the birth of an illegitimate child to the appropriate Welfare Authority.

Voluntary Homes

51. While appreciating the excellent work being done by voluntary organisations which provide Homes for children, the Government feels that as a measure of protection for the organisations themselves, the Homes should be registered, and that to ensure an adequate standard of treatment and accommodation the supervision of such Homes should be brought within the control of a Government department. Recent experience has proved that children may be "lost" in a Home for a considerable number of years and that in many cases no adequate means exist for boarding-out suitable cases, nor for after-care and general assistance of children who leave a Voluntary Home. Voluntary Institutions will, therefore, be required to apply to the Minister for registration and be subject to approval by the Minister and open to inspection on his behalf. The Minister may refer any such application to the Child Welfare Council for their advice as to the suitability or otherwise of any premises in respect of which application for registration is made and the Minister will be empowered to withhold registration or to order the closing down of any Home not being properly conducted.

52. Approved Voluntary Homes will be subject to regular inspection on behalf of the Minister, and the Ministry shall be advised of all children received into a Voluntary Home, of all children being boarded-out and of all children being placed in employment by the Homes.

53. The provision of effective after-care schemes for children who have been accommodated in Voluntary Homes is of the utmost importance. Some of the existing Institutions have such schemes in operation but comprehensive

arrangements for all Homes must be the aim in future. There should be no unnecessary interference in such matters, but it is considered that each Institution should be required to prepare an after-care scheme for submission to the Ministry. The obtaining of suitable foster-parents for children in Voluntary Homes is also of importance and in this connection co-operation between the Homes and Welfare Authorities should ensure that adequate facilities are available. The supervision of children boarded-out by Voluntary Homes will, irrespective of whatever supervisory arrangements are made by the Homes themselves, come within the province of Welfare Authorities. The Homes will also be subject to the proposals which have been made in respect of adopted children.

54. Grants will be available from Government sources for special purposes connected with the improvement of Voluntary Homes and Welfare Authorities will be empowered with the consent of the responsible Ministry to make contributions to voluntary organisations whose object or primary object is to promote the welfare of children. Welfare Authorities as an alternative to providing separate accommodation in their areas for children received into their care will be at liberty to make, with the approval of the Ministry, agreements with the Management Committees of Voluntary Homes for the reception of such children.

55. Voluntary Homes will be required to satisfy the Ministry that every effort is being made to board out children coming into their care. Boarding-out rates in respect of such children will be payable by the Welfare Authority of the area to which the child can be related and a grant not exceeding 50 per cent. of the net cost will be available from Government sources. An onus will be placed on the parent or guardian to contribute towards the cost. Where it is not possible to relate a boarded-out child to a particular county or county borough the full net cost of boarding-out will be borne by the Government.

The Care and Protection of Children and Young Persons exposed to Moral and Physical Danger

56. The prevention of cruelty to children and young persons and their exposure to moral and physical danger has been dealt with fairly adequately in the Children Act, 1908, as amended by the Children Act (1908) Amendment Act, 1910, but the term "in need of care and protection" in relation to offences against children has not been defined. It is proposed, therefore, to cover cases in which a child or young person who, having no parent or guardian or a parent or guardian unfit to exercise care and guardianship or not exercising proper care and guardianship, is either falling into bad associations, or is exposed to moral danger or is beyond control; children and young persons against whom certain offences, e.g., offences under the Punishment of Incest Act, have been committed, children and young persons who are members of the same household as a person who has been convicted of such an offence or a child of vagrants who is prevented from receiving education. Children who are found begging or receiving alms or are lent or hired to any person who is singing, playing, performing or offering anything for sale in a street or public place will also be covered.

57. There is at present no means, either on the application of the parents or otherwise, for dealing with adolescents between 14 and 17 years who are beyond control, and since cases occur in which young persons—especially girls—are entirely out of hand and in imminent danger of moral contamination it is imperative that a Juvenile Court should be empowered to deal with such cases.

(2) The Ministry may require the person in charge of a voluntary home to hand over any child accommodated in the voluntary home to a welfare authority with a view to the child being boarded out by the welfare authority, and the child shall thereupon be deemed to have come within the care of the welfare authority under section eighty-one of this Act.

(3) Any person who contravenes or fails to comply with any regulation made under this section or any requirement made or direction given under any such regulation shall be liable on summary conviction to a fine not exceeding ten pounds.

Inspection
of voluntary
homes.

102.—(1) The Ministry may cause any voluntary home to be inspected from time to time.

