
HISTORICAL INSTITUTIONAL ABUSE INQUIRY

being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at

Banbridge Court House

Banbridge

on Monday, 27th April 2015

commencing at 10.00 am

(Day 111)

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

1 Monday, 27th April 2015

2 (10.00 am)

3 (Proceedings delayed)

4 (10.30 am)

5 WITNESS NL223 (called)

6 CHAIRMAN: Good morning, ladies and gentlemen.

7 MR MONTAGUE: Morning.

8 CHAIRMAN: As always, before we start, may I just remind
9 everyone that mobile phones must be switched off or at
10 least placed on "Silent"/"Vibrate" and also remind you
11 that no photography or recording is permitted either
12 here in the chamber or anywhere on the Inquiry premises.

13 Good morning, Ms Smith.

14 MS SMITH: Good morning, Chairman, Panel Members, ladies and
15 gentlemen. Our first witness today is NL223. He is
16 "NL223". NL223 wishes to take a religious oath and he
17 also wishes to maintain the anonymity afforded by the
18 Inquiry.

19 WITNESS NL223 (sworn)

20 CHAIRMAN: Thank you very much, NL223. Please sit down.

21 Questions from COUNSEL TO THE INQUIRY

22 MS SMITH: Now NL223 has provided two statements to the
23 Inquiry. They can be found at SNB-7007 to 7046, which
24 includes exhibits. That's dated 12th February 2015, and
25 then a second statement on 22nd April 2015 at 7479 to

1 7482.

2 Now if we could call up the first of those, please.
3 That's 7007 -- 7007. Now, NL223, as I explained to you
4 earlier, although your full name is given on this
5 statement, it will be subsequently redacted before it
6 goes on to the Inquiry website, but in this statement,
7 the first section, paragraph 1 here, you set out your
8 qualifications and your experience. It goes right
9 through, if we can just scroll on down, please.

10 You indicate that in 1981 you were appointed to the
11 post of Principal Social Worker Fieldwork Services in
12 and you stayed there until 1987.

13 **A. Correct.**

14 Q. Principally the evidence that you are going to be giving
15 to the Inquiry today will relate to that role and that
16 time period.

17 Paragraph 8.1, we were discussing, when we were
18 speaking earlier, that -- you talked about how things
19 changed in 2002 and the Director of Nursing was lead
20 director for children's services, but certainly in the
21 1980s that was not the case.

22 **A. May I explain that?**

23 Q. Yes, please.

24 **A. In 2002, when I was appointed the Director of Social**
25 **Services in the , the Board was not**

1 a delivery organisation. It was a commissioning
2 organisation. The Chief Executive of the Board was
3 a public health doctor, and the view was taken that
4 children's issues should be seen in a wider basis of
5 a child health, child development nature. Hence
6 actually the Director of Nursing being the lead
7 commissioner.

8 However, obviously a large part of the Board's role
9 also lay within the context of child -- children's
10 social care, and in terms of child protection and
11 childcare I was the person who would have led for the
12 on that, albeit that the commissioning
13 strategies would have been led by my nursing colleague.

14 Q. We are talking about what the position was in 2002,
15 which, as we have discussed, is outside the terms of
16 reference --

17 A. Yes.

18 Q. -- of this Inquiry --

19 A. Correct.

20 Q. -- but it was something that had been raised, and you
21 did a little bit of explanation, because it seems
22 somewhat unusual --

23 A. Yes.

24 Q. -- that the Director of Nursing Services was involved --

25 A. Yes.

1 Q. -- in that area.

2 However, going back to the 1980s, in paragraph 2 of
3 your witness statement, if we can scroll on down, you
4 describe the organisational structures as they were in
5 1981 to 1987 at the time of your appointment in the
6 district.

7 You say it was one of six districts which made up
8 the Eastern Health & Social Services Board, which in
9 turn was one of four boards across the province. At
10 some time during your period as Principal the district
11 became a unit of management. You think that might have
12 been about 1986. The implication of this was the
13 delegation of authority from the centre to the unit of
14 management, particularly in relation to budgetary
15 control and the organisation of services. So there was
16 a decentralisation --

17 **A. Yes.**

18 Q. -- of those --

19 **A. Yes.**

20 Q. -- matters at that time.

21 **A. Yes.**

22 Q. Now you go on to describe how -- if we can just keep on
23 scrolling, please, to the next page -- you describe here
24 the service being designed on an integrated health and
25 social care model. This was after 1972 -- isn't that

1 correct --

2 **A. Correct, yes.**

3 Q. -- when the Welfare Authority ceased to exist and the
4 responsibilities that they had come under the Department
5 of Health and Social Services.

6 **A. Correct.**

7 Q. In among all of those responsibilities was the
8 responsibility for childcare --

9 **A. Correct.**

10 Q. -- whether --

11 **A. The organisational structure, at that particular time**
12 **health and social care were brought together, which was**
13 **unique in the United Kingdom in the 1970s. Having said**
14 **that, for the first probably decade it was very, very**
15 **much linear management, because basically there was**
16 **a Director of Social Work, who managed social work**
17 **services, and a Director of Medicine, who managed**
18 **medicine services, etc, etc. That was the structure**
19 **I grew up in.**

20 Q. Can I just have a look -- just if we could look at 7456,
21 please. This is a diagram that was prepared by the
22 Health & Social Care Board at the request of the Inquiry
23 just to set out the structure of the board as it was.
24 I take it this is as you remember it in the 1980s?

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

1 Q. Then there is the Chief Executive, who was the general
2 manager.

3 **A. Yes.**

4 Q. There's a difficulty with our computer system here.
5 That was 7456. Yes.

6 There was a Director of Social Services and then
7 there were other Directors, and there were headquarters
8 staff here, Assistant Directors of Social Services.

9 The Director of Social Services is the one we are
10 going to look at and the branch off from that family
11 tree, as it were. The other Directors would have been,
12 as you were saying, the Director for Medicine --

13 **A. Director for Nursing, Director for Finance.**

14 Q. So the Director of Social Services then had district
15 staff, who were District Social Services Officers.

16 **A. Correct.**

17 Q. We are looking particularly where you were in
18 . Below the District Social Services
19 Officer would have been the Principal Social Worker.

20 **A. Correct.**

21 Q. Then at a later stage I think there was an Assistant
22 Principal Social Worker. Am I right?

23 **A. No, no, that's not quite correct. Below the District
24 Social Services Officer there would have been in
25 four Principal Social Workers.**

1 Uniquely had two for Fieldwork Services.
2 . There was also a Principal Social Worker for
3 Residential and Daycare, managing the residential and
4 daycare facilities, and there was also a Principal
5 Social Worker who had responsibility for healthcare
6 measures, including the management of the Royal Victoria
7 Hospital Social Work Service input.

8 In the Fieldwork Service we had five sub-offices and
9 the sub-offices were managed by Assistant Principal
10 Social Workers. So they were already in position. What
11 happened round about the early '80s was that with the
12 developing role of child protection and a growing number
13 of children who were being deemed to be at risk, there
14 needed to be some augmentation of the child protection
15 service, and a new Assistant Principal Social Worker
16 with responsibility for child protection, the management
17 of the Child Protection Register at that time, was
18 appointed.

19 Now this was beneficial to people like me and my
20 Principal colleague, because before his appointment it
21 was my responsibility and my colleague's responsibility
22 to chair all new child protection discussions,
23 inquiries, and to chair the six-monthly reviews of those
24 who were on the Child Protection Register.

25 Q. Okay. Well, below then the Assistant Principal Social

1 Worker level there was Senior Social Workers.

2 **A. Correct.**

3 Q. I take it each of these satellite offices within the
4 district had a Senior Social Worker essentially in
5 charge -- not in charge -- but just below the Assistant
6 Principal?

7 **A. The and the had**
8 **three and four Senior Social Workers.**

9 Q. They headed up teams of social workers --

10 **A. Correct.**

11 Q. -- who were the people who were out on the ground
12 looking after the children who were either in their
13 homes --

14 **A. Yes.**

15 Q. -- or in residential care.

16 **A. Yes.**

17 Q. And families, I should say.

18 **A. One thing I think the Inquiry should know. It wasn't**
19 **just children, because they also headed up teams of**
20 **people who were delivering services to other programmes,**
21 **such as the elderly or people with learning**
22 **disabilities, mental health.**

23 Q. Obviously this Inquiry is looking at the children's
24 issues, but -- so these teams of residential, daycare
25 and fieldwork staff, that's how that pyramid, as it

1 were, filtered on down?

2 **A. Yes, correct.**

3 Q. Now going back to your statement, in paragraph 3 at
4 page 7000 -- 7011 -- if we could just, first of all,
5 look at paragraph 2.7 on that page at 7011.

6 CHAIRMAN: (Inaudible)?

7 MS SMITH: Yes, he has. At 2.7 you wanted to correct
8 something in your statement. Isn't that correct?

9 **A. Yes, please. I think actually it was not -- I believed**
10 **it was some time in 1985 that my colleague Principal**
11 **Fieldworker retired. That's incorrect. She retired**
12 **a year earlier. She retired in the summer of 1984, and**
13 **that meant that from 1984 until 1987 I was the sole**
14 **Principal Social Worker for Fieldwork Services, managing**
15 **all of the offices, a big undertaking, a large**
16 **undertaking. I had undertaken it largely because**
17 **I think that there were issues that were apparent when**
18 **you actually had two managers and different**
19 **inconsistencies, but to be perfectly honest, the demands**
20 **of the job were such that it was not something that was**
21 **sustainable over a period of time.**

22 Q. And looking back on it, you think that while you did it
23 with the best intentions, it was a mistake to have done
24 it.

25 **A. Well, I believe -- I believe I -- I can honestly say**

1 I worked very hard at this. I put my heart and soul
2 into it, but I'm not sure it was the right decision. By
3 the time I was leaving I didn't believe it was possible
4 for one person to continue to sustain the amount of work
5 that was coming, but it had been originally -- it had
6 originally been my decision, and in a sense it had been
7 my decision, because one of the other things I think
8 I want to say to the Panel is around this time, 1984 to
9 1986, there were three District Social Services Officers
10 in about fifteen, sixteen months. Basically the
11 District Social Services Officer left quickly. He left
12 in a sort of particular difficulty that was around --
13 associated with the Troubles at that particular time.
14 District Social Services Officer 2 came in and actually
15 managed the district for a year, but then chose to move
16 back to his original district unit of management. Then
17 a third and longer term replacement came in.

18 Q. So part of the reason -- part of your thinking for doing
19 what you did was for continuity purposes?

20 A. And communication purposes, standardisation. I mean,
21 there were definitely advantages in having two Principal
22 Social Workers but there were definitely disadvantages
23 as well.

24 Q. Well, paragraph 3 here you are describing
25 in 1981 to 1987. You talk about the population,

1 if you can scroll on down, but you say there was -- it
2 was not just the size of the district that was an issue
3 that made it complex and challenging, because in the
4 '80s it was one of the areas of greatest deprivation
5 across the United Kingdom. There were high levels of
6 employment, heavy reliance on State benefits, high crime
7 rates, poor housing, high child poverty rates and poor
8 school attendance and attainment. They were all part of
9 the picture of this multi-deprivation -- multi-faceted
10 deprivation, if I can put it that way. You say that:

11 "While the issues were recognised by governments and
12 they were prepared to invest, it was often given as
13 time-limited initiatives in trying to boost employment
14 and create community infrastructure and cohesion."

15 That, because of the time-limited nature, had
16 a limited effect.

17 **A. Yes. I mean, I well recall** , who would
18 **have been the Minister at that particular time, and the**
19 **introduction of the "Making Belfast Work" initiative,**
20 **which again would have been money to create community**
21 **infrastructure and employment, particularly in areas of**
22 **high violence, but the money came ostensibly initially**
23 **on the basis of three-year performance. So constantly**
24 **one was chasing actually the performance, you know,**
25 **necessary to sustain these projects and help them**

1 **develop.**

2 Q. You also refer to the fact that:

3 "The Troubles were particularly pronounced in
4 and with almost daily incidents.

5 Troubles-related research was later to show the
6 disproportionate number of people living in that area
7 who lost their lives or were seriously injured. Then,
8 as now, there were tensions in the interface areas,
9 which frequently ended in violence."

10 You believe:

11 "Given the relative normality we enjoy today, it is
12 necessary to remind ourselves of how different it was to
13 live and work back in the '80s in this area."

14 A. **Absolutely. I think that's actually one of the things
15 for the Panel I would want to emphasise. I could tell
16 you umpteen stories about actually the impact that the
17 Troubles had on daily life.**

18 I recall on one particular occasion when we needed
19 to remove children into care and we were doing so in
20 a area at that time and literally
21 the necessity to employ army assistance and helicopter
22 assistance so to do to remove children, something that
23 would probably not be commonplace anywhere else.

24 I can recall another example where in one of the
25 offices a gunman was seen around the vicinity and the

1 police were contacted and the police could not come to
2 it because the police station was actually under siege
3 at that particular time.

4 Working closely with police colleagues was always
5 a difficulty, because the police were always very, very
6 conscious of their security and their movements. So
7 there were umpteen things, umpteen things that basically
8 meant that this was an unusual environment, and
9 , as research has proven, had the
10 highest rate of deaths and the highest rates of serious
11 injuries than any other area in the whole of the
12 province.

13 Q. You go on to talk in the next paragraph that there was
14 a further difficulty that you were describing to me --

15 A. Yes.

16 Q. -- about how you were trying to set up expert centres --

17 A. Correct.

18 Q. -- as it were --

19 A. Correct.

20 Q. -- for children's care --

21 A. Yes.

22 Q. -- but there was a reluctance --

23 A. Yes.

24 Q. -- on one community to move to --

25 A. Yes.

1 Q. -- the area where those services were located --

2 A. Yes.

3 Q. -- because of the sectarian divide in Northern Ireland.

4 A. Yes.

5 Q. That meant you would then have to go to court to get
6 legal proceedings to insist they attend assessment
7 centres, for example.

8 A. That was one particular example. You asked me for
9 a specific example. I think the more general theme was
10 very clearly, for example, in the mid-1980s the idea of
11 child sexual exploitation -- child sexual abuse I should
12 say rather than expectation -- was increasingly being
13 recognised as a phenomenon. In
14 what we were seeking to do at that particular time was
15 to develop services that would actually understand,
16 identify, assess, treat children and families in these
17 circumstances.

18 Now this was never -- this had cost implications,
19 but it was more to do with expertise. Clearly we
20 created these centres, these teams to work together
21 largely for assessment and treatment purposes, but
22 certain communities, whether it was basically purely on
23 the basis of the Troubles itself or whether there was
24 some other personal reason, would frequently say --
25 individuals would say, "I do not want to go to that

1 community. I do not feel safe in that community", which
2 meant that some of the work that would need to be done
3 could not be done, and the way of pursuing that was
4 sometimes actually to pursue this through the court of
5 actually sort of saying "Look, we feel sufficiently
6 concerned about the safety of your child and your
7 inability to assist us that we will now proceed to take
8 an order to try and bring this matter before the court
9 for a judgment".

10 Q. Can I just ask, NL223, presumably this attitude on the
11 part of the community would also have had a bearing as
12 to which homes children might have been placed in --

13 A. Yes.

14 Q. -- if they had to be put into residential care?

15 A. Yes. My origins were in , and
16 was Protestant with some small Roman
17 Catholic enclaves, but very small, tiny, and obviously
18 when I worked in , I had virtually no
19 contact with any of the homes which were catering for
20 Roman Catholic children.

21 Q. You go on to say that you had no contact therefore with
22 Nazareth Lodge as a result of that while you were in

23 .
24 A. Correct.

25 Q. Any contact would have come later when you were in

1

2 **A.** By and large that's correct. I became -- I became --
3 from qualifying as a social worker I was appointed as
4 a Senior Social worker in my own district, and part of
5 the area that I managed was the , which was
6 and is today still predominantly a Roman Catholic area.
7 So there would have been children who came from the
8 and that would have been my first occasion
9 of actually any contact with the Nazareths.

10 **Q.** You were speaking to me earlier and you really have no
11 real memory of being there, but you said that you
12 probably attended for case management reviews, went into
13 a room --

14 **A.** Sure.

15 **Q.** --had the discussion and left.

16 **A.** Sure.

17 **Q.** That's really all the contact that you would have had.

18 **A.** I believe that to be so.

19 **Q.** Can I just ask what contact you would have had with
20 other children's homes at that time?

21 **A.** Well, I mean, I would have -- they would have been
22 probably -- probably not too dissimilar. Obviously
23 there would have been children's homes -- there were
24 three types of children's homes. Obviously there was
25 the Roman Catholic voluntary homes; there were some

1 Protestant voluntary homes; and then there were the
2 statutory homes. They'll have been the statutory homes
3 run by District, and clearly
4 I was a senior member of staff of
5 , so was given some -- what is the word -- some
6 place, some role, some respect, but I would have visited
7 the homes and generally -- generally met the staff and
8 probably actually -- but generally it would have been
9 confined to actually rooms in which meetings were held.

10 Q. I was just wondering about what experience you might
11 have had as a social worker or Senior Social Worker and
12 what interaction you might have had with children's
13 homes in that time.

14 A. Oh, no. I would have had -- I would have had a lot of
15 interaction. I mean, my case load involved me having
16 children who were in care, all things, children in care,
17 children in foster care, children -- so at the end of
18 the day I would have had an obligation as a social
19 worker to visit each child at least on a monthly basis.
20 So I would faithfully try to fulfil that obligation of
21 going to the homes and actually looking at the progress
22 the children were making, and that obviously meant
23 I would have had contact with lots of homes.

24 Q. Just to tease that out a little bit more, if I may, in
25 that role in your earlier life would you have ever come

1 across concerns about any of those homes or about how
2 the children were being treated or dealt with in any of
3 the homes that you can recall?

4 **A. I -- I do not recall. I do not recall any such concern.**

5 Q. Well, I know we were talking earlier about the
6 difficulty --

7 **A. Yes.**

8 Q. -- in trying to remember thirty years ago and I'm asking
9 you to go even further back than that as you sit there,
10 but I just wondered if there was anything in particular
11 that you remembered or that stuck out?

12 **A. There is nothing that particularly stands out for me in**
13 **relation to the particular children for whom I have**
14 **a responsibility.**

15 Q. Okay. Thank you. Well, coming back to your statement
16 here, you describe in paragraph 4 the role of the
17 social -- Principal Social Worker and what that
18 entailed. Can I just reassure you I am not going to go
19 through this --

20 **A. Sure.**

21 Q. -- in every detail; that the Panel --

22 **A. Uh-huh.**

23 Q. -- has read your statement and it is not necessary to do
24 so, but paragraph 7, if we can move on to your
25 discussion about -- we have dealt with paragraph 6, your

1 contact with Nazareth Lodge, Nazareth House there.

2 **A. Yes.**

3 Q. This is observations on the case of HIA210 that you
4 discuss in paragraph 7. At paragraph 7.4 and 7.5 --
5 I am just going to recap. Essentially what happened was
6 that HIA210's social worker became aware that he had --
7 was complaining about his time in Nazareth Lodge. He
8 then spoke to the Senior Social Worker. She and he
9 spoke to HIA210 and she elevated it to you.

10 In paragraph 4 here you say that the names of the
11 children on the list weren't familiar to you. She had
12 sent a memo to you. We have referred -- I referred when
13 I was speaking to you earlier to the chronology of
14 documents --

15 **A. Yes.**

16 Q. -- that the Panel has seen and the Inquiry has seen in
17 relation to this matter, but certainly she sent a memo
18 to you, and you realised that there were other children
19 being spoken about here. So you then elevated it to
20 higher up --

21 **A. Yes.**

22 Q. -- the tree to Mr DL 518 . Is that correct?

23 **A. That is correct. When NL191 appropriately referred this**
24 **matter to me, she -- HIA 210 had mentioned a group of**
25 **youngsters who were in the home with him at the same**

1 time and NL191 had listed those children. Now my first
2 review of those children was that I didn't recognise the
3 names as being children who were in the care of the
4 District, and Nazareth at that
5 stage was largely a regional facility. It took children
6 primarily from the Eastern Board, the Southern and also
7 the Northern board. So I believed that these
8 youngsters, if there was confirmation or if there was
9 interviews to be had, then it was necessary for there to
10 be some central coordination, but I also was required to
11 bring such matters as this to the attention of the
12 Board.

13 Q. Here at paragraph 7.5 you say that you wrote to
14 DL 518 and you have exhibited that to your
15 statement, but it was April 1985 that you sent that memo
16 enclosing NL191 and NL180, who was the social worker for
17 the child -- enclosing those reports?

18 A. Yes.

19 Q. What then happened -- sorry. Just to go on there, in
20 April 1985 you were aware that the allegations were of
21 historical -- of a historical nature --

22 A. Yes.

23 Q. -- and therefore that there wasn't a present risk to the
24 child --

25 A. Correct.

1 Q. -- because he was in foster care by this stage, but you
2 felt that nonetheless the matter had to be investigated,
3 because of the names of the other children involved.

4 What then happens is that the Board write to the
5 Department informing them of the complaints and asking
6 what action should be taken.

7 Now in paragraph 13 to 16 of your statement, if we
8 can just go there, please, to -- actually before that
9 you mention that you were directed by DL 518 to
10 interview -- sorry. Just bear with me. I have given
11 myself the wrong reference number.

12 A. Yes.

13 Q. You describe what you were required to do --

14 A. Yes.

15 Q. -- after DL 518 had come back to you.

16 A. Yes.

17 Q. You were required to investigate the matter.

18 A. I believe -- I believe some time in the middle of June,
19 and I think there's documentary evidence, Mr --
20 Mr Moore, who was then the Director of Social Services,
21 obviously wrote to SR143 and also to myself
22 basically saying, "We want you now to investigate this
23 matter". That would have been on 13th June.

24 Q. Yes. On 13th June he wrote saying that you would be in
25 touch to investigate --

1 **A. Yes.**

2 Q. -- HIA210's allegations.

3 **A. Yes.**

4 Q. Now you arranged to interview -- you weren't happy with
5 that -- is that -- at that stage?

6 **A. I was never happy with such a decision and I think**
7 **I will illustrate this as we go through the evidence.**
8 **The reason why I was unhappy with it was because I did**
9 **not believe that it was possible for me to investigate**
10 **these particular matters, and I'll explain that in some**
11 **detail, but I did interview -- I did interview HIA210**
12 **a week later on 21st June, and HIA210 made a series of**
13 **allegations, some of which he'd made originally, others**
14 **which he made I believe for the first time.**

15 These -- this information was then passed to SR143
16 SR143 on 27th June so that she was aware of this, and in
17 the letter that I wrote to SR143 I believed that
18 HIA210's allegations must be taken seriously. I mean,
19 I didn't know what was fact. I didn't know what was
20 fiction. I didn't know what was distortion, but
21 I believed that the way HIA210 told his story merited
22 this to be considered carefully.

23 I took further advice from DL 518 and in the
24 conversation I have had with HIA210 -- HIA210, HIA210
25 had said that there were two members of staff whom he

1 was particularly close and fond of. It was suggested
2 that perhaps one way of pursuing this further was
3 interview those two members of staff. One was a pre...
4 -- one had left the home. One was still working in the
5 home, and I did that. I did that. I must have done
6 that at the beginning of July on DL 518 advice.

7 Both members of staff could not recall or did not
8 substantiate the sorts of allegations, concerns that
9 HIA210 was raising. They actually went so far as to say
10 that they believed that HIA210 was a favourite of SR180
11 and that, you know, she was particularly close to him.

12 I responded to DL 518 and I told ^{DL} 518 what I had
13 learned from these two members of staff, but nonetheless
14 I was convinced that the matter should not be lightly
15 dismissed, and I did that on 8th July.

16 Q. Again that letter is in our bundle at SNB-31509.

17 You then in the course of your work had to review
18 all of the children who were on the Child Protection
19 Register.

20 A. Yes.

21 Q. Isn't that right?

22 A. Correct.

23 Q. Or just all of the children who were in the care of the
24 district --

25 A. In the district, yes.

1 Q. -- to be more accurate. In the course of that in
2 November of 1985 -- I have written "2015", but it was
3 1985 in November -- you came across material that --

4 **A. Yes.**

5 Q. -- caused you to carry out further investigations, and
6 that was in relation to the review that you were
7 carrying out in relation to NL145 .

8 **A. Correct.**

9 Q. There are two documents. There's a letter that you
10 wrote to SR143 , who was the Principal Social
11 Worker --

12 **A. Assistant Principal.**

13 Q. -- for .

14 **A. In the , one of the five sub-offices.**

15 Q. Yes, one of the five sub-offices. So you're writing to
16 him and you're telling him about three in that letter,
17 which is at 48701. You're telling him that you'd
18 received a number of files from his office and you would
19 like to draw attention particularly to the following
20 cases, and the first one of those was NL145 .

21 **A.**

22 Q. "I note that she is alleging that whilst in Nazareth she
23 was subject to physical abuse. I would be grateful for
24 a full report on this matter."

25 Now that appears to have actually crossed --

1 **A. Yes.**

2 Q. -- with a memo that he was sending to you --

3 **A. Correct.**

4 Q. -- of the same date. Sorry. It was actually NL218

5 NL218 was sending it to you, the Senior Social

6 Worker.

7 **A. Senior Social Worker.**

8 Q. He was sending that to you, which was enclosing

9 NL145 social worker's report, NHB136's. So having

10 received this report from NHB136, and realising there

11 was a similar allegation being made by this girl about

12 her time in Nazareth Lodge, you felt it appropriate to

13 contact DL 518 again.

14 **A. And provide him with that information.**

15 Q. You did that on 26th November 1985.

16 **A. Correct.**

17 Q. Then you don't really know what happens in between time,

18 but DL 518 is in touch with the Department again and

19 saying the Department should pursue the matter.

20 There's also then a delay, and you were explaining

21 this. One of the children named by HIA210 you -- there

22 was a delay --

23 **A. Yes.**

24 Q. -- because you didn't actually find him for a period of

25 time.

1 **A. Yes.**

2 Q. Isn't that correct? Between July, when you first put
3 your memo of the interviews and the investigations that
4 you had carried out with the two staff members to
5 DL 518 , you were trying to --

6 **A. Yes.**

7 Q. -- trace NL97.

8 **A. May I explain?**

9 Q. Yes.

10 **A. Yes, please. HIA210 in his initial statements in March**
11 **'85 said that a child had actually had their head banged**
12 **against a wash-hand basin. Now initially he appears --**
13 **I wasn't present -- he appears to have believed this was**
14 **his brother NL204 , and NL204 said it was not he. Then**
15 **HIA210 says, "It was a lad called NL97", and I believed**
16 **that -- I was told at that particular time that NL97 --**
17 **actually the [name redacted] family had been -- had had**
18 **their case -- their Fit Person Order transferred to the**
19 **Northern Board, and that was one of the reasons for**
20 **saying to DL 518 , "Look, there may well need to be**
21 **some central coordination about these matters, because**
22 **this child -- these children don't reside within the**
23 **East Board area", but I was wrong. I didn't -- I was**
24 **wrong. I didn't know that.**

25 What had actually happened was that NL97 had been

1 a child in the care of Belfast managed by
2 the office, which was not an office
3 that I initially managed, but in -- in the period of the
4 early '80s his mother had worked very hard, very
5 diligently to turn her life round and take the children
6 home, and the children had gone home on a revoked --
7 a revocation of the Fit Person Order. They'd been
8 allowed home. They were not in the care of
9 . Consequently I didn't pick up anything
10 around in terms of their childcare reviews.

11 So I was always of the opinion, always of the
12 opinions that these children were transferred to the
13 Northern Board, but they were not, and eventually it
14 became clear to me that the original information was
15 incorrect, and when it was clear to me that the original
16 information was incorrect, I arranged to interview NL97
17 and his mother, which I did so on 7th February 1986.

18 Q. You then sent a memo on 18th February again to DL
518
about your interview with NL97 --

20 A. Correct.

21 Q. -- who was the other boy named by HIA210.

22 A. Yes.

23 Q. That explains why there was a delay --

24 A. Correct.

25 Q. -- in getting that information about the third child.

1 Then --

2 **A. Yes.**

3 Q. -- all three children's information then is handed over
4 to DL 518 and he again then engages with the
5 Department about the matter.

6 **A. Yes.**

7 Q. Now coming back to -- you also say why at that time you
8 didn't report it to the police in paragraphs 13 to --
9 7.13 to 16, please. If we can just scroll on down, you
10 said that, first of all, the accounts -- there were
11 differences in the accounts and you say that perhaps in
12 1985 you may also have found it difficult to reconcile
13 your stereotypical view of a nun with the harsh
14 treatment and behaviour that HIA210 was describing.

15 One of the social workers who also worked with
16 children who were in Nazareth Lodge has also told the
17 Inquiry that certainly when a child complained to her
18 that a nun had hit her, she didn't really believe the
19 child, because it was something, you know, that was
20 outside of anybody's -- sorry -- what is the word I'm
21 looking for -- it was outside anybody's understanding --

22 **A. Yes.**

23 Q. -- of the type of behaviour that could be expected from
24 a religious person.

25 **A. Well, I mean, on a personal basis I come from**

1 a different tradition and it -- it was inconsistent with
2 my image of what was happening, particularly --
3 particularly the allegations that HIA210 was making
4 about the level of mistreatment that apparently was
5 actually being dished out to the kids.

6 Q. Now you go on to say that in paragraph -- sorry.
7 I think maybe I skipped over paragraph 7.11, was it?
8 Yes. You have explained that you never saw it as part
9 of your role --

10 **A. I don't think so.**

11 Q. -- to carry out the investigation --

12 **A. Oh, sorry. Yes.**

13 Q. -- that you were required to do. One of the things you
14 go on to talk about in -- sorry. That's 7.17 and 7.18
15 to 20. If we can just scroll on down. This was in
16 relation to the debate --

17 **A. Yes.**

18 Q. -- between the Board and Department as to how the
19 investigation would be -- should be conducted:

20 "I did not believe that I had the authority to
21 conduct a full and thorough investigation as I had no
22 power to interview staff, access Nazareth Lodge records
23 or for that matter interview children from other boards
24 or districts. They were my views then and they are my
25 views now."

1 I am just going look at the circular which was the
2 1985 circular sent out by the Department to the Boards
3 and which was the central focus --

4 **A. Yes.**

5 Q. -- of the Department's attitude about who should
6 investigate and why. If we could look at paragraph 28,
7 which is at 19080 I think. Yes. This was a circular
8 that was issued in 1985, and you talk in your statement
9 about the historical context of this circular, and you
10 give attached to your statement an extract from the
11 Hughes report.

12 The pertinent paragraph was paragraph 28, if we can
13 scroll down. This is:

14 "On receipt of a contact card ..."

15 Now a contact card was something that was to be used
16 to record a complaint from a child about its time in
17 care:

18 "On receipt of a contact card, the Director of
19 Social Services should take immediate action to
20 ascertain, through a social worker not immediately
21 involved in the care of the child, the nature and
22 substance of the complaint being made. On receipt of
23 this information the Director should, where the child is
24 in a statutory home, put in train whatever investigatory
25 action he deems appropriate."

1 That would be acceptable, because the Director of
2 Social Services would have been the management --

3 **A. Yes.**

4 Q. -- effectively of the statutory home.

5 **A. Yes.**

6 Q. "Where the child is in a voluntary home, the Director
7 should inform the Chairman of the Management Committee
8 of the home, or his equivalent, of the nature of the
9 complaint and should agree the follow-up action
10 required."

11 Now we know from other work of the Inquiry that
12 Nazareth Lodge did not, in fact, have a Management
13 Committee --

14 **A. Management Committee, correct.**

15 Q. -- at this time and it was not until 1987 that one was,
16 in fact, put in place.

17 **A. Correct.**

18 Q. But the Mother Superior was effectively the Manager of
19 the Committee --

20 **A. Manager, correct.**

21 Q. -- de facto rather than any other way, but the -- it
22 goes on to say:

23 "The Boards should be prepared to assist voluntary
24 bodies in the investigation of the complaint."

25 So clearly your reading of this was that it wasn't

1 for the Director of Social Services, and I should say
2 the Director of Social Services himself's reading was it
3 wasn't for him to carry out investigation into
4 a voluntary home. They should only assist the
5 Management Committee of that home in doing so.

6 **A. I believe -- I believe -- I believed I could not do this**
7 **for a variety of reasons. I believed I had no right to**
8 **access the home's records. I had no right to actually**
9 **interview the staff unless that was actually organised**
10 **on my behalf. I certainly had no right to actually**
11 **interview SR180. I had no right to actually interview**
12 **the Mother Superior, and I had no right to interview the**
13 **children who were in the care of other districts or**
14 **Boards, and the word in that circular 28 is:**

15 **".. should be prepared to assist voluntary bodies."**

16 **I believe that the Eastern Board were saying to the**
17 **Department that, "We are prepared to assist", but it was**
18 **a different role between assisting and leading.**

19 **Q. The Board's view was that the lead should come from the**
20 **Department --**

21 **A. Correct --**

22 **Q. -- and --**

23 **A. -- and that would have been my view and it remains my**
24 **view today.**

25 **Q. Just to be clear, there was an earlier investigation in**

1 1983/'84, where there was a cooperation between the
2 Board and the Department and there was guidance from the
3 Department about the investigation. In fact, they sent
4 two people in to investigate a complaint by another
5 child, a NL157 . Isn't that correct?

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

7 Q. You had some knowledge of that, because that child was
8 in your district.

9 **A. Yes. I had the tail end of this investigation, was**
10 **involved, because by that stage my colleague, the**
11 **Principal Social Worker, had left, and DL 518 asked**
12 **the district was NL157 parents satisfied with**
13 **the action that was to be taken? I, of course, went to**
14 **the , which I had inherited as part of my**
15 **kingdom, and essentially asked those questions and was**
16 **told that the family was content, that no further action**
17 **was required. That was probably my sole action in**
18 **relation to the NL157 case.**

19 Q. Now in paragraphs 7.18 to 7.20 you set out the
20 historical context of this 1985 circular.

21 **A. Yes.**

22 Q. You give more details of that and expand on that in
23 paragraphs 3 to 12 of your second statement --

24 **A. Yes.**

25 Q. -- but essentially you said that while this circular was

1 issued on 30th April 1985, it didn't come into operation
2 as expected. There were a number of difficulties with
3 it.

4 **A. Yes.**

5 Q. There were difficulties, if I've got it right, with
6 regard to the trade unions and the staff and how -- the
7 impact on them. There were difficulties with the police
8 and about reporting possible criminal offences to them
9 and whether there should be any discretion left with the
10 Board with regard to that, with the Director of Social
11 Services with regard to that, and there was a number of
12 problems with regard to implementation of this circular.

13 When we were talking earlier, you also made the
14 point that this circular did not give any proper
15 guidance. There was no sufficient detail as to how you
16 should, for example, assist voluntary bodies in the
17 investigation of the complaint.

18 **A. I --**

19 Q. Sorry.

20 **A. No. Sorry. You continue.**

21 Q. Please interrupt me.

22 **A. What I was about to say in relation to this was that**
23 **clearly -- clearly around the early '80s it appears that**
24 **in all parts of the United Kingdom, but particularly in**
25 **some English local authorities, there was the beginning**

1 of the introduction of a complete system for residential
2 care.

3 Now I am positive that the mere fact that the Hughes
4 Inquiry was sitting at this time actually meant that
5 there was a necessity for in Northern Ireland us to
6 consider the introduction of a similar system and it was
7 needed on professional grounds as well. So both
8 pragmatically and professionally there was a reason to
9 bring something into existence, but what was brought
10 into existence could not be operationalised. I mean, it
11 was not possible to do this, because essentially there
12 had been insufficient preparation, particularly at
13 a local level, with the trade unions, and the trade
14 unions were very, very concerned about the possibility
15 of actually staff being accused of various things and
16 those allegations not being substantiated.

17 As a consequence of those -- that lack of confidence
18 in the system the trade unions instructed their members
19 that they were not to cooperate with this guidance, and,
20 in fact, to the best of my knowledge this guidance
21 probably was never -- so much time had elapsed that this
22 guidance was probably never fully implemented, because
23 I believe by the time this guidance or something similar
24 was introduced it was probably the early '90s. That's
25 my belief.

1 Q. I think certainly DL 518 has given a statement to
2 the Inquiry which suggests that there was a six-year
3 gap. It was 1991 before there was a proper complaints
4 procedure set in place.

5 A. Yes, exactly. Yes.

6 Q. So essentially what he said was that this document, this
7 1985 circular, was not fit for purpose.

8 A. Well, it -- I mean, at the end of the day what it had --
9 it had a lot of the principles upon which guidance
10 developed. I mean, it was sound in some ways, but it
11 clearly was not sound in other ways. It clearly was not
12 sound in the context that it was actually able to
13 command support. It couldn't command support. So,
14 therefore, I mean -- and particularly again if one
15 thinks of 1980s society, basically it couldn't be
16 operationalised.

17 Secondly -- I'm saying this on my own behalf.
18 I mean, I am sitting here, 65 years of age, with
19 a lifetime of experience, but in 1985 I was 34. There
20 was no guidance as to how to conduct such
21 an investigation. There was no research. There was no
22 training, and people like DL 518, who were being
23 asked to produce these sorts of things, were also in the
24 same position. They were doing their best and
25 ultimately I was doing my best, but not with a clear

1 pattern or policy about how to conduct such a review,
2 and certainly with the lingering doubts that I could
3 ever fulfil this, because I didn't have the authority to
4 actually interview or investigate records.

5 Q. Now you made the comparison between this -- the HIA210
6 complaint, if I can just summarise it in that way, and
7 the NL157 complaint. What you said to me was
8 you believe the way NL157 was investigated and
9 handled was the right way.

10 A. I do believe that. I believe actually what happened was
11 in the NL157 situation there was a much more
12 collective or corporate responsibility taken by the
13 Department, the Board and indeed actually the home
14 itself. I think the decision to basically say, "Here,
15 you conduct this investigation" wasn't a good decision.

16 Q. DL 518 makes the point that the difference between
17 what happened in NL157 was this circular was
18 introduced in the meantime --

19 A. Yes.

20 Q. -- and therefore the Department just relied upon their
21 circular to hand over responsibility to the Board.
22 Would that be fair?

23 A. To be honest, that's how it felt to me. If I may, just
24 to finish this little bit, because I do think this is
25 important, I wrote on 18th February '86 --

1 Q. Yes.

2 A. -- to NL157 after having spoken to NL97, and
3 I would like to bring the --

4 Q. We can look at that document at 31488, please.

5 A. Yes, please.

6 Q. This is the memo that you were sending to him.

7 A. Yes, yes. I would like to draw your attention to the
8 very last paragraph.

9 Q. Scroll on down, please. You read -- you say there:

10 "I honestly believe that I can take this matter no
11 further as I do not feel that I have the authority to
12 deal with any of the issues that this incident now
13 raises and I would ask to be freed from any further
14 involvement in this issue until matters of
15 accountability have been clarified."

16 Now I take it from that that you were aware there
17 were these -- the tension, as I have described it,
18 between the Department and the Board with regard to how
19 the matter should be carried out.

20 A. Yes. I maybe -- I mean, some of the letters from
21 Mr Armstrong to Mr Moore had been copied to me. So I
22 was aware of this, but I did not believe that I could do
23 this.

24 Q. Excuse me. Now one other thing that you wanted to point
25 out was that whenever you wrote in -- there was a delay.

1 You wrote to --

2 **A. Yes.**

3 Q. -- DL 518 in I think it was June of -- sorry --
4 November -- from July of '85, when you wrote to him,
5 there was a gap between then and November '85.

6 **A. Yes.**

7 Q. You believe that DL 518 didn't, in fact, open your
8 letter of 8th July '85 until 6th November, because if we
9 look at the document at 31509, please -- it's
10 a different copy.

11 **A. Yes, it's a different copy.**

12 Q. Yes.

13 **A. That is a different copy.**

14 Q. That's a different copy. Sorry. The one that you had
15 attached, that clearly shows it was received somewhere
16 on 11th July '85, but if we can look then at the one
17 attached, which is 7028 -- I should say that we have
18 multiple copies of documents that have come from
19 different sources.

20 **A. Yes.**

21 Q. This is the one you were looking at.

22 **A. Yes, yes.**

23 Q. That seems to suggest that it went -- it's very hard to
24 make out, but "[something] Social Services, 6th November
25 ..."

1 **A. "1985."**

2 CHAIRMAN: Sorry. Let's just go back to the previous one,
3 please.

4 MS SMITH: Yes. The previous version is 31509. This is the
5 same --

6 **A. Yes.**

7 Q. It's the same memorandum --

8 **A. Yes.**

9 Q. -- just a different copy of it. That's --

10 CHAIRMAN: Just one moment, please. That's clearly received
11 by somebody, though it's very difficult to make out
12 where, on 11th July and then there seems to be various
13 actions noted on 16th August '85, but anyway it didn't
14 get to you until --

15 MS SMITH: This was from you.

16 **A. No. This was from me, sir.**

17 CHAIRMAN: Just let me finish. It didn't get to your
18 attention until later on that nobody had actioned this
19 until you thought November. Is that right?

20 **A. Well, during this period --**

21 Q. Just answer the question, please.

22 **A. During this period there was no communication about this
23 particular memo.**

24 Q. Well, does that mean, NL223, that you are telling me you
25 didn't know until November that nobody had actioned this

1 or done anything about it as far as you knew?