(2) Any person appointed by the Ministry to inspect any voluntary home shall have power at all reasonable times to enter the home and to make such examinations into the state and management thereof and the condition and treatment of the children therein as he thinks requisite, and any person who obstructs him in the execution of his duties shall be liable on summary conviction to a fine not exceeding five pounds; and a refusal to allow a person so appointed to enter the home shall, for the purposes of section forty-two of this Act (which relates to search warrants) be deemed to be a reasonable cause to suspect that a child or young person in the home is being neglected in a manner likely to cause him unnecessary suffering or injury to health.

(3) Where a person is acting in the exercise of any of the powers conferred by this section in respect of the inspection of any voluntary home he shall, if so required by the person in charge of the home, produce his authority to inspect the home.

After-care
of children
formerly in
care of
welfare
authorities
or voluntary
organisations,

103.—(1) Where it comes to the knowledge of a welfare authority that there is in their area any child who has attained the upper limit of compulsory school age and who at the time when he attained that age or at any subsequent time was, but is no longer,—

- (a) in the care of a welfare authority under section eighty-one of this Act; or
- (b) in the care of a voluntary organisation;

136. The Ministry may appoint for the purposes of the enactments relating to children and young persons (including this Act) such number of inspectors (being persons having special qualifications or experience in the care of children) as the Ministry of Finance may approve, and may pay to the person so appointed such remuneration and allowances as the Ministry may with the consent of the Ministry of Finance determine, and they shall perform such duties as the Ministry may from time to time direct. Any inspector appointed under this section may enter any place where a child is maintained under the provisions of this Act, and sub-section (2) and sub-section (3) of section one hundred and two of this Act which relates to the power of the Ministry to inspect voluntary homes shall extend in like manner to any place other than a voluntary home in which a child is maintained under this Act.

Power of
Ministry
to appoint
inspectors.

137.—(1) A document purporting to be a copy—
(a) of an order made by a court under or by virtue of any of the provisions of this Act ; or
(b) of an order made after the commencement of this Act under section thirty-eight of the Education Act (Northern Ireland), 1947, sending a person to a training school or committing him to the care of a fit person ; or
(c) of an affiliation order ;

Provisions
as to docu-
ments, etc.

shall, if it purports to be certified as a true copy by the clerk of the court, be evidence of the order.

(2) The production of a copy of the Belfast Gazette containing a notice of the grant, or of the withdrawal or surrender, of a certificate of approval of a training school shall be sufficient evidence of the fact of a certificate having been duly granted to the school named in the notice, or of the withdrawal or surrender of such a certificate; and the grant of a certificate of approval of a training school may also be proved by the production of the certificate itself, or of a document purporting to be a copy of the certificate and to be authenticated as such by the seal of the Ministry.

(3) Any notice or other document required or authorised by this Act to be served on the managers of a training school may, if those managers are a local authority or a joint committee representing two or more local authorities, be served either personally or by post upon their clerk, and in any other case, may be served either

Ministry shall give the applicant notice in writing of the refusal.

(4) Where at any time it appears to the Ministry that the conduct of any voluntary home registered under sub-section (1) of this section is not in accordance with regulations made or directions given in that behalf under this Part of this Act or is otherwise unsatisfactory, the Ministry may, after giving to the persons carrying on the home not less than twenty-eight days' notice in writing of its proposal so to do, remove the home from the register.

(5) Any person who carries on a voluntary home in contravention of the provisions of sub-section (1) of this section shall be liable on summary conviction to a fine not exceeding fifty pounds and to a further fine not exceeding two pounds in respect of each day during which the offence continues after conviction.

(6) Where—

(a) a voluntary home is carried on in contravention of the provisions of sub-section (1) of this section; or

(b) notice of a proposal to remove a voluntary home from the register is given under sub-section (4) thereof;

the Ministry may, notwithstanding that the time for any appeal under the next succeeding section has not expired or that such an appeal is pending, notify the welfare authority in whose area the home is situated, and require them forthwith to remove from the home and receive into their care under section eighty-one of this Act all or any of the children for whom accommodation is being provided in the home; and the welfare authority shall comply with the requirement whether or not the circumstances of the children are such that they fall within paragraphs (a) to (c) of sub-section (1) of the said section eighty-one and notwithstanding that any of the children may appear to the welfare authority to be over the age of seventeen. For the purposes of the provisions of this Act relating to payment of contributions to a welfare authority any such children received by a welfare authority in pursuance of a requirement under this section shall be deemed to be children received into the care of the authority under section eighty-one of this Act.