2 **A. As far as I knew that was right.**

3 Q. But this would seem to suggest that, in fact, somebody
4 had been looking into it or reacting to it in some way

5 --

6 **A. Yes.**

7 Q. -- in August or July.

8 **A. Yes.**

9 Q. Is that right?

10 **A. It does.**

11 MS SMITH: It would seem to be August 16th and September
12 9th -- sorry -- 20th September. I beg your pardon.

13 CHAIRMAN: It appears to have come into somebody's office on
14 11th July and then it looks as if there's some sort of
15 action in August and again in September. It's very
16 difficult to see what exactly that was, but it looks as
17 if it was referred to Mr Moore, Mr Ferguson,
18 perhaps. So something -- it seems there was some
19 reaction, but it is very --

20 **A. Yes.**

21 Q. -- difficult to work out what the nature and extent of
22 the action was, but you were not aware --

23 **A. I wasn't aware.**

24 Q. -- of whatever was happening?

25 **A. There was no further correspondence and I certainly**

1 **cannot remember any further communication on this**
2 **matter.**

3 MS SMITH: When we were talking earlier --

4 CHAIRMAN: Whatever happened, you weren't being told, if
5 anything happened?

6 **A. I believe that. I believe that.**

7 MS SMITH: If we just go back to the version that you had
8 attached, which is 7028, this seems to -- it may well be
9 that that original stamp was on this particular version,
10 because there seems to be some sort of handwriting there
11 that corresponds with the earlier one, but there's
12 a further stamp here of 6th November 1985, and it looks
13 like it's "[something] Health & Social Services Board
14 and [something] Social Services" at the top of that
15 stamp.

16 When you looked at this document and you saw this,
17 if I've understood you correctly, you believed that DL
18 hadn't actually seen your letter of 8th July 518
19 until November of '85.

20 **A. Yes. I mean, this is all with the benefit of hindsight.**
21 **In the sense actually I was trying -- the question that**
22 **was posed of me was, "Why did this take so long to**
23 **investigate?" and this seemed to be one particular**
24 **period where there was a hiatus of four months, and**
25 **I didn't understand and I don't understand, but**

1 I wondered whether, in fact, this particular piece of
2 correspondence had been misplaced or hadn't -- you know
3 what I mean, but I'm unaware of any further certainly
4 correspondence and I cannot recall any further
5 communication.

6 Q. Certainly from July '85 until -- well, there was
7 certainly correspondence from -- there certainly doesn't
8 seem to have been anything between July '85 that I have
9 seen in any of the documents until November --

10 A. Yes.

11 Q. -- '9... -- sorry -- '85. We were talking about you
12 coming, finding NL145 --

13 A. NL145 , yes.

14 Q. -- and sending that on. Then things start to move again
15 between the Department and the Board.

16 A. Correct.

17 Q. We were just talking about the circular at that stage.

18 Then there was one other matter that you raised in
19 your second statement, if I can come to that.

20 A. Yes.

21 Q. If we can just look at that, please. It is at -- the
22 statement is at -- sorry. Can I just ask you --
23 I didn't actually ask you to do this, NL223 -- to
24 confirm these were the statements that you prepared for
25 the Inquiry and signed on the dates that I have

1 suggested that you did?

2 **A. Yes, that's correct, yes.**

3 Q. The second statement, which was -- it's at 7479. If we
4 could go to 7481, paragraph 14, here you talk about --

5 **A. Yes.**

6 Q. -- the fact that during -- well, during your time in the
7 District there was

8 an investigation in the early '80s into what took place
9 in Rubane. You were unaware of this investigation and
10 you sought, having heard the evidence that has been
11 given to the Inquiry and being aware, that now you
12 wanted to know why you didn't know about it. So you
13 carried out certain investigations of your own.

14 **A. Right.**

15 Q. Your early career, as you say, in Belfast meant you
16 had no contact whatsoever with Kircubbin. So you had
17 never been there or knew anything about it.

18 **A. No.**

19 Q. You say in paragraph 15 when you arrived, the district's
20 part in the criminal investigation was already complete.

21 **DL 515**, who was originally a Senior Social Worker
22 in the , was charged with
23 facilitating the RUC by sitting in on the interviews and
24 acting as a liaison with the RUC, and he had been
25 promoted at that stage. So he'd left by the time you

1 Q. -- wouldn't get wind essentially of what was being
2 investigated.

3 A. Yes.

4 Q. You yourself don't have any recollection of any detailed
5 discussion about the issue. We know that there was
6 an embargo placed on Rubane and that was in 1983 --
7 1982. Sorry. So you were in place in 1982.

8 A. Correct.

9 Q. But you from your personal memory have no recollection
10 of that embargo.

11 A. Well, I mean, obviously I must have at the time. I must
12 have, because clearly it would have been policy, but
13 I didn't recall it. When the question was posed -- the
14 question was posed of me basically how could I have been
15 a Principal Social Worker in this district and not been
16 aware of an earlier investigation, and I couldn't answer
17 that question. I didn't know the answer to it, and I --
18 but I was pretty clear that what would be commonplace
19 now in terms of trying to use events like this as
20 a learning experience was not what took place. I mean,
21 there was no -- no learning review as a result of this.
22 I don't know why this was seen just simply as
23 an aberration, an individual incident rather than
24 something that's possible in the system as a whole, but
25 essentially there was no learning as a result of this,

1 and any conversation I had -- when I arrived, the
2 investigations with the police had been complete. So it
3 was in a different phrase. Reports were obviously being
4 prepared for the DPP or Public Prosecution Service, and
5 simply I do not recall any real discussion about this
6 particular case. Although I must have been aware of the
7 1982 embargo, I don't recall it until you told me this
8 morning.

9 Q. Well, I sort of summed it up when we were talking
10 earlier, NL223, and you kind of agreed with me there was
11 clearly an investigation carried out into Rubane and
12 Social Services were involved in that investigation --

13 A. Absolutely.

14 Q. -- to a degree, but that investigation really had no
15 practical consequences for childcare at the time.

16 A. I believe -- I am unaware of an investigation leading to
17 an analysis, leading to a report with recommendations,
18 leading to practise changes. I don't believe that is
19 what happened in this particular situation.

20 Q. Although one of the things that you pointed out was that
21 at this time that was how things were done.

22 A. Absolutely, and it's kind of you to remind me of this.
23 I want to emphasise here I do not believe for one second
24 that there was any sense of trying to hide these issues.
25 I believe in the 1980s in Northern Ireland in the system

1 this was the way this was operated. I can well
2 understand why someone wanted to tightly manage this,
3 that it shouldn't become the subject of idle gossip and,
4 in fact, any investigation shouldn't become the
5 subject of idle gossip, but particularly at the time
6 I can well understand and in the context of our own
7 situation how these matters were being tightly -- kept
8 under tight control, but I'm unaware of any learning
9 arising out of that investigation, but that was not
10 dissimilar, because things like case management reviews
11 were only to come in many, many years later.

12 Q. Well, NL223, thank you. You will be glad that I don't
13 have anything further that I want to ask you. As
14 I've said, your full statements are there and the
15 Inquiry has had sight of those, but is there anything
16 that you feel that you haven't had the opportunity to
17 say that you'd like to say? Now is that opportunity.

18 A. I think you -- I think you alluded to it. I would just
19 like to say to the -- to the Inquiry that in terms of --
20 in terms of HIA210's complaint basically when I was told
21 that I might well be asked to give evidence to the
22 Inquiry, I couldn't remember HIA210. I couldn't
23 remember him. It was only when I read the papers that
24 I actually -- some of this thing came back to me, and
25 yet I can remember lots of children with whom I was

1 than enough work for myself as a Principal alongside
DL 518
2 must have been dealing with a voracious
3 appetite a workload for a number of years, and clearly
4 the other thing was that in terms of the Hughes Inquiry,
5 the 1984 and '85 period, DL 518 as well as trying to do his
6 day-to-day work was also trying to service a huge extra
7 responsibility in terms of providing information
8 statements for the Inquiry. I -- DL 518 was in a unique
9 position. He was a former -- he was a former Children's
10 Officer in the . He had managed
11 staff. He was well regarded. People like me he
12 mentored, he gave a lot of time and a lot of support to,
13 and essentially I think DL 518 would have received most of,
14 if not all, of the biggest concerns that were around the
15 Eastern Board and not just Belfast. They
16 would have ended up on DL 518 desk alongside his
17 responsibilities for the development of policies and
18 procedures and other services.

19 Q. And at that time added to all of that was the Hughes
20 Inquiry?

21 A. Correct.

22 Q. Okay. Thank you very much, NL223. I have nothing
23 further definitely this time, but the Panel may have
24 some questions for you.

25

1 Questions from THE PANEL

2 CHAIRMAN: NL223, I would like to preface what I am going to
3 ask you about by assuring you that I understand where
4 you stood in a significant but without being unduly
5 critical I hope relatively middle level of
6 decision-making when it came to important matters such
7 as was this to be reported to the police?

8 Nonetheless against that background, looking back on
9 it now many years later with the advantage of hindsight
10 --

11 **A. Yes.**

12 Q. -- one possible point that could be made about this is
13 that there was a lack of understanding on the part of
14 the Board and the Department that anybody to whom
15 a report of a criminal offence had been made was under
16 a legal duty to report it to the police.

17 Now I can understand that in day-to-day matters --

18 **A. Uh-huh.**

19 Q. -- there are things that are perhaps trivial --

20 **A. Yes.**

21 Q. -- and a sensible view perhaps is to say, "Well, there's
22 nothing in this. We don't need to engage the police" --

23 **A. Yes.**

24 Q. -- but as far as HIA210 was concerned, when this matter
25 first started to become known to the Eastern Board

1 officials in the sense that -- whether they were
2 well-founded or not is a different matter -- but
3 allegations were being made about a particular Sister
4 and another member of staff which involved an allegation
5 that a nun had punched one of the children on the nose,
6 drawing blood, and had on another occasion banged
7 a child against a wash-hand basin --

8 **A. Yes.**

9 Q. -- drawing blood and on numerous occasions she and
10 another person had allegedly beaten a child with a cane
11 or a stick or a mop handle. Surely on no conceivable
12 basis are those trivial allegations.

13 **A. No. I did not believe they were trivial.**

14 Q. No, no. I appreciate you clearly did not --

15 **A. No, I did not believe they were trivial.**

16 Q. -- but what I'm asking you about is a wider question --

17 **A. Yes.**

18 Q. -- which is since they're clearly not trivial, there
19 appears to have been a very widespread assumption that
20 the first step was to investigate these internally, that
21 is by the Board, and for reasons you very eloquently
22 made clear, you didn't think that was the appropriate
23 way to do it at all, and then ultimately to say to these
24 adolescents, "Well, it is up to you to report it to the
25 police".

1 **A. Yes.**

2 Q. The question that surely has to be asked is: why did the
3 Department or the Board not report these matters to the
4 police?

5 **A. Well --**

6 Q. There seems to have been, if I may say so, an element on
7 the Department's behalf, "It's for the Board to do this"
8 and the Board saying, "It's not for us to do this. It's
9 for you to do it", but nobody appears to grasp the
10 nettle, which is, "These are not matters for us at all.
11 These are matters for a police investigation".

12 **A. I think, sir, that -- a couple of things that I would**
13 **say to that. I mean, on a personal basis the original**
14 **stories that came -- and this -- I think you're**
15 **absolutely right. This actually made it even more**
16 **difficult I think for someone like myself with no**
17 **investigative background really to be delving into such**
18 **matters, because I think actually originally the stories**
19 **that HIA210 told that were reported to me -- because**
20 **I didn't know HIA210 -- and basically the stories were**
21 **confused and confusing, but they contained serious**
22 **allegations.**

23 Q. I want to make clear I am not in any way suggesting it's
24 your fault in any way.

25 **A. No, no.**

1 Q. It's clear from the documents you've referred to that
2 you made it abundantly clear to your superiors, first of
3 all, to put it in a simple way, you couldn't eliminate
4 the possibility there was something in these allegations
5 --

6 **A. Yes.**

7 Q. -- and, secondly, you did not have, for the reasons you
8 identified then and since, have really the power to do
9 anything about it.

10 **A. Yes.**

11 Q. What I'm addressing is a different or minor question,
12 which is from your perspective, from your subsequent
13 experience why do you think it was that neither the
14 Department nor the Board grasped the nettle and said,
15 "These are not really matters for us. They are too
16 serious. The police should be brought in"? I don't
17 mean about allowing children to -- locking them in a
18 cupboard for a while, but beating children and drawing
19 blood. These are the allegations. Why do you think it
20 was that the system never grasped that nettle and said,
21 "This is not for us. This is for the police and the
22 courts"?

23 **A. I think there was confus... -- I think there probably in**
24 **1980s was a paternalistic approach in terms of actually**
25 **responsibilities in these matters. I think actually**

1 these were matters that were for others, for the police.
2 I think in 1985 my personal view was that the police,
3 given the policing situation in 1985, were unlikely to
4 investigate these matters unless actually there was
5 stronger evidence, and therefore I believe that that's
6 why someone decided that it's necessary to have a closer
7 look at this before passing it on.

8 I was just having a look at documentation that was
9 given to me, sir, in relation to the Kincora Inquiry
10 and the Hughes Report. I mean, it may be helpful; it
11 may not be, but it was interesting. I read in the
12 Hughes Report that essentially what Hughes was saying
13 was this -- Hughes had not totally clarified when was it
14 right and proper for an investigation and when actually
15 was it right and proper in the complaints procedure,
16 because somewhere in the Hughes report -- and I will
17 find it for you; I may not be able to find it
18 immediately, but I can find it for you -- in the
19 evidence given to me, basically Hughes was saying, "When
20 you have investigated and when you have come to the
21 conclusion that this is -- this complaint can be upheld,
22 then you send this to the police". That's my
23 interpretation of what is actually stated in this, and
24 I think that just reflected the confusion which existed
25 at that particular point in time about how you deal with

1 **such matters.**

2 Q. So there was a lack of clarity as to how this whole
3 problem --

4 **A. I believe so.**

5 Q. -- should be approached --

6 **A. Yes.**

7 Q. -- by the respective agencies?

8 **A. Yes.**

9 Q. Preliminary look at it to see if there's something in it
10 --

11 **A. Yes.**

12 Q. -- and then if there is, what do you do about it?

13 **A. Yes.**

14 Q. As I understand what you are saying is there was no
15 clarity in principles to be applied to these types of
16 situations by either the Department or the Board and as
17 a result of this lack of clarity there was this
18 unsatisfactory situation.

19 **A. In some ways, sir, what I think I'm trying to say is at**
20 **a given point in time the system and people like me, who**
21 **were operating the system, basically were immature in**
22 **terms of how to do these sorts of things and ignorant of**
23 **it. I believe that actually when the Department**
24 **produced what was a very, very significant piece of**
25 **policy, my forty years working here has shown that when**

1 you're trying to introduce policies like this, you need
2 time for them to be earthed. You need to see actually
3 how they work out in practice. They need to be revised,
4 monitored. This wasn't happening in this situation and
5 this was part and parcel of the difficulty about the
6 trade union, but I do believe essentially what we cannot
7 ignore is just where we were at that particular time,
8 not just as a society, but also as a culture, because
9 I believe that in terms of this matter it was -- it was
10 six years later I believe, round about 1992, that the
11 joint protocol for investigation between the police and
12 Social Services was established, and that was the
13 beginning of the platform for doing these things more
14 consistently and more confidently.

15 Q. Yes. I think we probably do have amongst the papers
16 before us today the relevant parts of the Hughes report.

17 MS SMITH: Chairman, Members of the Panel, it's --

18 CHAIRMAN: It is at 7045.

19 MS SMITH: Yes.

20 CHAIRMAN: "It is not our intention that staff should go to
21 the police at the first hint of a complaint of
22 a criminal nature. Some form of structured preliminary
23 investigation is necessary."

24 A. Yes. Well, I think that's confusing. I mean, it's
25 pretty straightforward if you actually have a sexual

1 abuse. I mean, if someone -- person A is alleged to
2 have abused a boy, you know, I mean, or a girl, I think
3 that's pretty straightforward, but I think some of the
4 things here -- and you're absolutely right. These were
5 serious allegations, I mean, a child having his head
6 banged on a wash-hand basin, but somewhere they lay on
7 a continuum -- and I tried to say this in
8 my statement -- they lay on a continuum, as it were,
9 from corporal punishment, which was still permissible in
10 schools and residential homes at that time -- this was
11 more than corporal punishment -- corporal punishment
12 through to inappropriate practice, through to child
13 protection issues, through to criminal investigation.

14 In my world, sir, not every child protection matter
15 ended up in court. The police were constantly making
16 judgments about really what would be left for
17 an organisation like Social Services to take forward as
18 opposed to matters that were going to go to court. So
19 I saw this continuum. It seems slightly more -- it did
20 seem slightly more complex to me, but the one thing that
21 was pretty clear-cut was there was no system in place at
22 that time to actually manage and monitor these.

23 Q. Thank you very much.

24 MS DOHERTY: Thank you. Thanks, NL223. Can I just ask
25 a more general question about in your experience

1 engaging with the Board and officials from the Board and
2 what your experience of that was at that time.

3 A. I was a member -- to be honest, I was a member of the
4 Board. The Board were my -- ultimately Mr Moore was my
5 most senior employer -- you know, my employer. My
6 relationship with Board colleagues was generally good,
7 generally good, and certainly with DL 518 , I mean,
8 I think you have already heard the regard I hold him in.
9 Certainly DL 518 , despite the pressures he have
10 would have faced, DL 518 was always a man who tried
11 to be helpful.

12 Q. In terms as a middle manager your engaging with the
13 Department and officials from the Department, did you
14 have experience of that?

15 A. I probably had little or no contact in 1984/'85 with
16 actually the officials of the Department. I would have
17 known them, but by and large it wouldn't have been part
18 of my working role.

19 Q. You wouldn't have engaged with them about statutory
20 children's homes or --

21 A. Well, I wasn't managing -- if you recall, I wasn't
22 managing the statutory children's homes. That would
23 have been a colleague of mine.

24 Q. But even as fieldworkers, being responsible for
25 fieldwork management, there was no involvement at all?

1 A. Well, I wouldn't say there was no involvement at all.
2 I think there would probably have been contact, but it
3 would not have been in any way a central or material
4 part of my role. My reporting relationship was through
5 to the Board.

6 Q. Okay, and you have no -- you have no memory of engaging
7 with the Department?

8 A. Well, I know departmental colleagues and, I mean,
9 I would have known them. I would have met them at
10 various events or occasions, but in terms of the
11 difference between that sort of relationship and
12 a reporting or supervisory or performance management
13 relationship, it didn't fall into those latter
14 categories.

15 Q. Okay. Just a last question, just again asking for your
16 general view. What was your sense of -- you know, you
17 have got the Board, the districts responsible for
18 individual children and their well-being if they're in
19 children's homes. How did you see the Department's
20 over-arching responsibility for that for the quality of
21 care?

22 A. Well, I mean, my simple understanding in 1983/'84 was
23 that the central role the Department played with regard
24 to children's homes, particularly voluntary children's
25 homes, was that they registered and inspected them.

1 That was my central understanding. I mean, I think
2 actually the issue here is how that -- one of the
3 questions is how that was being done or ideally should
4 be done. As I say, I think the HIA210 situation fell
5 right in the middle of that as to whose role and
6 responsibility these were and how many children --
7 I mean, I saw a further document which was suggestive
8 that basically there could have been more children who
9 made complaints about SR180, but because it was confined
10 to SR180, it was specific. It wasn't general
11 malpractice. It wasn't general. It was basically
12 specific, and I don't believe that. I mean how many
13 people would it have taken? Initially it was HIA210.
14 It was a while before we actually introduced NL145
15 . It was slightly longer before we introduced
16 NL97, but even at that stage I think the view was these
17 are specific children with allegations against specific
18 members of staff. Therefore this is something for the
19 Board to deal with, and I don't think that's right.

20 Q. Okay. Thank you very much.

21 MR LANE: Just one point I'd like to clarify. At the start
22 of your evidence you went through the line of
23 accountability and where you stood in -- in the tree.
24 In terms of DL 518 , he seemed to be off to one
25 side.

1 **A. Yes.**

2 Q. So you weren't in any sense accountable to him?

3 **A. No.**

4 Q. And he wasn't equally accountable to the Director, if
5 I understood the --

6 **A. No, DL**
7 **518 was accountable. We had -- we had six districts**
8 **and each of those districts had an Assistant Director --**

8 Q. Yes.

9 **A. -- who was responsible for the district, and then we had**
10 **five professional leads who were also at Assistant**
11 **Director level.**

12 Q. He was one of those?

13 **A. He was one of those. So he was one of the eleven people**
14 **who reported to the Director of Social Services. He,**
15 **DL 518 , was.**

16 Q. Right.

17 **A. DL 518 role was largely about, you know, policy**
18 **development --**

19 Q. Yes.

20 **A. -- service development, largely about beginning to put**
21 **some sort of monitoring, sort of performance system**
22 **around it. That was a long time ago, but that's what**
23 **DL 518 role was, but DL**
24 **518 was recorded universally by**
25 **people like myself and my colleagues as a man who had**
expertise and experience, and he was often the port of

1 call that we went to, because he developed that
2 expertise. Often the Assistant -- our Assistant
3 Directors were doing a different job. Sorry. Our
4 Assistant Directors in the Unit of Management, they were
5 doing a more general management, a more
6 multi-disciplinary job. They were working across health
7 colleagues. They were working across, you know,
8 nursing, health, community work in a way that DL 518
9 wouldn't be doing. DL 518 was solely and singul
10 looking at the childcare situation and he was good at
11 it. Others had other roles and responsibilities and
12 that's how it panned out, but because DL 518 was good at it
13 and because he was always willing to help, DL 518 ended up
14 having a lot of work passed his way.

15 Q. From the chart it looked as though he was going to be
16 accountable to one of the other Directors.

17 A. No. Sorry. The chart's just -- sorry. The chart then
18 must be slightly -- DL 518 was accountable -- the
19 five -- the five ADs --

20 Q. Yes.

21 A. -- who were programme of care were accountable to the
22 Director of Social Services --

23 Q. That's right.

24 A. -- not to the other Directors.

25 Q. Thank you.

1 CHAIRMAN: Well, NL223, thank you very much indeed for
2 coming today after all these years to look back on
3 things that I am sure you thought you had left behind
4 and giving us the benefit of your information and
5 evidence. We have a great deal more, of course, on
6 paper from you than our questioning both by counsel and
7 ourselves would suggest. We are very grateful indeed to
8 you for producing so much helpful information, because
9 it is not easy to reconstruct the structures that were
10 in place --

11 **A. Yes.**

12 Q. -- at the time from this passage of time.

13 **A. Yes.**

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

15 **A. Thank you very much.**

16 **(Witness withdrew)**

17 MS SMITH: The next witness is Mr Aiken's, but I'm sure
18 we're going to take a short break.

19 CHAIRMAN: Yes. We'll rise for a few minutes anyway.

20 (11.55 am)

21 (Short break)

22 (12.23 pm)

23 (called)

24 CHAIRMAN: Yes. Sorry to have kept you waiting, ladies and
25 gentlemen.

1 MR AIKEN: Chairman, Members of the Panel, good afternoon.
2 The next witness today is Victor McElfatrick. He is
3 aware, Chairman, you are going to ask him to take the
4 oath.

5 VICTOR McELFATRICK (sworn)

6 CHAIRMAN: Thank you very much, Victor. Please sit down.

7 Questions from COUNSEL TO THE INQUIRY

8 MR AIKEN: Victor, coming up on the screen, please, at 9147
9 is the first page of your witness statement. Can you
10 just identify that for me?

11 **A. Yes, that is correct.**

12 Q. If we move, please, to 9150 -- 9150.

13 **A. 9050 I've got here.**

14 Q. There we go.

15 **A. Yes.**

16 Q. And you've signed that statement?

17 **A. Yes.**

18 Q. And you want to adopt it as your evidence to the
19 Inquiry?

20 **A. Yes.**

21 Q. In addition, Victor, you helpfully, having been made
22 aware of questions that I was posing, you provided
23 written answers to those questions --

24 **A. Yes.**

25 Q. -- and the Panel have access to those questions and

1 answers, and you want to adopt those also as your
2 evidence to the Inquiry --

3 **A. Yes.**

4 Q. -- and we'll them to the bundle at a later date.

5 **A. I do, yes.**

6 Q. Victor, as I said to you beforehand, we try to have
7 witnesses sitting where you are for as short a period of
8 time as we can. The Panel have read your witness
9 statement, read the answers to the questions that were
10 posed, have read two reports that we are going to talk
11 about and I want to just try to get to the heart of this
12 with you as quickly as I can, but just if we can very
13 quickly -- your date of birth is?

14 **A.**

15 Q. And you qualified as a social worker when? Can you
16 recall the -- roughly '60s?

17 **A. Roughly, yes. About '65/'66, something like that.**

18 Q. And you were originally involved in probation type work?

19 **A. Yes.**

20 Q. Then you moved into SWAG in 1975?

21 **A. Yes. That's right.**

22 Q. You did two spells, if I can put it like that?

23 **A. Yes.**

24 Q. You left in -- is it '7... --

25 **A. 1987.**

1 Q. '87?

2 A. Yes.

3 Q. Then you came back again.

4 A. Two years later.

5 Q. In '89. So when you went into SWAG in 1975, did it at
6 that point have -- you mentioned this briefly in your
7 statement -- did it have the Department's inspection
8 regime to carry out?

9 A. Well, at that time we were -- the Department had
10 a Social Work Advisory Group and initially I wasn't
11 involved in any inspection work at all, but from about
12 -- I think the first inspections that I were -- was
13 involved in would have been from about 1982.

14 Q. Do you know if prior to that date the power to inspect,
15 the Department's Childcare Branch, were they expecting
16 that to be exercised by the Social Work Advisory Group
17 or do you think that was still in the Department, in the
18 Childcare Branch of the Department, because they are
19 both parts of the Department?

20 A. Prior to 1982 my understanding is there were a couple of
21 ladies in the Department who would have carried out
22 visits to children's homes.

23 Q. That's Miss Forrest?

24 A. And Miss Hill, yes. They would have produced reports
25 for the Department. I think -- and a lot of this is

1 **problematic to me, because I have difficulty remembering**
2 **-- but I think that the first inspections probably took**
3 **place around 1982 --**

4 Q. And this, if I can --

5 **A. -- by the Social Work Advisory Group.**

6 Q. If I can just set the context of this, the scandal
7 relating to Kincora has broken. The Department put in
8 place then a response to that of an inspection cycle of
9 all children's homes, whether run by the boards or run
10 by voluntary organisations.

11 **A. Yes. I think that's correct.**

12 Q. And that was executed over a two to three-year period
13 beginning around about 1982.

14 **A. Yes.**

15 Q. And the Social Work Advisory Group were the part of the
16 Department that were given the task of carrying out that
17 inspection system under what was -- I think it was
18 section 130 and later became in your time section 168 --

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

20 Q. -- of the Children and Young Person's Act 1968.

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

22 Q. Ultimately had you been given any guidance by this first
23 inspection that you did in 1983 of, "What are we
24 supposed to be doing when we're doing this work?"

25 **A. Well, I guess we would have been inspecting against the**

1 legislative requirements and also having regard -- well,
2 were we given guidance? I'm not sure that we were. We
3 would have certainly been inspecting using our
4 knowledge, professional knowledge of what was good
5 practice.

6 Q. Yes.

7 A. So it would be a combination of those things I think.

8 Q. And you referred to the legislation. The legislation
9 was two-fold. It was the Children and Young Persons Act
10 1968 and that set out the Department's regulatory role
11 --

12 A. Yes.

13 Q. -- which you were effectively performing --

14 A. Yes.

15 Q. -- and then the Children and Young Persons Voluntary
16 Home Regulations 1975 --

17 A. Yes.

18 Q. -- which you were then checking against --

19 A. Yes.

20 Q. -- to see how the voluntary home was doing.

21 A. Yes.

22 Q. Ultimately -- we can bring it up as necessary -- the
23 principle that lay behind what you were doing was
24 an obligation that was on the -- if we just bring up
25 quickly, please, HIA445. This was the regulation 4 duty

1 that was on the voluntary home. HIA445. Well, we are
2 freezing. While that's coming up the obligation was for
3 the home to be conducted -- there we go:

4 "The administering authority shall ensure that each
5 home in its charge is conducted in such a manner and on
6 such principles as will further the well-being of the
7 children in the home."

8 **A. Yes.**

9 Q. Essentially that's what you were there to regulate, to
10 make sure that's what was happening?

11 **A. Yes.**

12 Q. And ultimately the Department under the Acts had the
13 power to register homes and deregister homes?

14 **A. That's correct.**

15 Q. And the ability to remove was where the Department was
16 no longer satisfied that the regulations were being
17 kept, that the home was otherwise unsatisfactory, and
18 presumably by that you mean not being run in -- in
19 a manner or on such principles as would further the
20 well-being of the children?

21 **A. Yes.**

22 Q. We're agreed that never was a home deregistered in all
23 of the time that you worked in the Department?

24 **A. I'm not sure about that.**

25 Q. You've no knowledge of any being deregistered?

1 **A. No.**

2 Q. And you come to do the inspection in 1983 of Nazareth
3 Lodge along with your colleague Norman Chambers.

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

5 Q. As I understand it, Norman Chambers is here in the
6 chamber --

7 **A. He is, yes.**

8 Q. -- and he is going to give evidence to the Inquiry later
9 on the same types of issues.

10 I want you to just identify for the Panel that we
11 have two documents that you and I have spent much time
12 looking at today and the first is at 14316.

13 **A. Yes.**

14 Q. If we can bring that up, please. That's SNB-14316.

15 **A. Yes.**

16 Q. If we can bring up on the other side of the screen for
17 now SNB-14322. This is a document that the Department
18 produced to the Inquiry and, as you can see from the
19 last page, it runs over seven pages. It is signed by
20 Mr Chambers. It is dated 18th October 1983. It follows
21 on, if one looks at the top left, the first sentence on
22 the first page:

23 "The inspection was carried out on 10th-12th October
24 1983."

25 So across three days you and he carry out this

1 inspection of Nazareth Lodge on behalf of the Department

2 --

3 **A. That's correct.**

4 Q. -- performing this statutory function. He signed it on
5 18th October, and what you have been able to produce to
6 me today -- because you've no recollection of this
7 report that I'm looking at --

8 **A. Yes.**

9 Q. -- and equally, if we just bring up, please, 50492 on
10 the left-hand screen, if that's possible, and then if we
11 can bring up 50521, and this is a longer document that
12 runs to 28 pages when we reach the conclusion, it
13 contains more background material than the first
14 document we looked at. Then if we move to 50522 on the
15 left side, please, we see added beyond the conclusion,
16 and if we bring up on the right-hand side of the page,
17 please, 50524, a set of recommendations. There's a page
18 in the middle missing obviously.

19 **A. Yes.**

20 Q. We end up with nineteen recommendations. They are at
21 the end of this version of the report.

22 **A. Yes.**

23 Q. This version of the report the Inquiry received itself
24 from gathering papers from PRONI that were part of the
25 Hughes Inquiry documents --

1 **A. Yes.**

2 Q. -- and it appears that this was the final version of the
3 1983 report.

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

5 Q. I am not going to go into it with you, but we've tracked
6 down in the departmental files some further
7 correspondence after the report that sees it being sent
8 to the Congregation and subsequently them responding to
9 the recommendations, saying what they say about them.

10 Then a follow-up visit from Mr Walker the following
11 year, and I'll take it up perhaps more with Mr Chambers.

12 **A. Yes.**

13 Q. So the position is you do the inspection. You talk to
14 the children?

15 **A. Yes.**

16 Q. You talk to the staff?

17 **A. Yes.**

18 Q. You talk to the nuns as well as the civilian staff?

19 **A. Yes.**

20 Q. And you spend time in the place?

21 **A. Yes.**

22 Q. And you're there to check whether they're complying with
23 the statutory regulations?

24 **A. Part of it, yes.**

25 Q. And that the home is being run in the best interests of

1 the children in effect?

2 **A. Yes.**

3 Q. Thereafter if you just can explain to the Panel --
4 because obviously, as you know from our discussion,
5 we've got two versions of this document. I'm going to
6 look at some examples so as not to prolong this for you,
7 Victor, because you don't remember how this happens, but
8 two documents that are on one view very different. What
9 I want to ask you about then is can you remember in
10 general the sequence of when an Inspector produced his
11 first version of the report, what steps did it go
12 through to end up with the final version?

13 **A. Well, the first version that you mention isn't a version**
14 **I think of the inspection report. It is I understand**
15 **notes taken by my colleague or -- after the inspection**
16 **as an aide-memoire. That's what my colleague tells me,**
17 **but you will check that with him himself.**

18 Q. The first version?

19 **A. What you refer to as the first version is a series of**
20 **notes recorded after the inspection as an aide-memoire.**

21 Q. Well, then the handwritten notes are in the bundle.

22 **A. Oh, those are handwritten notes. Yes. Sorry.**
23 **I thought you were referring to what appeared on the**
24 **screen.**

25 Q. 14316, please, on the left side of the page and 14322 on

1 the right side, 14316 and 14322. This is not
2 an aide-memoire, Victor. This is a report that has
3 a series of sections leading to a conclusion.

4 **A. Well, I can't say. That's a matter for Mr Chambers**
5 **to --**

6 Q. So if I've got you correctly, Mr Chambers has told you
7 this morning this is an aide memoire?

8 **A. That's what he understands, yes.**

9 Q. Well, we have got this document. We've got the notes
10 that precede it, and we will call it an aide-memoire
11 then.

12 **A. Okay.**

13 Q. Presumably you would have read the aide-memoire --

14 **A. You mean --**

15 Q. -- as part of --

16 **A. -- at the time? I don't know. I can't remember.**

17 Q. You can't remember?

18 **A. I've read it since obviously, because I've seen it in**
19 **the Department's files --**

20 Q. Yes.

21 **A. -- but I don't know if I would have read this at the**
22 **time.**

23 Q. So going back to the sequence of how we got from
24 an aide-memoire with its various sections and its
25 conclusion to the final report, what steps does it go

1 through to get there?

2 **A. In those days -- what I find difficult in recalling is**
3 **whether the procedure in the days of the Social Work**
4 **Advisory Group were the same as procedures when the**
5 **Social Work Advisory Group changed to be**
6 **an Inspectorate, but I think that probably what would**
7 **have happened would have been that the draft inspection**
8 **report -- that's to say, what you see is the final**
9 **inspection report, if I can use that term -- would have**
10 **been sent out to the -- the children's home concerned.**

11 **Q. Let me just pause you there, Victor. I am not**
12 **interested in the final draft that goes out to the home**
13 **that gets a response that ultimately gets published.**
14 **What I'm interested in is how we get from the**
15 **aide-memoire to the final draft.**

16 **A. Well, there would have been a meeting between**
17 **Mr Chambers and myself to discuss the inspection that**
18 **took place the previous week. I mean, I was going to be**
19 **away the following day.**

20 **Q. Yes.**

21 **A. But we -- I think from my diary I was able to tell I had**
22 **a meeting with Mr Chambers on the Monday or the Tuesday**
23 **or possibly both.**

24 **Q. On 17th and then 18th?**

25 **A. That's right, yes.**

1 Q. You've given us a copy of that diary this morning.

2 **A. Yes. We would have discussed the contents of that or**
3 **what we were going to put in the report basically based**
4 **on notes that I would have taken, notes that he would**
5 **have taken.**

6 Q. Well, now we don't just need to do that, because we have
7 got a -- we are calling it an aide-memoire but we've got
8 what looks like a draft report.

9 **A. Uh-huh.**

10 Q. Presumably -- well, you can't remember whether you saw
11 that or not?

12 **A. At the time, no, I can't remember.**

13 Q. But ultimately did the -- whenever you two had finished
14 whatever you were doing to it, did it pass up to your
15 Assistant Chief Inspector at that time or your Chief
16 Inspector?

17 **A. Well, he wouldn't have been an Inspector at that -- he**
18 **would have been a Chief Social Work Adviser or Assistant**
19 **-- I presume a Senior Social Work Adviser.**

20 Q. Right.

21 **A. I can't be sure. I would imagine it would have gone to**
22 **the Senior Social Work Adviser, but I cannot be**
23 **absolutely certain.**

24 Q. So that would have been Mr Armstrong at the time?

25 **A. Probably, yes.**

1 Q. As I said to you, no doubt the Department will continue
2 to try to find the documents, but there's no documents
3 that show the trail it seems at present between this
4 version and this version and you in looking through the
5 file haven't found any either.

6 **A. No.**

7 Q. What I want to ask you then -- and, as I said to you,
8 you don't remember this inspection --

9 **A. No.**

10 Q. -- other than to say you are in a position to give the
11 Panel some idea of where you felt the Nazareth Lodge
12 ranked on your scale as I've asked you to see it --

13 **A. Yes.**

14 Q. -- of homes you looked at, and I think you wanted -- we
15 were having a discussion about legal language and social
16 work language. I was talking about the top and the
17 bottom and you were talking about other words. How
18 would you describe it?

19 **A. Well, it wasn't a high-ranking residential childcare**
20 **service that was being provided in this -- in Nazareth**
21 **Lodge. How it would compare with other -- other**
22 **children's homes, I find it a little bit difficult to**
23 **answer that, but I think that at that time, given that**
24 **many of the staff in other residential homes would have**
25 **been unqualified or had low level qualifications, that**

1 it would -- I mean, there were one or two voluntary
2 organisations that had quite a good record, such as
3 Barnardo's, but those that didn't have a good structure
4 -- and I think this would be true of the religious ones
5 -- they wouldn't in my opinion have been very
6 professional in their approach to residential childcare.
7 So probably -- probably three-quarters of the way down
8 the tree, if you can understand that.

9 Q. Can you think of one that was lower?

10 A. Well, I haven't inspected any that I would regard as
11 lower.

12 Q. Now what I want then to ask you -- and you and I have
13 been through this, and I don't want to do it ad nauseam.
14 I will ask Mr Chambers, who authored the first document,
15 about this in detail also, but I want you to look at --
16 just as an example, if we look at 14316 and if we can
17 blow up the last paragraph, please, on the page. As you
18 know, the Panel have read this document --

19 A. Yes.

20 Q. -- and read its successor. You will see here:

21 "The management style in the home is rigidly
22 hierarchical."

23 A. Yes.

24 Q. "The Sisters do not consult the staff on matters of
25 policy and practice and an atmosphere of their

1 authoritarianism prevails."

2 **A. Yes.**

3 Q. Now you won't find that language anywhere in the
4 successor document. Isn't that right?

5 **A. The inspection report?**

6 Q. Yes. Then:

7 "In only one of the groups ...",

8 because there's three groups each headed by a nun

9 --

10 **A. Yes.**

11 Q. -- and essentially it's three units of residential home
12 in one.

13 **A. Yes.**

14 Q. It says this:

15 "In only one of the groups has staff had access to
16 children's records."

17 As you know, later in the report -- later in the
18 original document Mr Chambers refers to that being
19 a serious omission in his view. Then that's not found
20 in the final version. Then it says:

21 "In only one group do staff attend case reviews.
22 They have all limited, if any, contact with social
23 workers. Just as the Sisters do not consult with the
24 staff nor involve them in decision-making, so the lay
25 staff do not acknowledge the Sisters as being members of

1 the caring staff. They perceive them as authoritarian,
2 background figures who absent themselves from the group,
3 particularly during periods when their help is needed."

4 Now, as I was showing you, if we could bring up on
5 the right-hand side of the page, please, 50504. Now you
6 can see the first sentence of the final version and then
7 the second sentence says:

8 "The Sisters are available in the home at all
9 times."

10 **A. Yes.**

11 Q. Well, how does one square the document I've just read to
12 you with that comment in the final document?

13 **A. You're referring to -- what are you referring to in the
14 first document?**

15 Q. Well, at the bottom it says:

16 "They perceive them as authoritarian background
17 figures, who absent themselves" --

18 **A. Oh, yes. That's it.**

19 Q. -- "from the group, particularly during periods when
20 their help is needed."

21 Then in the final report that becomes:

22 "The sisters are available in the home at all
23 times."

24 **A. I can't really explain that. I would -- I can only
25 imagine what the situation is and I don't know whether**

1 **that's helpful to -- for me to speculate on that.**

2 Q. Well, let's just move on to the next. On the left-hand
3 page if we can just scroll through to 14317, this is
4 said:

5 "The Sisters do not socialise with the staff. They
6 eat separately and have their own living quarters. The
7 need for the Sisters to attend to religious duties
8 throughout the day is considered to be intrusive, and
9 while it's understood that they may occasionally be late
10 for offices, their religious duties are considered to be
11 paramount."

12 Now, as I was saying to you earlier, there couldn't
13 be anything wrong with your religious duties and wanting
14 to fulfil them --

15 **A. Uh-huh.**

16 Q. -- but what seems to be being said here by you --
17 because, as you know, this is "we" constantly through
18 this document, but it may not be you if you're saying,
19 "I didn't", but it's referred to as "we" -- seems to be
20 saying the religious duties the Sisters were involved
21 with was getting in the way of them helping the children
22 in the view of the lay staff at the very least.

23 **A. Yes.**

24 Q. Where would one -- well, let's see. You can't find that
25 reference to this being an issue in the final report.

1 **A. No.**

2 Q. Do you know why that was removed?

3 **A. I don't know.**

4 Q. On that page on the right we can see that it continues
5 saying about the arrangements for the staff and how it
6 was a 40-hour week. If we move -- if we can take the
7 left page, please, to 14321, and you can see in the
8 second paragraph of the original document it says:

9 "Staff work split shifts and they appear to work
10 between 56 and 70 hours per week."

11 That seems to become that:

12 "Matters are organised on the basis of a 40-hour
13 week."

14 **A. I think that might be a reference to the -- the**
15 **reference to 56 and 70 hours a week might be a reference**
16 **to the amount of time that the Sisters work, are**
17 **available in the -- actually in the -- with the children**
18 **--**

19 Q. Well, Victor, I'm not going to --

20 **A. -- whereas the --**

21 Q. -- as I said to you, this is not a cross-examination.

22 **A. No.**

23 Q. All the references in this document you can take from me
24 to "staff" are not referring to the Sisters. You've got
25 -- the document refers to Sisters and then to staff, who

1 are those who are therefore not Sisters. Do you know
2 why? You obviously don't know why --

3 **A. I don't.**

4 Q. -- because this first document is identifying that the
5 staff in the home are working long hours and then in the
6 final version it seems to be suggesting that they should
7 be working a 40-hour week.