(7) For the purpose of carrying out the duty of the welfare authority under the last preceding sub-section,



DUNDONALD HOUSE
UPPER NEWTOWNARDS ROAD
BELFAST
BT4 3SF

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

10 May 1985

Dear Sir/Madam

REVIEW OF REGISTRATION OF VOLUNTARY CHILDREN'S HOMES

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

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

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

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

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



Enc: L.H. Lee
2777/1954

STORMONT,
BELFAST HIA-1586 2240

31st December, 1954

Personal

Dear Freer,

I am sending you back your file about the inspection of the voluntary organisations, with just a note to say that I would be delighted to discuss it with you any time that would be convenient, but in the meantime for your private information, you might like to know what my impressions are, for what they are worth, which I don't say is very much.

But if you would like me to speak without putting a tooth in it, I would say that I wholeheartedly agree with your minute to your staff on the subject, and I disagree equally wholeheartedly with the action that they took on your minute.

I think they took you up completely wrongly, and that they have gone much too far, and made much too heavy weather out of the whole business.

I did a lot of this sort of thing when I was on the outdoor staff of the Local Government Board, and the essential character of it was that we did not lay claim to any rights to inspection at all, but acted on the assumption that the parties concerned would take it as a kind of pretty compliment on our part that we called in and that it gave them a useful opportunity of telling us what magnificent people they were. In these sort of cases the Board used never to write to the body concerned and say that their inspectors would call, but they would mention to me that there were certain places that they would like me to have a look in on occasionally, and I would then go along and introduce myself and say that we were of course mildly interested in the whole affair because we had a sort of responsibility in the matter, and that I just dropped in to make myself known to them. And with a little more guff of this kind they invariably insisted on taking me all round the damn place and offering either tea or excisable liquor as might be appropriate in the circumstances. The same sort of thing applied to the medical inspectors, and I have clear recollections of going round some frightful institution for the blind in Cork with Berry, who was the Medical Inspector for that district, on

/more

more than one occasion. The theory in this place was that as all the inmates were blind there was no particular object in lighting the passages and staircases, and Berry and I on this visit nearly broke our necks half a dozen times. It was a kind of standing jest with us.

From the purely official point of view I would think it a bad thing to introduce the official element. I think the Ministry is rather in the position of an architect or engineer who is in charge of some building in course of construction when a tempest arises; if he goes down and gives his contractor instructions as to what he is to do in the way of taking precautions against the damn place being blown down, then if it is blown down he is responsible; whereas if he keeps well away and does no more than ring up the contractor on the telephone and exchange a little light persiflage on the subject, then if the place is blown down the responsibility is entirely the contractor's and the engineer need only say "Hard luck, old boy!" In other words, I think if a Government Department has any hand in paying grant it ought to display a reasonable interest in how the place is run, but unless there is a definite responsibility on them for ensuring that it is managed in the best and most economical way possible I don't think they ought to undertake this responsibility.

I imagine these are exactly your views on the subject.

However, in the present case, what has been done has been done, and so if I were the responsible person (which thank God I am not) I think my inclination would be just to see that we did not get more deeply involved than we are at the moment.

I haven't read every word of the file, but I think I have picked up the general effect of it all.

Yours sincerely,

A.R.

L. G. P. Freer, Esq., C.B.E.

12/09/2011 14:54

MAYDOWN CARE UNIT → 990650124

NO. 429

002

Rev: 67

RESTRICTED (when complete)**Statement of Witness**Statement of: **HIA 67**Age of Witness: Over 18

(If over 18 insert 'over 18')

I declare that this statement consisting of 4 page/s, each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence at a preliminary enquiry or at the trial of any person, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature of Witness:

HIA 67

Date:

27/6/11

Service/Staff # if police/staff

Signature witnessed by:
(Appropriate Adult)

Signature of Member:

S Finlay

Service/Staff # if police/staff

Date:

27/6/11by whom statement was
recorded or received

I was born on [REDACTED] as admitted to Termonbacca on 07th

June 1955 from Nazareth House Fahan and remained there until 26th May 1968 when I was 15 years of age. My years at Termonbacca where not good years. I was physically and sexually assaulted from as

young as I can remember. I think my earliest memory is from when I was around 10 years of age. My first memory is of the dormitory's. I would have been lying in bed at night and the lights would go out and you would be lying falling off to sleep. Then you would feel a hand come under the bed clothes and touch you on the privates. This might happen one night and then not for another few nights. One of the older boys would have came into the room and you wouldn't have known who it was as it was dark. They would have started this kind of soothing chat like your all right, don't worry. I would have been sleeping in my pyjamas as would all of the boys. The older boy would then have put his hand down your under wear and masturbated you and fondled your privates. They would then have took your hand out from the covers and made you masturbate them. This went on for over a year. The next night you would have been lying

waiting and heard a sound on down the dormitory and you would have been relieved that it was someone else's turn tonight. The most frustrating thing for me was that **SR 1** had a cubicle at the end of the dormitory and had a wee window and curtain that looked into the room. I always lay looking at this window hoping that she would look through but she never did. Once all the boys where in bed that was

Signature of witness:

HIA 67Signature witnessed by:
(Appropriate Adult)

Certified a true copy of an original signed document

Ref: 67

RESTRICTED (when complete)

HIA 67

Continuation of Statement of

Page 2 of 5

the nun's finished for the day.

where other instances of sexual

abuse that occurred sometimes in the green house or glass house as it was called. This was situated next to the garage and another boy **SND 2** who was around 19/20 years of age would have taken you in there and he had a scooter bike and would take you out on the scooter up and down Nun's avenue and he wanted you to masturbate him in return for this and he would have fondled you. This is a hard memory for me because if you got on the bike you knew what was going to happen but you wanted to go out on the bike as a young child. Every time you where thinking maybe he wont make me do it this time. There where other times I was sexually abused on the farm by other older boys but I can't remember their names. This would have happened in the hay shed while you would have been helping stack bales of hay. You would have been physically held down and made masturbate them and you had to masturbate them. These where big strong boys who worked on the farm their entire life's. While on the farm some of the boys would have forced themselves on top of you and masturbated you I would have just been froze in fear. You would have ejaculated and been so confused wondering what the hell just happened because you didn't enjoy it I was terrified.

are where so many incidents that it is impossible to remember them all. I was also physically abused during my time at Temonbacca. There was occasion's where I was made to bend over two baths and take my trousers down and one boy had a sticker gun and he put a pin at the end of this gun and he would have fired this pin up my bum into my back passage. When I was 16 years of age I had to go to Altnagelvin hospital for a very severe operation to my back passage caused from the incident with the sticker gun and the pin. The doctor told me that the injury was caused by hairs forced to grow internally rather than externally and half of my back passage had to be

Signature of witness:

HIA 67

Signature witnessed by:
(Appropriate Adult)

Certified a true copy of an original signed document

12/09/2011

14:54

MAYDOWN CARE UNIT → 990650124

NO. 429

004

Ref: 67

RESTRICTED (when complete)

HIA 67

Continuation of Statement of:

Page 3 of 5

removed. I was always afraid to go places on my own while in Termonbacca and you wouldn't have gone to the toilet on your own for fear that someone would come in behind you. You were always told to shut up and say nothing or else you would get a hiding. We all went around together in packs because it was safer. You were scared to go anywhere on your own in case you met any of the older boys. The most of the sexual abuse occurred between the age of 10 and 14 because this was when you were most vulnerable. In relation to the physical abuse you would have got a clip around the ear from the older boys if you done something wrong. Potato season was a horrible time of the year for me. The older boys would kick you with their big boots up the back side because you weren't picking the potatoes fast enough. We would have got up at around 6am in the morning and had to work for an hour on the farm before school then had mass, breakfast and then school and when we came home it was back onto the farm to work. A lot of the sexual and physical abuse happened on the farm. There were also times that you would have had bars of soap jammed down your throat if you were caught cursing or something. You would have been dragged by the hair down to the bathroom and a bar of soap was forced down your throat and you were told this was to wash your mouth out. There was many a time I got a beating you would have been cornered and I would just curl up in a ball and take the beating. Every Saturday there was a particular corridor that had to be polished. You had to get down on your hands and knees to wax and polish the floor. Everything was very regimental at Termonbacca and the older boys would have been standing over us saying over and back and we would have had to work in sync in a line. If anyone was out of place or rhythm they got a brush shaft over the back. HIA 144

was one of the older boys who would have been in charge of the kitchen he was a big man and a bully. You would have been in the kitchen helping with the potatoes and there was a wee room out the back with a machine where you put in all the potatoes and water he would have given you a terrible beating at times if you missed a potato or didn't do something right. Everyone at Termonbacca had their own individual number and this is how you were identified. I was number 36 and it

Signature of witness:

HIA 67

Signature witnessed by:

(Appropriate Adult)

Ref: 167

RESTRICTED (when complete)

HIA 67

Continuation of Statement of

Page 4 of 5

was like I didn't have a name. Your name was never used it was always your number. Another thing I can recall is boys getting terrible beating for wetting the bed. This was a nightmare for some boys they would have been all lined up with their sheets under their arms and made sit in cold baths 3 or 4 to a bath and this would have been a daily occurrence. The nuns knew that this was going on. My biggest fear at Termonbacca was when I was in bed at night and you could hear the other boys whimpering and you knew what was going on. From the noises I recall there were two or three older boys in the room at a time. I have no happy memories from my time at Termonbacca. I hated Christmas I dreaded everyday. The food was very basic it can only be described as gruel watered down porridge. Dinner would have been watered down stew and you were lucky if there was any meat in it, it was mostly carrots water and potatoes. I can remember that for three summers in a row I was taking to live with a family in Magherafelt along with another boy **HIA 143** We went to live with them at their home for 2/3 weeks. This was the only happy memories I have as a child. I remember we used to cry and cry when it was time to go back. It felt like the sun was shining the whole time I was out of Termonbacca and it was then like you crossed this dark line when you had to go back. I remember begging the family not to send us back there. At 15 it was time to leave and I was called into the Mother's office and told that it was time to go into the big bad world. I left with a pair of short trousers a tank top, grey shirt and grey socks. I was also given a small case containing one pair of socks a vest and white underpants. I was sent to live with a family in Creggan they got me a job on a building site and I hated the job and I hated the family. I then got a room on Beechwood Street with 3 or 4 other boys who had left Termonbacca. I left Derry and moved to Buncrana in 1971/1972 and went to work in a hotel. The nuns at Termonbacca where aware of what was going on and shied away from their responsibilities and I feel that they have to be made accountable for this. I missed out on my education I have no exams and had to leave school at 15. Even when I was at school I was singled out there was a stigma attached to the boys at Termonbacca. We all dressed the same had the same school bags and

Certified a true copy of an original signed document

Signature of witness:

HIA 67

Signature witnessed by:
(Appropriate Adult)

12/09/2011

14:54

MAYDOWN CARE UNIT → 990650124

NO. 429

006

Ref: 67

RESTRICTED (when complete)

Continuation of Statement of:

HIA 67

Page 5 of 5

were forced to march to and from school in twos being supervised by the older boys. It was humiliating. It was like walking around wearing a placard on you. Even at school we would have been singled out and made do stupid jobs such as putting straws in the milk. Another memory I have of Termonbacca was at the weekend **SR 2** could have made us all line up with our underwear in our hands and we had to turn it inside out to let her see how dirty it was and if it was dirty we would have been beat with the nun's belt. This was terribly humiliating and degrading. I got many a beating by the nun's with their belts for different things. To this day I still have to leave a light on at night. I can not sleep in a dark room because of what happened to me in the dormitories. This has been the case from the day I left Termonbacca. I have this fear now of going to bed in the dark. The name of the nun's that I can recall who worked there in my time our

SR 1 **SR 2** **SR 3** and **SR 4** as a result of the abuse I suffered at Termonbacca I have suffered from Alcoholism, Several suicide attempts and depression.

HIA 67

Certified a true copy of an original signed document

Signature of witness:

HIA 67

Signature witnessed by:
(Appropriate Adult)

Reference T 252

- 1 C.M. *b. (Information nls) 12/3/56.*
 2 Mr. E. Jackson,
Ministry of Home Affairs.

Please see the Minute I have sent to Dr. Simpson. I do not know to what extent these Homes are visited or how far they are reported upon, but no doubt we shall learn something in the light of Dr. Simpson's investigations. I had in mind that if we were not entirely satisfied with the information brought to light ~~that~~ we should consider the need for a survey of our Homes. In saying this I am well aware of the fact that the Homes have been chiefly visited by the Children's Officers. There are, however, medical aspects and public health aspects to which the Children's Officers could only pay attention in a general way and we would expect our medical staff in addition to furnish some remarks.

Miss Wright, ✓

Miss Fennell, ✓

A. T. Elder.

6th March, 1956.

P.C.

To see as a matter of interest. Reports by Dr. Simpson not only on the health of the children in the various Homes but also on the conditions of the Homes will be to the ultimate advantage of everyone concerned.

(10)
 JC&SLtd
 Gp671/31
 (REGIMEAN)
 Code 18-74

C.W. Please see and return file. 8/14/3/56.