8 **A. Yes. Well, I can't explain that.**

9 Q. You can see then, if you look at the left-hand side, the
10 third paragraph:

11 "As a staff group they appear to get along well and
12 they seem to enjoy working with the children. However,
13 their relationships with the nuns is very poor and none
14 of the staff is content. Their principal grievances are
15 to do with salary levels, split shifts and living
16 conditions. While these are important considerations,
17 we should be equally concerned about the professional
18 development, which is virtually non-existent."

19 Now to bring that to layman's terms, the first
20 version is saying, "The staff here are very unhappy and
21 are not being treated well in their view". Is that
22 fair?

23 **A. Yes, I think that's fair.**

24 Q. Can you find those sentiments anywhere in the actual
25 final version? It is that section that we are at, the

1 5.5, or we can go back to the page before at 50503 where
2 it talks about management style. Then staff and
3 training is dealt with if we just scroll further through
4 50505, which is just the next section, section 6. You
5 won't find that type of view being reflected in the
6 final report.

7 **A. Sorry. What I'm looking at is something about staffing
8 and staff training.**

9 Q. Yes. I've scrolled -- scrolled through, because there's
10 another section that deals -- there's nothing in
11 section 5 to do with it. I've scrolled through to show
12 you section 6, which is another place it could
13 conceivably be, because this does deal with their
14 qualifications and trying to encourage. You were
15 explaining to me earlier there was great emphasis being
16 put on trying to encourage staff to get trained and
17 encourage voluntary homes to get their staff trained.

18 **A. Yes, that's so.**

19 Q. One of the points you made to me, and I just want to get
20 the context of this for you, you were dealing with
21 a time whenever there were very few qualified staff in
22 the place or in any children's home --

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

24 Q. -- and the emphasis was on trying to encourage and get
25 them improve --

1 **A. Yes.**

2 Q. -- brought up.

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

4 Q. That's why there's the references to the staffing. You
5 see, if we just go back on the right-hand side to 50503,
6 this is the section that's dealing with the files you
7 and I were talking about earlier, because one of the
8 criticisms that's in this document, the original
9 version, is about files, and I just want to show you.
10 On the left-hand side if we can show, please, 14319, and
11 you can see the paragraph. It is just one sentence on
12 its own in the middle of the page.

13 **A. Yes.**

14 Q. "Staff do not contribute to the children's files and
15 I consider this to be a serious omission."

16 Now then on the right-hand side the final version
17 you'll see it's saying:

18 "In only one of the units are there regular meetings
19 of the staff group and general staff expressed the
20 opinion their views didn't carry much weight with the
21 Sisters."

22 It seems, if I bring it together, Victor, that there
23 was one of the three groups that was led by SR 148

24 --

25 **A. Yes.**

1 Q. -- who was social work trained, who was doing the things
2 that you would expect her to be doing --

3 **A. Yes.**

4 Q. -- or a head of unit to be doing --

5 **A. Yes.**

6 Q. -- which was trying to engage with the staff, them
7 participating in reviews, having access to the
8 children's files, but this wasn't happening in the other
9 two units, and one you were giving a by ball to, because
10 the person was quite new, but the third one -- and you
11 know what I'm going to say next --

12 **A. Yes.**

13 Q. -- when we look at the conclusion that's reached -- if
14 we look on the left-hand page, please, at 14322, you'll
15 see that the -- if I just show you the conclusion of the
16 main report, the final report, if we bring up on the
17 right-hand page 50521, and what I'm getting at, if we
18 can amplify the last half of the conclusion on the
19 left-hand side. Thank you:

20 "While one of the Sisters clearly has the ability
21 and another, who has been in post for only a month, has
22 undoubtedly a lot to contribute, the third Sister has
23 little understanding of residential social work and her
24 ideas are largely irrelevant to the stated range of
25 objectives. The fact that no staff is substantially

1 involved in carrying out the aims of the home is
2 a serious indictment of the regime."

3 Now two things to that, Victor. You, it seems, or
4 Norman, if not you, has identified that one of these
5 units is not fit for purpose, if I put it that way. Is
6 that fair?

7 **A. Well, it's certainly not operating to a standard that we**
8 **would like to see it operating to --**

9 Q. Yes.

10 **A. -- and it's far from -- far from adequate.**

11 Q. Right. That doesn't appear anywhere in the final
12 report.

13 **A. I mean, I think that one of the reasons why we may have**
14 **stated it in that way is because we were -- as**
15 **an advisory you're trying to encourage the development**
16 **of organisations who were quite a long way behind where**
17 **we would like them to be. Rather than damn them**
18 **forever, encourage them to develop standards through**
19 **training and so on. So while the performance of the**
20 **third group that you're referring to was clearly**
21 **insufficient or inadequate from our perspective as**
22 **advisers, we wanted to encourage those people to**
23 **develop. That was the tenor of our reports. That's**
24 **what we were encouraging at that stage.**

25 Q. How would the home -- because, as I understand it, these

1 reports -- you're carrying out your statutory function
2 and the reports are only provided to the voluntary home
3 that you're inspecting. The Boards don't get it.
4 That's right?

5 **A. I understand that, yes.**

6 Q. So the only entity who can be helped by this --

7 **A. Uh-huh.**

8 Q. -- is the voluntary organisation running the home.

9 **A. Well, they can be helped by the Department. The**
10 **Department would have helped by way of training.**

11 Q. But you are the Department --

12 **A. Yes.**

13 Q. -- doing the inspection and what you found is that one
14 of the three units has a head that's not really suitable
15 for that post.

16 **A. Certainly at that stage, yes.**

17 Q. What I'm asking if you -- whatever word you want to use
18 for it -- tone it down to "encourage", how will they
19 ever know that the regulator thinks that one of these
20 units is headed up by someone who is not suitable for
21 that task?

22 **A. That's a point, but we are encouraging -- we are**
23 **encouraging through our reports and I think it's**
24 **probably in the conclusions the development of training**
25 **for staff and, you know, I would like to think as**

1 **a result of that the third housemother, the third nun,**
2 **would have the opportunity to have more adequate**
3 **training.**

4 Q. But why not just tell her or tell the home that that's
5 what you found?

6 A. **Yes. Well, there's nothing in the report. So I can't**
7 **really comment beyond that.**

8 Q. Can you offer any explanation for why it would get left
9 out, or is that the explanation, that you don't want to
10 be overly critical of what you find?

11 A. **I don't -- I don't really know.**

12 Q. Given that the first report -- and I just want to
13 characterise it in this way. We've looked at the two
14 sections in the main final version that deals with
15 staffing. If -- let's for the sake of argument say that
16 the Congregation didn't realise that their lay staff
17 were as unhappy as you found them as contained in the
18 first version. By not telling them that through the
19 final version how could they address it?

20 A. **Well, I'd like to just check and see what we said about**
21 **the residential childcare task. We certainly made a**
22 **reference at one point to the fact that staff expressed**
23 **their opinion that their views did not carry much weight**
24 **with the Sisters.**

25 Q. Yes. There's -- do you see what I'm getting at? I'm

1 not criticising you, Victor. I'm asking a question.

2 It's one thing to say that they didn't think their views
3 were being taken on board --

4 **A. Uh-huh.**

5 Q. -- but what's recorded in the first version is a very
6 unhappy lay staff, which may be justified or may not be
7 justified, but by not expressing that in the final
8 version then the Congregation don't have an opportunity
9 to tackle it to see is it justified and maybe conclude
10 that those are entirely unjustified views for them to
11 hold or in the alternative, "Yes, there are some things
12 that, now that we're aware of these issues that they
13 didn't feel able to tell us about or we weren't taking
14 sufficiently on board or whatever the case may be, we
15 can now deal with them".

16 **A. I can't really comment on that. I think you're going to**
17 **have to ask Norman Chambers, who wrote the original**
18 **report, about that.**

19 Q. You do obviously make criticism in the final report, not
20 necessarily in the same way as the earlier document, but
21 you make the point if we look on the right-hand page,
22 please, at 50509 -- and I'm not going to bring up -- in
23 8.1 you talk about how -- the three different approaches
24 of the three different units and the language here is
25 softer than in the first version, but you then explain

1 in 8.2 that:

2 "The staff don't have enough time to spend on direct
3 work with the children",
4 because of the various tasks they were doing.

5 **A. Yes.**

6 Q. You address that issue of them carrying out domestic
7 work and make some recommendations about it. Then you
8 go on to explain over the next three pages about the
9 primary worker system, which SR 148 was operating
10 in her group --

11 **A. Yes.**

12 Q. -- and how I think later in response to the
13 recommendations it's said that's going to improve, but
14 I want to you look at 8.4 please, if we go through to
15 50511, and this is a section dealing with parents coming
16 to visit. If we can bring up on the left-hand page,
17 please, 14317 and the bottom paragraph of 14317 there's
18 a sentence that says:

19 "Arrangements for parents to spend time with their
20 children in Nazareth Lodge is very unsatisfactory."

21 Now can I ask you in inspectorial language is that
22 very strong, "very unsatisfactory"?

23 **A. I'm just trying to get -- that's the last paragraph on**
24 **...**

25 Q. You see in the last paragraph --

1 **A. Yes, I see it now.**

2 Q. -- halfway through:

3 "Arrangements for parents to spend time with their
4 children in Nazareth Lodge is very unsatisfactory."

5 **A. Yes. I'm not quite sure what -- I mean, that might be**
6 **-- might be related to the facilities in which they met**
7 **the children. I see in the main report or the report**
8 **itself:**

9 "Parents meet their children in a small sitting
10 room. They're not allowed to go to the children's
11 bedrooms. The advisers consider that greater efforts
12 could be made to encourage parental visiting."

13 So --

14 Q. And those are the reasons, if we were back at the first
15 version and the unsatisfactory lang... -- where you find
16 that word --

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

18 Q. -- if you read the next few sentences, you'll find
19 that's exactly what he seems to be saying.

20 **A. Well, that would be unsatisfactory, yes.**

21 Q. Yes. I'm just wondering why that strength of feeling is
22 then not conveyed in 8.4, because it becomes:

23 "The advisers consider that greater efforts could be
24 made to encourage parental visiting."

25 **A. Yes. We have said in the -- in the report itself:**

1 **"It is recommended, therefore, that more be done to**
2 **make parents feel welcome and to encourage them to**
3 **maintain regular contact with the children."**

4 **So we were trying to address it perhaps in a softer**
5 **way.**

6 Q. Yes. I'm not going to go through this beyond this last
7 point that I'm going to raise with you. If we look at
8 section 9, and we just make this whole screen, please,
9 at 50516 -- because it's clear from the final version,
10 Victor, that you and your colleague, Norman, know about
11 the regulations -- if we just make it whole screen, if
12 we move back to full screen, please, because the final
13 version refers to the regulations in various parts and
14 their need to be complied with, but what's absent from
15 this final version, and indeed is virtually absent from
16 the earlier version is any reference to the regulation 4
17 duty which was on the administering authority to ensure
18 that the manner and principles that they were operating
19 by was in the best interests of children.

20 **A. Yes.**

21 Q. Regulation 4.2 contained the manner in which that duty
22 was to at least in part be discharged, which was by the
23 administering authority appointing a person whose
24 specific job was to go in each month and check that the
25 home was being so run and then write a report.

1 **A. Yes.**

2 Q. So in theory when you come to inspect, there should be
3 twelve reports if you were doing an annual inspection.

4 **A. Yes.**

5 Q. There should be twelve reports for you to look at from
6 the visitor who is telling you what the position is --

7 **A. Yes.**

8 Q. -- and equally that would then be a person that you
9 could turn to to speak to to find out what their report
10 is like.

11 There was an equivalent version in the statutory
12 sector in what was the '52 regulations for Welfare
13 Authority homes and then later the direction that
14 applied from 1975, but there's no reference to this
15 obligation or its non-compliance in the report.

16 **A. Yes. I mean, I -- in my statement I've acknowledged that**
17 **that's a weakness in our report, that we probably should**
18 **have emphasised that much more strongly. What the home**
19 **had was this provisioning for two nuns to periodically**
20 **visit the home and provide advice to the Mother**
21 **Superior, but it was -- I suppose that's not perfect by**
22 **any means. At least the Mother Superior from Dublin,**
23 **who should have been visiting regularly, visited on**
24 **a number of occasions, but not as frequently as once**
25 **a month and we didn't regard that as satisfactory.**

1 Q. So why is there no -- why is there no mention of any of
2 this?

3 **A. I can't comment on that.**

4 Q. Because two of the nuns -- and I am not going to name
5 her to embarrass her -- the two nuns you refer to, one
6 of them was the one that is referred to at the end of
7 the first report --

8 **A. Yes.**

9 Q. -- and views were expressed by the Department about her
10 in very clear terms.

11 **A. Yes.**

12 Q. The recommendations that ultimately flow don't contain
13 a requirement for this to happen and don't contain
14 matters such as, "Make sure the staff see the files.
15 Make sure they can contribute to the files. A voluntary
16 visitor should be appointed. They should provide
17 monthly reports. Those reports should be available for
18 us when we inspect". Do you know why stronger comment
19 on those issues aren't present?

20 **A. No, I don't. I mean, part of explanation might be that
21 we were on a learning curve ourselves at that stage
22 and maybe we -- I think there are things that needed to
23 have been said with the benefit of hindsight much more
24 strongly than we have done in this report, but that's
25 all I can offer really.**

1 Q. We talked about visitors, volunteers. If we just bring
2 up, please, 14321, and I was asking you -- reference is
3 made here to who the volunteers were and they were --
4 scroll down, please. Scroll down. Thank you.

5 "The only volunteers who came to the home were
6 student priests and they appear to make a valuable
7 contribution and most of the children are glad to see
8 them. We were advised of one exception."

9 You can't remember who that exception was.

10 **A. No.**

11 Q. Then it is said at the end:

12 "It is assumed that the vetting process undertaken
13 by their college is adequate for the purposes of
14 entering their -- ensuring their suitability to visit
15 the home."

16 Now whenever this issue was being dealt with in the
17 final report, the section that deals with volunteers, if
18 we bring 50512, please, it makes no mention -- it deals
19 with the issue of volunteers, but it doesn't identify
20 the category of the only volunteers who are coming to
21 the home that was identified in the first version.

22 **A. Yes. You mean it doesn't identify them as priests?**

23 Q. Yes.

24 **A. Uh-huh. No.**

25 Q. What I want you to do for a moment, if you put that

1 alongside the fact that -- do you remember the part we
2 looked at earlier that referred to the religious
3 behaviour of the nuns and how that was interfering with
4 the children or being around to help when needed
5 according to the staff, however one wants to put it?

6 **A. Uh-huh.**

7 Q. That reference to their religious behaviour and then the
8 reference to priests being the volunteers don't appear
9 in the final report. Do you know why?

10 **A. No, I can't say why. I don't know why.**

11 Q. Were you given any advice at any stage about, you know,
12 "We don't want to be shutting places down"?

13 **A. No. I don't think so. I certainly have no recollection**
14 **of it, but I would be very surprised if we got that sort**
15 **of advice from senior management at that time.**

16 Q. Well, can I -- now that you have had time to reflect on
17 it, if the first version had been the final version, it
18 would have obviously read very differently. Is it fair
19 to consider it might have provoked a very different
20 response? If you feel unable to -- if you can't form
21 a view about that, that's perfectly all right. Just say
22 so.

23 **A. It is difficult for me to make any judgment on that.**

24 Q. Victor, I'm not going to ask you any more questions. If
25 you just remain where you are for a short time, the

1 Panel Members may want to ask you something. Thank you.

2 Questions from THE PANEL

3 CHAIRMAN: I just want to ask you, Victor, about the process
4 of preparing the final report that we've seen. We have
5 the document prepared by and signed by Mr Chambers and
6 although he says "we", sometimes he says "I". In the
7 usual way of doing these things somebody usually gets
8 the job of preparing the first draft of the substantive
9 final report.

10 **A. Uh-huh.**

11 Q. Was that Mr Chambers in this instance did that?

12 **A. I think so.**

13 Q. And then those who are engaged in it will have the
14 opportunity to have their input in.

15 **A. Uh-huh.**

16 Q. They may say, "Oh, you've got that wrong" or "You're too
17 harsh in this respect" or "I don't agree with that".
18 Would you have been part of such a process?

19 **A. I know I had a meeting with Mr Chambers on the Monday or
20 the Tuesday or maybe both, and I see that his report is
21 dated -- dated on the Tuesday. So I may have had some
22 influence on that, but some of the things that have been
23 suggested by the barrister I think I would -- you know,
24 if -- I think I would have been concerned about not
25 getting that degree of emphasis. So I'm not absolutely**

1 sure if I've seen this report from Mr Chambers -- this
2 report -- I'm not sure it's fair to call it a report --
3 his -- his comments really. So I'm not sure that
4 I would have -- I would have been aware of some of the
5 things that have been suggested in terms of his feelings
6 immediately after the inspection or when he wrote this.
7 For example, you know, where he says:

8 "Staff do not contribute to the children file --
9 children's files and I would consider this to be
10 a serious omission",

11 that doesn't feature in the report itself. I'm not
12 sure that I would have felt that, given the state of the
13 qualifications of staff at that stage, that I would have
14 given it that degree of emphasis, but I don't really
15 know what influence I had on the report. We would have
16 discussed it no doubt on the Monday or the Tuesday.

17 Norman Chambers would have actually written the report
18 itself and there are things have been softened no doubt
19 and I am not quite sure why they've been softened.

20 I can only imagine the reason for it being softened is
21 to encourage rather than damn an organisation. So what
22 we want to do as social work advisers is encourage the
23 development of residential services, and had the home
24 been closed down, it would have made more pressure --
25 laid more pressure on Boards to find 24, 25 places. So

1 **I think that might be a factor in how we presented the**
2 **report.**

3 Q. Well, once someone such as Mr Chambers prepares the
4 draft of the substantive report and that is discussed at
5 whatever level it is appropriate, does have to be
6 referred to a more senior level to be signed off, as it
7 were?

8 A. **Well, at some stage that would be the case. I mean,**
9 **certainly as the Social Service Inspectorate that would**
10 **have been the case.**

11 Q. Who would have been the person in this instance to whom
12 that would have happened?

13 A. **I think it would have been Mr Pat Armstrong, who was**
14 **I think a Senior Social Work Adviser at the time**
15 **possibly.**

16 Q. Then once the final version is arrived at, because that
17 person may have comments to make about it, it's only
18 then that what we see is finally achieved. Is that
19 right?

20 A. **Well, this I think probably would have been --**

21 Q. Maybe it goes through several stages of going back, then
22 being referred to him, going back again, but somebody
23 ultimately signs it off. Is that the position or was it
24 the position?

25 A. **Well, I'm not sure at that stage whether it would even**

1 have gone to the Senior Social Work Adviser. That's
2 something I can't remember. It would certainly have
3 gone to the residential establishment for a factual
4 accuracy check before it was finalised, but that would
5 be for a factual check, no change to the substance of
6 the report. So I'm not absolutely sure. I don't think
7 that -- well, I don't really know whether it would have
8 gone to Mr Armstrong, for example. Mr Chambers might
9 have some recollection of that, but I'm afraid I can't
10 remember.

11 Q. Well, in the normal way presumably was there a file in
12 which the drafts were kept, and if that file were still
13 in existence, we would be able to see what the process
14 was?

15 A. I don't know.

16 Q. Thank you very much.

17 A. Thank you.

18 MR LANE: What was the normal process for following up? You
19 mentioned how a report would have gone to the home for
20 a check on the accuracy, but then when there's nineteen
21 recommendations, you know, what happened about them?

22 A. Well, there would have been a letter sent out to the --
23 to the home, to the head of the home, asking for
24 a response to those, and there was a response to that,
25 and it's probably in the papers somewhere that you have.

1 Each of the nineteen recommendations were responded to
2 by the home in a letter from the Mother Superior, and
3 there was a follow-up meeting with an Inspector -- it
4 wasn't either Mr Chambers or myself -- Mr Walker
5 I believe, who would -- who followed up to deal with
6 anything that maybe he felt wasn't completely dealt with
7 in her response.

8 Q. And how long after the inspection would that have been?

9 A. I'm not absolutely sure, but it should be in the
10 records. There should be something on that. It may
11 have been a year later.

12 Q. Uh-huh. Would there have been also a further follow-up
13 in any later inspection to check the recommendations had
14 all been carried out?

15 A. Yes. I think the -- I think there was going to be
16 an annual inspection and I think there were other
17 inspections then subsequently conducted. There might
18 only have been another couple of years before the Social
19 Work Advisory Group emerged into the Social Service
20 Inspectorate. I had left the organisation at that time
21 but came back in, but wasn't involved in any subsequent
22 inspections. So I'm not in a position to sort of
23 complete the answer to that question, but I think there
24 were more inspections and they would have looked back to
25 satisfy themselves that the recommendations were acted

1 **upon.**

2 Q. Obviously there is the ultimate weapon of
3 deregistration, but short of that were there any
4 sanctions that you could apply or was it just a matter
5 of advising?

6 **A. I can't think of any sanctions other than encouraging,**
7 **advising.**

8 Q. And this would have been kept entirely between the
9 Department and the home in question?

10 **A. I guess so.**

11 Q. Okay. Thank you very much.

12 **A. Okay.**

13 CHAIRMAN: Now, Victor, thank you very much for coming to
14 speak to us today. That's all we need to ask you.

15 **A. Thank you.**

16 **(Witness withdrew)**

17 CHAIRMAN: We'll sit again not before 2.15, ladies and
18 gentlemen.

19 (1.22 pm)

20 (Short break)

21 (2.15 pm)

22 CHAIRMAN: Ladies and gentlemen, I am sorry to have kept you
23 waiting rather longer than we anticipated, but there
24 were some administrative arrangements that we had to
25 deal with before we could resume the hearings this

1 afternoon.

2 ROBERT MOORE (called)

3 MS SMITH: Good afternoon, Chairman, Panel Members, ladies
4 and gentlemen. Our first witness this afternoon is
5 Mr Robert Moore. Robert wishes to take the religious
6 oath and he is aware that he has no anonymity before the
7 Inquiry.

8 ROBERT MOORE (sworn)

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

10 Questions from COUNSEL TO THE INQUIRY

11 MS SMITH: Now, Robert, you are content for me to use your
12 first name?

13 **A. Indeed I am.**

14 Q. Thank you, and you have provided the Inquiry with two
15 statements. The first was on 14th August of last year,
16 which can be found at SNB-6904 to 6907, and then one in
17 February of this year, 24th February, SNB-6898 to 6903.

18 Now if we can look at the first of those statements,
19 please, at 6904, and in paragraphs 1 and 2, Robert, you
20 set out your qualifications and your employment record,
21 which clearly shows that you were employed by Belfast
22 Welfare Authority from 1961. If we can scroll on down,
23 you ultimately ended up in 1984 to 1995 as the Director
24 of Social Services for --

25 **A. Indeed.**

1 Q. -- the Eastern Health & Social Services Board. A lot of
2 what we are going to talk about relates to that time
3 period. Now you also in paragraph 3 over the next page,
4 you make the point that when -- I should say that the
5 Inquiry has read your statement in full, Robert. So I'm
6 just going to summarise some aspects of it.

7 **A. Okay.**

8 Q. You make the point that when the welfare authorities
9 were set up in Northern Ireland, those who were charged
10 with the care of those services, social workers, were
11 essentially untrained.

12 **A. Yes.**

13 Q. Services gradually improved, but even in 1962, when you
14 were an Assistant Divisional Welfare Officer, no-one at
15 that time was professionally qualified and the
16 responsibility for children's homes lay with the
17 Children's Officer of the Welfare Authority.

18 **A. Indeed. That's true.**

19 Q. Paragraph 4 here you go on to say that in 1964 you were
20 seconded to Liverpool University to become
21 professionally qualified. You were, in fact, the first
22 person to go from Northern Ireland to obtain that
23 qualification. Am I right?

24 **A. You're quite right, and I make the point only to**
25 **illustrate how late secondment on professional training**

1 **was in those days.**

2 Q. So as you set the path in train, many people followed
3 then to obtain their qualification, or was it a slow
4 moving thing?

5 **A. It was fairly slow moving. I went on professional**
6 **training in 1964. It wasn't until 1968 that**
7 **a Departmental circular required newly appointed social**
8 **workers to be professionally qualified. I think it was**
9 **only then that there was an acceleration in terms of the**
10 **recruitment and employment and secondment of staff on**
11 **courses.**

12 Q. We're jumping ahead a bit, because I know we were
13 talking about this earlier at a later stage in what we
14 were going to discuss today, but that requirement only
15 related to those social workers who were doing fieldwork
16 at that point in the late '60s?

17 **A. That's quite right.**

18 Q. Again in paragraph 4 you describe the difficulties there
19 were for the childcare services when the Troubles
20 started in Northern Ireland.

21 **A. Yes.**

22 Q. They would have been in the late 1960s that things --
23 the Troubles started here.

24 You also describe the particular difficulties for
25 the statutory sector in respect of residential work here

1 in paragraph 5. At that time you say they were
2 understaffed, underpaid and undervalued. When we were
3 talking earlier, I was wondering what the situation was
4 in respect of voluntary homes in Northern Ireland. We
5 had quite a lengthy discussion about that. If I may
6 summarise, you have said that they -- you suspect that
7 they had similar difficulties with being underpaid,
8 understaffed and undervalued. However, the voluntary
9 homes in Northern Ireland were largely religious
10 organisations --

11 **A. Yes.**

12 Q. -- or would have been operated by religious
13 organisations.

14 **A. Yes.**

15 Q. You were making a distinction between the fact that
16 there were sort of single homes like -- the example you
17 gave me was --

18 **A. Yes.**

19 Q. -- where those people were working effectively as
20 amateurs, had been set up to look after orphaned and
21 abandoned children --

22 **A. Yes.**

23 Q. -- but with the changes they were unable to essentially
24 cope.

25 **A. I think that's an entirely -- entirely right. As the**

1 development of foster care took place, then the children
2 left behind in residential settings were by definition
3 older, had longer lasting damaging life experiences and
4 were, if you like, more troubled and troublesome than
5 the children of the years before. A number of voluntary
6 homes, including , decided eventually that
7 this was not what they came into being to do and they
8 could no longer cope with the demands of that kind of
9 work. So they eventually basically stood down.

10 Q. We were talking too about -- you were making
11 a distinction between Barnardo's, which you said was
12 a relatively professional organisation --

13 A. Yes.

14 Q. -- the homes here in Northern Ireland. You thought the
15 reason for that was they were part of a wider network
16 with a central administration --

17 A. Yes.

18 Q. -- and that they had established -- they were an
19 established care provider who had developed the
20 standards as part of a national body.

21 A. Yes.

22 Q. I was asking well, if we can look at the homes that
23 we're looking at today, the Congregation have told us
24 that each home, while individual, was semi-autonomous
25 and ultimately was answerable to the mother house in

1 London.

2 **A. Yes.**

3 Q. So in that sense there was -- they were part of a larger
4 network with a central administration --

5 **A. Indeed.**

6 Q. -- similar to Barnardo's. I was wondering what you
7 thought the difference between these two types of
8 voluntary homes were.

9 **A. You can understand if it's a bit speculative, but**
10 **I really do think that the character of religious orders**
11 **was such that their commitment is to the Order and to**
12 **the worship of God. The care for children or indeed**
13 **other people in need may well be an expression of their**
14 **religious belief, but I think it comes second to their**
15 **religious commitment.**

16 Q. You suspected that Barnardo's was different?

17 **A. I did. I'm not sure I've got very strong grounds for**
18 **that beyond having become aware of the way in which they**
19 **managed their business of providing care and it just**
20 **seemed to be more professional than the other voluntary**
21 **homes.**

22 Q. You go on to say that the -- sorry. In the next
23 paragraph, 6 I think it is, you talk about there was
24 a further difficulty was the structure of residential
25 care and the separation of children according to their

1 age, their sex and their religion --

2 **A. Yes.**

3 Q. -- in the provision of childcare services.

4 **A. Yes.**

5 Q. You say that you yourself instigated -- I was asking
6 then about the move that you remember when family groups
7 --

8 **A. Yes.**

9 Q. -- became a feature in residential care in Northern
10 Ireland.

11 **A. Yes.**

12 Q. You think that was in the late '60s before that really
13 became something that was a feature.

14 **A. I think that's right. There were fashions in childcare**
15 **and no doubt there still are, but I do remember when**
16 **I was undergoing my professional training that there was**
17 **a good deal of discussion of these relatively new**
18 **phenomena called family group homes as providing a way**
19 **forward away from the larger institutional care of**
20 **children, and I would imagine, because in Northern**
21 **Ireland things tended to happen a bit later than in**
22 **Britain, that the concept would have been developed in**
23 **the late '60s rather than earlier than that.**

24 Q. Well, you talk about in paragraph 7 here that you
25 yourself were instrumental in instituting a practice

1 that the social worker would visit a child in
2 residential care at least monthly and that there be
3 quarterly reviews.

4 **A. Yes.**

5 Q. That was a legal requirement for boarded-out children.
6 Do you recall when you set that up, Robert?

7 **A. Oh, I think the answer has to be -- has to be no, but**
8 **there is a time frame. I was at headquarters of Belfast**
9 **Welfare from 1965 until 1971. So a midpoint would not**
10 **be too far out.**

11 Q. So between those years anyway --

12 **A. Yes.**

13 Q. -- is when that was instituted.

14 **A. Yes.**

15 Q. In paragraph 8 you also talk about the children's home
16 at Rubane in Kircubbin. You say that you only ever
17 visited it twice, but you also go on in this paragraph
18 to talk about a visit to a Catholic residential nursery
19 when you were Children's Officer --

20 **A. Yes.**

21 Q. -- again in that period of '67 to '71.

22 **A. Yes.**

23 Q. You say that the Sister in charge declined your
24 suggestion that she apply for an increase in the weekly
25 charge.

1 **A. Yes.**

2 Q. You said that it was -- you had visited this residential
3 nursery and it was noteworthy because you had become
4 concerned about the demands being made on her and her
5 small complement of religious, who were providing round
6 the clock, 168 hours a week for quite a large number of
7 small children.

8 **A. Yes.**

9 Q. You tried to persuade her to apply for an increase in
10 the weekly charge in order that some of the lay staff
11 could be recruited. You think even then there were
12 fewer postulants and your offer was declined. I asked
13 if you could remember what home that was --

14 **A. Yes.**

15 Q. -- and --

16 **A. It was St. Joseph's Babies Home.**

17 Q. And the nun in question?

18 **A. SR18.**

19 Q. You made the point to me when we were discussing this
20 that even then money was tight and budgets were modest
21 --

22 **A. Yes.**

23 Q. -- but you felt so strongly this nun was being
24 overworked that you were prepared to get her the money
25 from somewhere to get help.

1 A. That's entirely right. I mean, on reflection I remember
2 comparing the charges across a number of statutory and
3 voluntary homes and St. Joseph's stood out because of
4 its very low weekly rate. I just didn't understand how
5 they could manage on so little, even allowing for the
6 fact that the home was mainly run and staffed by
7 religious.

8 Q. Had you formed a view as to why you thought she turned
9 your offer down?

10 A. Well, I have to admit that I hadn't formed a view until
11 I was asked this morning, but on reflection I think it
12 was probably two-fold. I think that for some voluntary
13 organisations -- I'm not saying St. Joseph's was
14 unique -- if they took more support from the State, then
15 perhaps they feared that the State would interfere in
16 their affairs. I also think that the homes run by
17 religious orders -- this is a generality -- would have
18 been reluctant to employ many in the way of lay staff.
19 They did, but they were mostly domestic and cooks and
20 staff like that, but in terms of care staff they might
21 have been reluctant to too much by way of staffing up,
22 possibly because they suspected the influence of people
23 coming from society outside their establishment.

24 Q. They actually felt threatened by the outside world --

25 A. Possibly, possibly.

1 Q. -- to a degree?

2 **A. Yes, yes.**

3 Q. Just in this you said that -- you also at paragraph 8
4 mentioned that there was -- you had offered places to
5 another religious Sister for free in-service training.

6 **A. Yes.**

7 Q. Again that was another residential nursery. When we
8 were talking about this, you said that was when you were
9 in the Southern Health & Social Services Board.

10 **A. Yes.**

11 Q. To the best of your recollection it was a home in
12 Portadown.

13 **A. It was a home in Portadown, and it was for really very**
14 **young children. It was essentially a nursery and it was**
15 **similar to St. Joseph's in that it was staffed mainly by**
16 **religious. There were very few lay members of staff.**
17 **The Southern Board ran in-service training programmes**
18 **for its own residential childcare staff, and we thought**
19 **it was a good idea to make this available to the staff**
20 **of the home in Portadown, and we would have done that at**
21 **no cost to the home itself, but the offer was declined.**

22 Q. We were trying to identify -- we can't be certain, but
23 that might have been a Nazareth House in Portadown.

24 **A. It could well have been, yes.**

25 Q. But we can't be certain.

1 **A. Can't been certain.**

2 Q. One of the things that you said that you remembered was
3 that they had imported a practice from one of their
4 Australian homes --

5 **A. Yes.**

6 Q. -- which was that the nurse's station was in the middle
7 with the cots around that --

8 **A. Yes.**

9 Q. -- so that the nurse could have a view of what was going
10 on in the dormitory.

11 **A. Indeed. I can't say I was very happy about that. It**
12 **was very regimented. No doubt it allowed for a small**
13 **number of staff to mind a fairly large number of young**
14 **children, but it wasn't exactly interactive with the**
15 **children themselves. So I wasn't happy.**

16 Q. One other question I asked you is whether or not you
17 could recall if you had made such an offer to any other
18 institutions, whether voluntary -- the statutory sector
19 would have been different in any event -- but any other
20 voluntary institutions?

21 **A. I don't think I did. On the other hand, most of the**
22 **other voluntary homes would have been knocking on my**
23 **door.**

24 Q. In paragraph 9 of your statement here you talk about
25 complaints and the fact it wasn't until the late '80s or

1 early '90s when there was a formal system for dealing
2 with complaints --

3 **A. Yes.**

4 Q. -- but you nonetheless expected to be kept informed of
5 anything untoward regarding children in care.

6 **A. Yes.**

7 Q. You said you never received a complaint about Rubane.
8 When I was exploring that with you a little bit earlier,
9 I was asking you if you remembered there was an embargo
10 placed on Rubane in 1982 I think it was, and you don't
11 have that recollection?

12 **A. No. It's fair to say I was with the Southern Board at**
13 **that time, and if there had an embargo in Rubane, I'm**
14 **sure I would have been told about it. All I can say is**
15 **that I don't recall.**

16 Q. You do remember, however, that there were a complaint
17 about Nazareth Lodge and your second statement then goes
18 on to address that.

19 **A. Yes.**

20 Q. As I have explained to you, the Inquiry has seen a lot
21 of documents relevant to the matters involving HIA210,
22 NL145 and NL97, and I am not going to go
23 through them again. Essentially the complaints came to
24 the attention of the social workers for both HIA210 and
25 NL145 . They elevated through their Senior

1 Social Worker to the Principal Social Worker, who gave
2 evidence this morning.

3 **A. Yes.**

4 Q. He then elevated it to the Assistant Director for Social
5 Services, DL 518 .

6 **A. Yes.**

7 Q. Then he then spoke to you about it.

8 **A. Yes.**

9 Q. Now the Inquiry has seen, as I've said, the suite of
10 correspondence between yourself and the Chief Social
11 Work Adviser in the Department, who was Pat Armstrong at
12 that time. You and he took issue over the
13 interpretation of the Departmental circular.

14 **A. Yes.**

15 Q. That's circular number 2 of '85 dated 30th April 1985.
16 I am just going to look at that now, if I may. That's
17 19704. It is not 19704. 19794. I beg your pardon.
18 19074. It's my fault. 19074. Yes. This is the --
19 a complaints procedure for children in residential care
20 and their parents. It is dated here 1st May 1985. It
21 says that:

22 "... today issued guidance on a complaints procedure
23 to be set up specifically for use by children in
24 residential care and their parents."

25 If we can just scroll on down through that, please

1 -- just keep on scrolling please until we get -- you
2 will see this is the covering letter that went out with
3 the circular. If we can scroll on down. This was the
4 letter that actually went to the General Manager of each
5 Health & Social Services Board and the Director of the
6 Northern Ireland -- well, it went to all those people
7 that we passed by, but it is provision of information
8 and a complaints procedure for children in residential
9 care and their parents and that was the purpose of this
10 circular.

11 **A. Uh-huh.**

12 Q. Now paragraph 28 in particular is the paragraph which
13 the Department relied on. We can see that at 1980.
14 Contact cards were something that didn't actually come
15 into being at this stage, but effectively where you read
16 "contact card", that is a complaint card.

17 **A. Yes.**

18 Q. So at paragraph 28 it says:

19 "On receipt of a contact card, the Director of
20 Social Services should take immediate action to
21 ascertain, through a social worker not immediately
22 involved in the care of the child, the nature and
23 substance of the complaint being made. On receipt of
24 this information the Director should, where the child is
25 in a statutory home, put in train whatever investigatory

1 action he deems appropriate. Where the child is in
2 a voluntary home, the Director should inform the
3 Chairman of the Management Commitment of the home or his
4 equivalent of the nature of the complaint and should
5 agree the follow-up action required."

6 **A. Yes.**

7 Q. "Boards should be prepared to assist voluntary bodies in
8 the investigation of the complaint."

9 Now we know from the documentation we have seen that
10 there was a complete disconnect, as it were, between
11 what the Board felt that paragraph meant --

12 **A. Uh-huh.**

13 Q. -- and what the Department felt that it meant. The
14 Department seemed to think that the Board should be
15 carrying out the investigation and the Board certainly
16 felt no, that wasn't your responsibility and you weren't
17 actually geared up to carry out such an investigation
18 and would not have had authority, according to NL223,
19 who gave evidence this morning, to go into a voluntary
20 home and carry out such an investigation.

21 Now the Inquiry has received a very comprehensive
22 statement from DL 518 about this circular and about
23 its implementation. I am going to look at a couple of
24 paragraphs. If we look, please, at SNB -- his statement
25 in its entirety is at SNB-6913 to 6919, but if we look

1 at 6913, first of all, paragraph 1.2, he says:

2 "The context is very important in the case [of
3 HIA21] in relation to how those allegations were dealt
4 with."

5 He sets out the context there. If we can scroll on
6 down, please, at 6920, page 6920, paragraph 2.3, in this
7 paragraph he explains how he advised you to write to the
8 Chief Social Work Adviser and he drafted the letter for
9 your signature. I think it is fair to say that he
10 continued to draft the letters for you to sign and you
11 accept that would have been part of his job essentially.
12 You would have had a discussion about what to do. He
13 would go off, draft the letter and come back to you and
14 say, "There's the letter" and would you say, "Fine.
15 Send that off".

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

17 Q. The corollary of that is that on the other side, the
18 Department side, the Chief Social Work Adviser would
19 have had his own DL 518, who in this case we
20 believe would have been Kevin McCoy --

21 **A. Probably.**

22 Q. -- who would have been drafting letters for him to sign
23 Mr McCoy will give evidence in due course. So he can
24 confirm whether I am right in that or not.

25 **A. It sounds right to me, yes.**

1 Q. But that's certainly how things operated between you.

2 In paragraph 2.5 here, if we can scroll on down,
3 please, DL 518 sets out in detail the problems for
4 the Board in relation to investigating a complaint. He
5 makes the point they were of historic abuse and the
6 staff who were currently there may not have been there
7 at the same time as the alleged perpetrators. That was
8 the case in relation to the two staff members
9 interviewed by NL223, one of whom replaced the alleged
10 lay perpetrator and the other appears to have overlapped
11 for a few months. However, they would both have worked
12 with the Sister in question, and these two members of
13 staff were chosen to be interviewed as the child had
14 indicated he had a good relationship with them.

15 He also goes on to talk about problems with the
16 regional guidance and he says there were no procedures
17 for investigation.

18 There was discretionary authority for the Directors
19 of Social Services and Chairmen of Management Committees
20 of voluntary homes as to whether and when to refer the
21 complaint to the police.

22 There were no procedures for the investigation of
23 general malpractice in voluntary children's homes and no
24 procedures for joint investigation of complaints in
25 voluntary homes by Boards and Management Committees of

1 voluntary homes.

2 There was nothing in relation to the role of the
3 Department apart from approving the Board's
4 investigative procedures.

5 "However, our view, as outlined in my first
6 statement, was that the Department had the power of
7 inspection in relation to voluntary homes, which was
8 wide enough to enable them to investigate allegations if
9 they so wished."

10 He makes reference to a document there.

11 He also said that the Chief Social Work Adviser, who
12 was then the Deputy Chief Social Work Adviser, was aware
13 from the De La Salle home allegations and complaints
14 that the Social Work Advisory Group had investigated
15 allegations which indicated malpractice. He refers back
16 to a statement that he provided.

17 Now his view at 2.11 of this circular -- his view is
18 that the Board was told to implement procedures which
19 were not essentially fit for purpose -- I know that's
20 a phrase that is of more modern usage than it might have
21 been back in the 1980s -- certainly not fit for purpose
22 as far as general malpractice in residential childcare
23 was concerned. I was asking you whether you agreed with
24 that or not and what your view of this circular was.

25 **A. Well, I mean, you make reference to not fit for purpose.**

1 It's not something I would have -- an expression I would
2 have used at the time, because it wasn't then current.
3 My take on it is probably a little bit different from
4 DL 518 in that it didn't come as an entire
5 surprise that the Department issued a circular and
6 expected it to be implemented within a very short period
7 of time. It wasn't all that unusual for civil servants
8 to underestimate how much effort had to go into giving
9 practical effect to quite a complex piece of work. So
10 I think that the aspiration to have it implemented by
11 July 1985 was unrealistic, and as well as that it was
12 flawed, and we have touched on the ambiguity of some of
13 the provisions in relation to whether or not there was
14 discretion in informing the police of a complaint about
15 criminal activity. So it was flawed in that sense, but
16 I wouldn't have gone so far as to say it was not fit for
17 purpose. It not unreasonably pointed a decent way
18 forward, but its implementation of necessity would take
19 some time.

20 Q. DL in his statement at 2.33 went on to say that he felt
21 518 that the procedure ought not to have been introduced and
22 a circular ought not to have been introduced until it
23 was capable of implementation. Would you agree with
24 that?

25 A. Well, obviously I would have preferred that, but even

1 **the most well-executed circulars of guidance in practice**
2 **turn out to have flaws. That's not insuperable.**
3 **A circular can be changed. It doesn't require new**
4 **legislation. It only requires amendment.**

5 Q. Certainly in respect of this one there were not just the
6 difficulties you have identified with regard to
7 reporting to police --

8 A. **Yes.**

9 Q. -- but there were difficulties with the trade unions --

10 A. **Indeed.**

11 Q. -- at that point in time as well.

12 A. **Yes.**

13 Q. He makes the point -- DL 518 makes the point that
14 this was published while Hughes was investigating and
15 before Hughes reported. You have accepted that it was
16 probably an attempt by the Department to put their house
17 in order, but your view is that they ought to have
18 waited until Hughes reported.

19 A. **That's basically where I stand. It simply seemed to me**
20 **that the Committee of Inquiry into Children's Homes and**
21 **Hospitals might well have something to say about**
22 **complaints, and I would have thought it prudent to await**
23 **their recommendations before issuing a substantive**
24 **circular. It's a matter of -- it's a moot point whether**
25 **they did this ahead of the publication of the report in**

1 **order to put a better face on it at the Inquiry. I have**
2 **to say that is a bit speculative, but it wouldn't**
3 **surprise me.**

4 Q. Well, just -- Hughes felt that a formal complaints
5 procedure for children in residential care was
6 a necessity, and at 13.98 of its report the Committee
7 said that in principle they supported the 1985 circular,
8 but drew attention to where procedures might be
9 improved. We looked at that. We can see that at
10 SNB-7042:

11 "We therefore confine our comments to certain points
12 on which we consider these procedures might be
13 improved."

14 It goes on to set out a number of improvements, the
15 provision of booklets, explaining the procedures in
16 language which children and young people can understand
17 and so forth.

18 It goes on then I think later to talk about how it
19 didn't feel that every complaint needed to be reported
20 to police --

21 **A. Yes.**

22 Q. -- in the first instance.

23 Now do you know -- can you recall whether the
24 recommendations that Hughes or the improvements I should
25 say Hughes was outlining that could be made to this

1 procedure were, in fact, implemented?

2 **A. I can only generalise. I mean, I know that the**
3 **recommendations of Hughes were taken very seriously**
4 **indeed by Boards and their staffs and every effort would**
5 **have been made to implement those. I mean, I'm aware of**
6 **-- quite specifically of some which were implemented.**
7 **I'm thinking about the equity in terms of pay**
8 **and conditions that were introduced for residential**
9 **childcare staff. I can't say that every single**
10 **recommendation was fully implemented within a reasonable**
11 **amount of time.**

12 Q. Indeed, we know that it was not until 1991 before the
13 joint protocol --

14 **A. Yes.**

15 Q. -- between the Boards and the police about reporting of
16 matters --

17 **A. Yes.**

18 Q. -- was actually signed off on, as it were --

19 **A. Indeed, yes.**

20 Q. -- although you do remember that the difficulties with
21 staffing and those issues were resolved before that
22 happened?

23 **A. Yes.**

24 Q. Now in another -- sorry. You also in paragraph 4 of
25 your own statement, just dealing with the HIA210 matter

1 and the difficulties between the Department and the
2 Board with regard to this, how it should be
3 investigated, you can't recall now how the impasse was
4 resolved, but the documents before the Inquiry show that
5 ultimately it was left to individual children to decide
6 whether or not to report to police.

7 You were reflecting again on whether you felt it
8 would have been appropriate for the Board to report to
9 the police what were clearly certainly seen by NL223 at
10 the time as serious allegations of physical abuse.

11 **A. Oh, yes. I mean, I did take a view at the time and**
12 **I think I'm on record as indicating that the allegations**
13 **were serious allegations and had to be taken seriously.**

14 **Q.** What about the view of reporting to police and whether
15 the Board ought to have done that themselves or itself
16 I should say?

17 **A. Ah! With the benefit of hindsight I suppose I have to**
18 **qualify what I'm saying. I mean, I was aware --**
19 **although I didn't see the statute, I was aware of the**
20 **general duty to report to police if there was**
21 **a complaint of criminal activity. The circular on the**
22 **complaints procedure appeared to offer some discretion,**
23 **and whilst I don't know whether or not the police were**
24 **informed -- I think the record is silent on that -- it**
25 **is no less possible that a decision was taken quite**

1 possibly by me that in the circumstances of this case it
2 was not prudent to proceed to inform the police. I'm
3 referring to the fact that the incidents complained
4 about took place some years before. The young person
5 concerned was within a matter of months of his majority.
6 He lived with his family in and neither he
7 nor his parents wanted the police informed, which is not
8 terribly surprising in the context of the time. So in
9 the light of those considerations I could well have seen
10 myself saying, "No, we will not take this any further".

11 Q. Well, I should have perhaps shown you this document
12 earlier, but we'll just look at it now, Robert, which is
13 31449. This is a letter to the Chief Social Work
14 Adviser from October 1986 --

15 A. Yes.

16 Q. -- and -- maybe I've got the wrong number on that one.
17 8th October. Yes. This is asking whether you agree --
18 oh, yes.

19 "I refer to my recent letter letting you have my
20 response to the report of the investigation carried out
21 by SR143 and requesting your views before
22 initiating the action I proposed."

23 So it's really the letter to SR143 --

24 A. Yes.

25 Q. -- which indicated that the proposal was to see whether

1 or not the children wished to report to police
2 themselves.

3 **A. That's a reasonable inference, yes.**

4 Q. Again this would have been a letter -- I mean, the
5 reference on it is DL 518 So again it is drafted by
6 DL 518 , but signed off by yourself.

7 **A. May I make a general point about these letters, because**
8 **I want to make clear I was not sort of passive and just**
9 **signed whatever was put in front of me. My background**
10 **was in childcare. I pretty much spoke the same language**
11 **as DL 518 , and when we talked about these things**
12 **and agreed, we would agree the content of any letter.**
13 **So I was actively signing the letter, not just passively**
14 **signing the letter.**

15 Q. No. You were well aware of what had gone before --

16 **A. Yes.**

17 Q. -- this letter was actually sent.

18 **A. Yes.**

19 Q. Certainly just so that you do know that HIA210 did not
20 speak to the police and certainly the Inquiry doesn't
21 believe he ever made a complaint. NL145 ,
22 there was a social worker assisted her with making
23 a complaint when she left to go to and made her
24 complaint later in life to police.

25 **A. Yes.**

1 Q. NL97 spoke to police, but again it wasn't until years
2 later in the '90s that he spoke in April '95 to police
3 about the matter.

4 **A. Yes.**

5 Q. That's just for your own general information --

6 **A. Thank you.**

7 Q. -- as to what happened.

8 In another statement to the Inquiry DL 518
9 referred to how matters were dealt with a year
10 previously in the case of NL157 . You are aware
11 of that case also. He discussed the cooperation that
12 there was with the Department regarding that
13 investigation --

14 **A. Yes.**

15 Q. -- and how the Department at that time was certainly
16 prepared to accept responsibility for an investigation
17 if there was general malpractice indicated.

18 **A. Yes.**

19 Q. Now, as it happened, ultimately in the NL157
20 I think it was described by the Chief Social Work
21 Adviser as a storm in a teacup. You do recollect that
22 investigation and you recollect how that was dealt with
23 by the Department in contrast to the HIA210 matter.

24 **A. I do not recollect that, but what I recollect is** DL 518
25 **telling me about it in the context of the**

1 **correspondence we were having with Pat Armstrong.**

2 Q. He was essentially saying, "Look, they were prepared to
3 do it a year ago and they are not prepared to do it
4 now".

5 **A. Yes.**

6 Q. Essentially that --

7 **A. You see, I think a year ago I was with the Southern
8 Board.**

9 Q. You might not have been involved in the NL157 case
10 itself?

11 **A. Yes.**

12 Q. The point you made to me about the interaction between
13 the Board and the Department, while this is shining
14 a light on to a disagreement over the use of this
15 circular and how it was supposed to work out in practice
16 --

17 **A. Yes.**

18 Q. -- how the circular was supposed to work out in
19 practice, generally the Boards and the Department got on
20 well together and worked well together.

21 **A. I think that's fair comment. We had good working
22 relationships with the Social Work Advisory Group or
23 whatever it was called in that period, but also with the
24 Childcare Branch of the Department of Health & Social
25 Services, and, okay, so we disagreed over a particular**

1 **issue. It really didn't get in the way of normal good**
2 **working relationships.**

3 Q. DL 518 did make the point in his statement that the
4 investigation of the NL157 matter -- which for
5 the benefit of those who wish to look at it, the papers
6 are at SNB-31520 through 31550 -- he makes the point
7 that that was all done before this circular came into
8 existence.

9 **A. Yes, yes.**

10 Q. So it really was the circular that changed things, as it
11 were, with regard to the working relationship in respect
12 of these type of complaints.

13 **A. Yes. I just -- I mean, I did find that surprising.**
14 **I mean, if, in fact, an investigation was seen as part**
15 **of the goal of the Social Work Advisory Group in 1983 or**
16 **whatever, it didn't seem to me that the 1985 circular**
17 **necessarily changed that. So I really am mystified at**
18 **their obduracy.**

19 Q. Certainly, as you said in your own statement, you knew
20 that DL 518 was not going to let it drop.

21 **A. No.**

22 Q. Was going to carry it through until he had satisfied
23 himself it could go no further.

24 **A. Absolutely right.**

25 Q. In paragraph 5 of your statement, if we can go back to

1 that, please, at page 6899, you talk about the fact that
2 the -- you also felt there may have been a little bit of
3 a delay in the complaint being lost sight of due to the
4 pressures under which Social Services were operating,
5 but you can take it from the fact I have told you that
6 DL 518 didn't lose sight of it in any event and
7 followed it up to check what the children had done about
8 reporting it to the police.

9 **A. Yes.**

10 Q. You say:

11 "From 1969 onwards because of the ongoing unrest, e
12 disruption and destruction of property and loss of life
13 pervasive in society at large, it was difficult to
14 maintain service delivery, never mind promote service
15 development. Ironically perhaps the period during which
16 these complaints were dealt with was more or less
17 coincident with the work of the Committee of the Inquiry
18 into Children's Homes and Hospitals, activity which
19 placed almost unbearable stress on many of the Board's
20 staff, and added to the difficulty in sustained -- in
21 sustaining normal working."

22 I wondered if you could expand on what you meant by
23 that, the unbearable stress that the staff were facing.

24 **A. Yes. It actually goes beyond the Hughes Committee of**
25 **Inquiry, but it seemed to practitioners in the field**

1 that Social Services, partly as a result of being
2 twinned with the Health Service, were being subjected
3 from time to time to reorganisation and this was
4 compulsive. You were supposed to maintain and develop
5 services at the same time as things were being turned on
6 their head, and Hughes was just one more thing that was
7 happening at a time of change, but it was, you know,
8 particularly difficult because of the stress that was
9 involved. Some of the stress was due to somehow having
10 to find time to feed information, to find files, to give
11 information to the Committee of Inquiry. That was one
12 dimension, but there was the Committee of Inquiry
13 itself. Regardless of the outcome, the process was very
14 difficult for staff, the vast majority of whom worked
15 hard and did their best, because it felt as if you were
16 put on trial. I mean, I speak from personal experience
17 of appearing before the Committee, feeling as if I was
18 a defendant and being cross-examined by some quite
19 distinguished QCs. It was not a pleasant experience,
20 and then you would go home in the evening and read what
21 the press and other media made of the day's proceedings.
22 That was really very difficult to cope with, and I make
23 no special pleading for myself. An awful lot of people
24 were adversely affected by that and found it a very
25 stressful deal.

1 Q. You made the point certainly in respect of DL 518
2 you felt he had been done a personal disservice by your
3 predecessor.

4 **A. That's true. It was, if you like, a sin of omission.**
5 **Assistant Directors at headquarters were, to use an army**
6 **analogy, staff officers. They were not executive**
7 **officers. Admittedly they did organise for things to be**
8 **done, if you like, executively, but it would have been**
9 **in my name. I was the -- in effect the Chief Executive**
10 **of Social Services in the Eastern Board.**

11 Now that did not come out at the Committee of
12 Inquiry and DL 518 was criticised for not
13 exercising power and authority which he didn't have, and
14 I think that my predecessor's failure was in not making
15 that clear.

16 Q. Coming back to your statement at paragraph 6, you
17 describe the difficulties in implementation of the
18 complaints procedure. We have dealt with that. It took
19 six years effectively for those to be worked through.

20 **A. Indeed.**

21 Q. In paragraph 7 you describe the difficulties faced by
22 both field staff and residential staff, and you also
23 make the point that prior to the 1960s the idea that
24 care staff would have abused children was unthinkable.

25 **A. Yes.**

1 Q. You say, as you made the point earlier, that new staff
2 had to be professionally qualified from 1968, but the
3 changes in residential care came more slowly. Childcare
4 staff came more slowly, and it was only post-Hughes that
5 those changes really took off with the pay parity
6 recommendation.

7 **A. Indeed.**

8 Q. I was wondering was there any difference in the speed of
9 change between the statutory sector and the voluntary
10 sector or did Hughes have a universal effect?

11 **A. I think maybe not at the same pace, but there were**
12 **equivalent changes in the voluntary sector as a result**
13 **of Hughes as there were in the statutory sector.**

14 I can give a singular example. I chair the
15 **Management Board of Resource Centre. It has**
16 **over the years professionalised its service to a great**
17 **extent. That probably in my jaundiced view provides**
18 **a better service than some of the statutory homes.**

19 Q. Well, in paragraph 8 of your statement, Robert, you
20 explain that despite the changes in the childcare
21 landscape that was brought about by the 1950 Act,
22 residential childcare did not develop terribly much
23 until the 1968 Act. You say that in the late '60s and
24 '70s, when fostering was actively promoted, homes
25 closed.

1 Now I was asking about why -- I mean, fostering was
2 actively promoted by the legislation --

3 **A. Yes.**

4 **Q.** -- and the 1950 Act. So why did it take until the 1968
5 Act for fostering to be promoted actively?

6 **A. I think the principal reason was we didn't have the**
7 **tools for the job. The '50 Act gave legislative primacy**
8 **to boarding out, but in order to promote boarding out,**
9 **you need a decent number and more critically of**
10 **professionally qualified staff who can recruit foster**
11 **parents, who can train foster parents, who can support**
12 **foster parents as well as supporting the child him or**
13 **herself. In Belfast particularly we did not have those**
14 **resources.**

15 I mean, I referred in one of my statements to 1962,
16 when I joined the welfare side of the Welfare Authority
17 and the fact that for East Belfast serving a population
18 of about 100,000 there was me and there were three
19 equally unqualified staff with astronomical caseloads
20 that had no reality. I mean, if you talk about
21 a caseload of 300 or 400, in some cases 500, you really
22 didn't know if even some of those people were still
23 alive, because there was no way you could keep in touch.

24 That was a low base from which to start, and I'm
25 sure there were developments in foster care subsequent

1 to 1962 and before 1968, but it was 1968 that gave the
2 fillip to the recruitment and appointment of qualified
3 staff.

4 Q. And that then led to the concomitant expansion of
5 boarding out --

6 A. Indeed.

7 Q. -- with the result that there were homes closed because
8 there was no need for them anymore.

9 A. That's exactly right, and that -- that was not
10 an unintended consequence. We knew that the impact
11 would be quite significant on both the voluntary and the
12 statutory sector. It wasn't only voluntary homes who
13 closed. Concomitantly -- I referred to this earlier --
14 one of the effects was many fewer children in
15 residential settings, principally in the lower age
16 range. So what we were dealing with was a smaller
17 population of older and more demanding young people.

18 Q. I just wonder can you remember which homes would have
19 closed or, you know, how that would have -- I mean, you
20 talked about the Victorian -- Victoria Homes closing
21 because -- for that reason.

22 A. Saint Joseph's. St. Joseph's closed as well.

23 Q. That's the nursery in Portadown?

24 A. Yes. In the statutory sector that was Bawnmore at
25 Whitehouse, there was Williamson House on the Antrim

1 **Road, and I'm sure there are others, but there was**
2 **a fair spread of homes across both the voluntary and the**
3 **statutory sectors.**

4 Q. Paragraph 9 here, having reflected on all that you were
5 asked about, you say, and I'm just going to read it in
6 full:

7 "In my view it is moot whether or not any failures
8 were systemic and on balance I think not. That systems
9 have become more sophisticated as service provision has
10 become more complex would imply that in the earlier
11 models of fifty or more years ago -- that the earlier
12 models of fifty or more years ago were deficient. In
13 fact, they were just of their time. There was not
14 a culture of neglect and maladministration and, however
15 basic, there was always an understanding of
16 responsibility and accountability. At its most
17 simplistic, as increasingly responsibility was devolved
18 to lower levels in the organisation, it was accepted
19 that anything seriously untoward must be report upward.
20 No Director of Social Services wanted surprises,
21 especially if they were unpleasant. Of course, there
22 were also formal channels of communication. There were
23 ad hoc face-to-face meetings with individual senior
24 staff and more formal performance reviews and monthly
25 meetings with senior staff as a group to deal with

1 common operational matters, strategic issues
2 and policy."

3 That would have been the same across all four
4 boards.

5 **A. Yes.**

6 Q. "The Board's Directors of Social Services also met
7 monthly to agree province-wide matters and in turn as a
8 group would meet at his behest the Department's Chief
9 Social Work Adviser. These management arrangements
10 continued until during the 1990s increasing executive
11 responsibility and autonomy was devolved on to units of
12 management."

13 You go on to talk in paragraph 10 about -- sorry.
14 You made the point also that that was you felt reflected
15 in Hughes as well --

16 **A. Yes.**

17 Q. -- the point that you make, that it wasn't a systemic
18 failure as such. It was just of its time.

19 **A. Yes.**

20 Q. Paragraph 10 you go on to set out the organisational
21 context and historical changes that took place. You
22 talk about the amalgamation of Social Services with
23 Health in 1972 --

24 **A. Uh-huh.**

25 Q. -- when the Department of Health and Social Services was

1 set up. You talk about it being described as a huge,
2 large seeing tanker -- large sea-going tanker, which you
3 had to think ahead before you could make any changes
4 with.

5 I was wondering did you think it was a mistake to
6 amalgamate welfare services and health services in 1972?

7 **A. Well, yes, I did, but that was based on a reading of the**
8 **Green Paper, which telegraphed the changes that were**
9 **eventually put in place. I thought at the time that the**
10 **argument for bringing together the disparate parts of**
11 **the Health Service were well argued, but the references**
12 **to Welfare, Social Work and Social Services were slight,**
13 **and I came away from a reading of the Green Paper in the**
14 **belief that really we were -- had been rendered homeless**
15 **by local government reorganisation, which at the time**
16 **lost not only Welfare Services but Housing and**
17 **Education, and essentially the planners were looking for**
18 **somewhere to put us. It didn't seem to have occurred to**
19 **them to leave us on our own. I mean, there could have**
20 **been an argument mounted for a province-wide Social**
21 **Service as opposed to being a part of a four Board**
22 **system. They didn't contemplate even attaching us to**
23 **Housing or to Education, which frankly would have made**
24 **as much sense, if not more, than attaching us to the**
25 **Health Service. So I was a sceptic in 1969, which**

1 I think is when the Green Paper came out, but obviously
2 my opinions didn't hold sway.

3 Q. Well, Robert, did your opinion change after 1972? Do
4 you feel that the amalgamation of the two -- did it
5 have -- if I can put it bluntly, did it have an adverse
6 effect in terms of the protection of children?

7 A. The short answer is no, certainly not in the early
8 years. A lot of the work of Boards concentrated on the
9 Health side of the business and Social Services were
10 pretty much left to get on with their own business. To
11 that extent integration wasn't the success that was
12 hoped.

13 My concerns reasserted themselves much later in the
14 day when there was increasing devolution of
15 responsibility to local level. This culminated in the
16 establishment of Health & Social Care Trusts, but five
17 or six years before that there were established --
18 general management was introduced at district level and
19 there was a very significant devolution of
20 responsibility to that level. Line management between
21 the centre and the periphery disappeared. The only
22 management in place was management by contract, because
23 the centre became -- the unit became the providers of
24 service and the centre became the commissioner of
25 service, and what you prescribed annually was the level

1 **and quality of service provision that you expected for X**
2 **pounds and reviewed that periodically throughout the**
3 **year and that was effectively your management control.**
4 **I was not comfortable with that.**

5 Q. Well, Robert, thank you very much. I have no further
6 questions for you, but the Inquiry Panel Members I'm
7 sure may have some questions for you, but if there's
8 anything else that you feel we haven't covered either
9 through your statements or through the questions this
10 afternoon, if there's anything else you feel that you
11 want to say, now is your opportunity to do that.

12 A. **I always know -- I always remember when I would apply**
13 **for a job and I would be asked a lot of questions, when**
14 **it came to the end, "Is there anything you want to ask**
15 **us?", I just wanted out of there.**

16 Q. Well, I think I have got that message loud and clear,
17 Robert, but I nonetheless --

18 A. **Thank you very much.**

19 Q. -- still have to hand you over to the Panel.

20 A. **I'm content.**

21 **Questions from THE PANEL**

22 CHAIRMAN: Well, Robert, I'm afraid we will delay your
23 departure just a little bit longer, but if I could take
24 you back to an earlier question you were asked about the
25 efforts you made to try and persuade members of two

1 religious orders in particular to employ more staff --

2 **A. Yes.**

3 Q. -- and in order to achieve the means for that to
4 increase their weekly charges, and in each instance your
5 suggestion was declined, and you advanced two possible
6 reasons for that, the first being because they perhaps
7 feared State interference coming with some greater form
8 of State financial provision --

9 **A. Yes.**

10 Q. -- and, secondly, possible reluctance to employ lay
11 staff perhaps because they felt that they would be
12 threatened by such people working there, by which do
13 I take it you mean that the purely religious ethos which
14 drove their activities --

15 **A. Yes.**

16 Q. -- would either be criticised or diluted or both?

17 **A. That's exactly right.**

18 Q. In other words, a modern -- a different way of
19 thinking -- I'll try and avoid using the word
20 "modern" -- a different way of thinking to the
21 religiously determined and directed ethos that they --
22 was their whole life.

23 **A. Indeed.**

24 Q. Might there have been a third reason, which may have
25 been this, that many of the parents of the children had

1 placed them there voluntarily in the early years.

2 **A. Yes.**

3 Q. By the later time, by the time you are the Director of
4 two Boards, all the children in the homes had come
5 through the referral system from the Welfare
6 Authorities, but that wasn't by any means the case in
7 the 1960s.

8 **A. No. I think your perception is quite right. I mean,**
9 **these homes basically started off as orphanages**
10 **providing care voluntarily for children who lost one or**
11 **both parents. Now that changed, but it changed over**
12 **quite a long period of time, and it changed concomitant**
13 **with the legislation that was introduced to protect**
14 **children. It also changed as people's ideas of child**
15 **abuse developed. When I started, the only thing one**
16 **thought of was cruelty to children. The service was**
17 **provided in Belfast's case not by the Belfast Authority**
18 **but by the NSPCC. As time passed, you know, you had**
19 **Henry Kempe, who developed the idea of the battered**
20 **child. Then you had non-accidental injury. Then you**
21 **had child abuse in all its forms. This called for**
22 **greater intervention by way of bringing children before**
23 **the court for their own protection and having them --**
24 **having made them subject to Fit Person Orders. So**
25 **gradually the orphans gave way to a different population**

1 **of young people.**

2 Q. And, of course, as we've heard from many witnesses in
3 different ways, the different population came with
4 different problems. They were from very dysfunctional,
5 often disturbed backgrounds --

6 **A. Indeed.**

7 Q. -- coming in when they were a number of years old,
8 perhaps approaching their teens and are much more
9 difficult to manage.

10 **A. Yes.**

11 Q. But the point perhaps I was working round to ask you was
12 this. Might it have been that the third reason or
13 a third reason could have been that simply the parents
14 who had put the children in there voluntarily in
15 technical terms as placements, as they were referred to,
16 had very limited means. So if they were being asked to
17 make any financial contributions, even a few shillings
18 a week --

19 **A. Yes.**

20 Q. -- it might have been something which either placed
21 their finances under very great strain or they simply
22 would not have been able to do and therefore might have
23 felt, "Well, I can't put my child into this home because
24 I'm being asked to pay 5 shillings a week and I simply
25 can't support it". Might that have been an element in

1 the nuns' thinking, that they wouldn't turn anyone away
2 and therefore didn't want to erect a barrier in monetary
3 terms?

4 **A. That's possibly a factor, except that even in those**
5 **early days the Welfare Authority as the statutory**
6 **authority essentially paid for the children. The vast**
7 **majority of those children, their parents by any**
8 **standard were poor. They had very little in the way of**
9 **resources. There would have been a financial assessment**
10 **carried out and in 99 cases out of 100 there would have**
11 **not been an assessed amount for those parents to pay.**
12 **It would have been borne entirely by the State. So I'm**
13 **not quite sure how that would have threatened the nuns.**
14 **It might threaten their freedom to admit children of**
15 **their choice, but it wouldn't have threatened the**
16 **parents and their finances.**

17 Q. Of course, in the early '60s, and late '50s
18 particularly, many of the children were not known to the
19 Welfare Authorities at all --

20 **A. Exactly.**

21 Q. -- and the nuns had to raise money wherever they could.

22 **A. Exactly.**

23 Q. There certainly has been evidence to us they did ask for
24 money where it could be provided and that was sometimes
25 resented.

1 But a quite different point that perhaps flows from
2 what you were saying just a moment ago is this. Was
3 there a general reluctance, therefore, on the part of
4 the Catholic religious orders in particular to engage
5 with the State when it came to asking for what nowadays
6 I imagine would be called revenue funding as opposed to
7 capital funding?

8 **A. Uh-huh, yes. I think that is indeed the case. Now it**
9 **obviously, like everything else, changed over time and**
10 **the residential facilities not only in childcare but**
11 **with elderly people and so on, there was a much closer,**
12 **almost symbiotic relationship between the statutory**
13 **authority and the voluntary sector. That would have**
14 **applied to both capital and revenue funding, but**
15 **certainly in the sort of sixth decade there would not**
16 **have been that easy working relationship that was to**
17 **develop.**

18 Q. Of course, that may well have come from the fear of
19 State interference quite apart from the idea as
20 a philosophical concept.

21 **A. Indeed.**

22 Q. It also had political overtones in Northern Ireland of
23 a very acute type.

24 **A. You are quite right.**

25 Q. Thank you.

1 MS DOHERTY: Thanks very much. Can I just ask the situation
2 where you weren't that happy with the nursery where you
3 have got the main station and, you know --

4 **A. Yes.**

5 Q. -- looking out, and you offered them money and that's
6 turned down, was there any other way you could influence
7 the quality of the care that was being provided? So
8 money was refused, but if you were going to send --
9 place children in that setting --

10 **A. Yes.**

11 Q. -- as a Board what would you do to improve the quality?

12 **A. Well, just for the record I was offering money to SR18
13 in St. Joseph's in Belfast.**

14 Q. Belfast, yes. I realise this was .

15 **A. When it came to Portadown, it was free training, which
16 was clearly a direct attempt to improve the quality of
17 care of the children. There were other ways that were
18 employed to try and influence change. Not least was the
19 individual visits by social workers to the children for
20 whom they had a responsibility, because they would have
21 spent time not only with the children but also with the
22 Superior and the staff in charge to talk about the care
23 needs of that child. So there was ongoing dialogue, but
24 I would also suggest to you that the primary
25 responsibility in my view at that time I think would**

1 **have been that some of this burden of improving the**
2 **quality of care rested with the Department of Health &**
3 **Social Services as the registering authority.**

4 Q. Yes. I'm very clear about that, about, you know, the
5 respective responsibilities. I am just wondering --
6 I mean, I know that you weren't aware of the embargo in
7 Rubane, but that was where you had a Board directly
8 saying, "No children are going to be placed from this
9 Board in Rubane until we are a bit sure about what's
10 going on there".

11 Were you aware of any other direct action taken like
12 that by a Board whose responsibility was not the
13 overarching quality of care, but it was saying, "No
14 children from our area will go into this resource until
15 we're more satisfied with it"?

16 A. **I have to say at this stage I don't recall. I want to**
17 **make clear that I'm not suggesting for one moment that**
18 **I wasn't told about the embargo, just that I don't**
19 **remember.**

20 Q. Okay. You don't remember any direct action like that --

21 A. **No.**

22 Q. -- in relation to any other children's home?

23 A. **No, I don't.**

24 Q. No. Thank you very much.

25 CHAIRMAN: Well, Robert, I can now tell you that you're free

1 to go. Thank you very much indeed for coming to speak
2 to us today and also setting out in such clear terms
3 many of the structural matters, which, although we
4 haven't heard from you about in your oral evidence, it
5 is here and very helpful to us. Thank you for that.

6 **A. Thank you very much. I appreciate very much how I've**
7 **been dealt with.**

8 (Witness withdrew)

9 MS SMITH: Chairman, the next witness is Mr Aiken's, but
10 I don't know if he's ready to proceed or not.

11 CHAIRMAN: Well, we'll rise to see what the position is.
12 Hopefully we'll start in a few minutes.

13 (3.42 pm)

14 (Short break)

15 (3.50 pm)

16 DAVID GILLILAND (called)

17 MR AIKEN: Chairman, Members of the Panel, the next witness
18 this afternoon is David Gilliland. He is aware,
19 Chairman, you are going to ask him about taking the
20 oath. He is "NL224".

21 DAVID GILLILAND (sworn)

22 CHAIRMAN: Thank you. Please sit down, David.

23 Questions from COUNSEL TO THE INQUIRY

24 MR AIKEN: I think my reference to NL224, Chairman, may be
25 because that's what's on this file, but I don't think

1 that's relevant to Mr Gilliland.

2 If we bring up a copy of your witness statement,
3 David, can you just check that that's the first page of
4 your statement?

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

6 Q. If we move through, please, to 6911, just check that
7 that's the last page of your statement.

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

9 Q. You want to adopt the content as your evidence before
10 the Inquiry?

11 **A. Yes.**

12 Q. As you know, it's 4 o'clock and you've been waiting to
13 give evidence. I want to try and drill right down into
14 the issue --

15 **A. Okay.**

16 Q. -- that you've become embroiled in.

17 **A. Right.**

18 Q. The Panel have had an opportunity to read your witness
19 statement and has been hearing evidence about this --
20 I don't want to call it saga --

21 **A. Yes.**

22 Q. -- but this story --

23 **A. Right.**

24 Q. -- and we're getting it in various episodes from various
25 witnesses who have played their part in what unfolded in

1 around the 1995/early 1996 period --

2 **A. Right.**

3 Q. -- in Nazareth Lodge.

4 The context of this, as you know, is you were in the
5 North and West Belfast Unit of Management, which had
6 become North & West Belfast Trust?

7 **A. Correct.**

8 Q. That created a separation between you and the Eastern
9 Board. You were under the Eastern Board, but now in
10 a semi-autonomous type state. Is that --

11 **A. Yes. The Eastern Board delegated statutory functions to**
12 **the Trust. The Trust was an independent body in its own**
13 **right but operated on a delegation of statutory**
14 **functions from the Board.**

15 Q. Which was different from the Unit of Management
16 structure, which was more direct to the Board.

17 **A. To my knowledge that's correct, yes.**

18 Q. I think that's something, for instance, DL 518
19 talked about previously to the Inquiry --

20 **A. That's correct.**

21 Q. -- that he preferred the old method where he had
22 a direct line to you than this different type structure,
23 but that's the structure you found yourself in. At the
24 events we are dealing with you were a Principal Social
25 Worker --

1 **A. Correct.**

2 Q. -- or had just become the Principal Social Worker in
3 this area at the time that this matter begins.

4 **A. Yes.**

5 Q. I'm going to do this through a limited number of
6 documents, although you have much more --

7 **A. Yes.**

8 Q. -- and the Panel have already read much more documents
9 about this.

10 Can I ask you, David, would you pull the microphone
11 just towards you?

12 **A. Sorry.**

13 Q. You're fine. If you just drag it towards you a bit.

14 **A. Is that better?**

15 Q. That's better.

16 **A. Okay. Thank you.**

17 Q. What we know, NL168 was a girl who was in the care of
18 the North & West Belfast Trust placed in Nazareth Lodge.

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

20 Q. At the time the events that have wider import than NL168
21 were concerned she already had a complaint ongoing that
22 the Trust was investigating. It began in August of 1995
23 and arose between -- out of an incident between her and
24 a lay member of staff called NL 227 , a fall-out
25 over a telephone call and a book that was being read and

1 an altercation that developed, and I think the police
2 were involved. Then a complaint was made to the Trust.
3 Both individuals were blaming each other as to what had
4 occurred, and the Trust began to investigate. That's
5 going on or had asked the --

6 **A. Yes, it asked --**

7 Q. -- home to investigate.

8 **A. -- had asked Nazareth to investigate, yes.**

9 Q. As a voluntary home, as I understand what you are going
10 to say, you couldn't really do much investigation per
11 se.

12 **A. Well, the current guidance certainly as I recall was in**
13 **a situation like that the onus for investigation would**
14 **lie with the unit under their management committee.**
15 **Clearly we --**

16 Q. So in this case Nazareth Lodge should have investigated
17 the issue?

18 **A. Yes. Obviously we would be centrally involved and want**
19 **to know the outcome and want to be satisfied that the**
20 **process was robust, but the actual process initially**
21 **would be driven by Nazareth.**

22 Q. Yes, and the untoward incident that created that --

23 **A. Yes.**

24 Q. -- what I'm going to call the NL 227 train --

25 **A. Right.**

1 Q. -- was at 49376 from August of 1995. Now while that
2 process is going on, and I think the Nazareth Lodge had
3 SR 148 going to carry out some investigation and
4 trying to take some statements about what was happening
5 and non-cooperation with NL168 about it and so on and so
6 forth, into that picture comes Judith Chaddock, the
7 Social Services Inspectorate Inspector, who is carrying
8 out the 1995 inspection on behalf of the Department, and
9 it appears that NL168, amongst others, talked to Judith
10 Chaddock about things they were unhappy about, about
11 practices or behaviours that they were facing that they
12 regarded as unacceptable.

13 **A. Yes.**

14 Q. That, which seems to have been October/November 1995,
15 and we're not quite clear between us yet how it came to
16 be, but communication took place to let the North & West
17 Belfast Trust know that NL168 had complained to Judith
18 Chaddock, the SSI Inspector, about what was happening to
19 her in Nazareth Lodge. In fairness, most of the events
20 were not just immediate. They went back over a period
21 of time, perhaps over a summer or more back to the
22 summer of 1994.

23 **A. That's correct.**

24 Q. They didn't only relate to NL168. They related to
25 another boy called NL 164 and then another boy

1 whose surname is whose first name has just gone
2 from me for now. Each of those two other children,
3 NL 164 was under Craigavon Trust. There was
4 another name, something and Craigavon or Craigavon and
5 something.

6 **A. Craigavon & Banbridge Trust.**

7 Q. Craigavon & Banbridge Trust. Then was
8 under the care of the South Belfast Trust.

9 **A. That's right.**

10 Q. So the SSI Inspector has received communication about at
11 least three children who are in three different trusts,
12 and you or your trust gets told about NL168, but also
13 the fact that there are these two other children in
14 other trusts who are also caught up in this. Am I -- am
15 I right so far?

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

17 Q. What then begins for your trust, and ultimately you
18 become very closely involved in this, is trying to
19 ensure that there's a joined-up approach between the
20 three trusts --

21 **A. Uh-huh.**

22 Q. -- who are being asked to take forward individual
23 investigations relating to their children.

24 **A. Correct.**

25 Q. All of that feeds in, as I was saying to you, to the

1 wider issue the Panel has been hearing evidence about
2 today and will hear about on other days about whether
3 the Department should have investigated this in one foul
4 swoop, seeing the whole picture, or this way of the
5 trusts doing their thing with their child and then it
6 all feeding back in together.

7 So from your perspective what happens is you send
8 a social worker, NL 271 , to interview NL168 on
9 foot of being told by Judith Chaddock, SSI, of the
10 complaints that were made.

11 **A. That's correct.**

12 Q. That happens on 27th November 1995 and the result of
13 that is at 49386. I'm not going to bring that up, but
14 as a result of that investigation by Judy speaking to
15 NL168 and verifying the various complaints that NL168
16 was making, who was another member of your
17 team --

18 **A. Correct.**

19 Q. -- wrote a letter on 30th November 1995 to SR 148
20 SR 148 in Nazareth Lodge setting out the complaints as
21 far as the North & West Belfast Trust were concerned.

22 **A. Correct.**

23 Q. That, Members of the Panel, can be found at 49389 to
24 49390. So you've been told. You speak to the girl.
25 You get a result.

1 **A. Yes.**

2 Q. You write to the home and explain what has been said.

3 **A. That's correct.**

4 Q. Then on 1st December -- I'm going to bring up this memo
5 from you at 49391, please. This is authored by you and
6 you're writing to Judy Kennedy, who was your immediate
7 boss at the time.

8 **A. Yes.**

9 Q. Just to get the chronology of this right or the sequence
10 of it, you've got NL 271 , who is the social
11 worker who was dealing with NL168.

12 Above her is Joyce French, who wrote the initial
13 letter setting out the allegations.

14 **A. Yes.**

15 Q. Above her is Tommy Boyle, who is your assistant
16 Principal Social Worker --

17 **A. Correct.**

18 Q. -- who was actually handling the NL 227 train.

19 **A. True.**

20 Q. Then there's you, who are in charge then of trying to
21 keep that joined-up approach to this tripartite --

22 **A. Yes.**

23 Q. -- train that has come out of Judith Chaddock's
24 investigation.

25 Above you is Judy Kennedy, who has got the name of

1 I think Programme Manager or Programme Head.

2 Ultimately above her is Noel Rooney, the Director of
3 Social Work or childcare --

4 **A. Correct.**

5 Q. --- within the North & West Belfast Trust.

6 **A. Yes.**

7 Q. But that still feeds into the Eastern Health & Social
8 Services Board, or Trust maybe it's become now, where
9 DL 518 and his colleagues would have had some
10 engagement, as we'll see from these memos.

11 **A. Yes.**

12 Q. So you're telling -- in this memo telling your boss that
13 you met with SR 148 --

14 **A. Yes.**

15 Q. -- on 1st December, and you hand delivered a copy of the
16 information. I take that to be the letter --

17 **A. Yes.**

18 Q. -- that Judy French had written the day before. In
19 addition, you spoke to Pat Kinder, who was the Chairman
20 of the Nazareth Lodge Management Committee.

21 **A. I recall meeting Pat Kinder. I think I met him as well.**

22 Q. You met him?

23 **A. Yes.**

24 Q. You agreed that it would be appropriate for
25 an independent element to be in place for the

1 investigation to work alongside SR 148 and a member
2 of the Management Committee.

3 Now can I just pause at this point? You were saying
4 to me earlier that there were really three things that
5 once this all began from your perspective in the
6 interests of NL168 you wanted to achieve.

7 **A. Yes.**

8 Q. Can you just tell the Panel what those three things were
9 and then we'll see them through the documents as we go?

10 **A. I think the first thing was a commitment to launch an**
11 **investigation through the Management Committee; the**
12 **second thing was a commitment to having a credible**
13 **external input to that committee; and the third thing**
14 **was getting some certainty that the member of staff**
15 **involved would not be in contact with children while the**
16 **investigation was going on.**

17 Q. So this is an initial discussion --

18 **A. Yes.**

19 Q. -- that is taking place between you, SR 148 and Pat
20 Kinder, and you are also liaising with John Veitch, who
21 is your counterpart in South & East Belfast Trust --

22 **A. Yes.**

23 Q. -- who -- it was NL 173 was the boy he was
24 responsible for. SR 148 indicates that she'd
25 discussed the matter further with the Management

1 Committee. Now we don't have the Management Committee
2 minutes that show that happening unfortunately to date.
3 There was some discussion then about who this
4 independent person might be. Three type of options are
5 set out.

6 At the same time -- and I am just going flag this up
7 because of the sequencing of it, and it will also allow
8 the Department again to be aware of it and take forward
9 investigating what happened in relation to it -- but if
10 we look at 49392, you are putting this in train through
11 your meeting with SR 148 and your meeting with Pat
12 Kinder and getting it off the ground.

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

14 Q. At the same time or slightly later -- this date -- this
15 is a bad copy, but it is the one that gives us the date,
16 because it is a copy of the letter that was actually
17 sent as opposed to a draft.

18 This is dated 11th December 1995. It is written to
19 the "Dear Mother Regional" in Dublin. It's authored by
20 Judith Chaddock, the Social Services Inspectorate
21 Inspector within the Department of Health. She, for her
22 part, writes about six issues that a staff member had
23 brought forward. That staff member was NL 170 ,
24 who spoke to Judith Chaddock at the same time as the
25 other children spoke to her.

1 She writes, that is Judith Chaddock, to the Regional
2 Superior, and if we scroll down to the bottom, this
3 letter asks for a report to be sent to her, Judith
4 Chaddock, by the Regional Superior, and the letter was
5 being copied to the Management Committee and to SR 148
6 SR 148

7 Now at the moment the Inquiry hasn't seen a report
8 coming back. So that's something that Mr Montague can
9 look into for the Inquiry on behalf of the Congregation,
10 or what else, if anything, the Department did about
11 getting a report and what it said and what flowed from
12 it, or not getting a report and proceeding not having
13 got it. That's another train that has now left the
14 station. The Social Services Inspectorate on behalf of
15 the Department are seeking a report into the allegations
16 made by the lay worker or the civilian member of staff.
17 That's going on alongside what you're doing.

18 **A. Yes.**

19 Q. Then for completeness, although you delivered a letter
20 on 30th November -- you gave it on 1st December -- you
21 write again. I am just going to show it to you so you
22 can identify it. At 49393 is a letter from you of 19th
23 December 1995, where you write to SR 148 yourself.
24 It covers the same fifteen complaints.

25 **A. Yes.**

1 Q. As I said to you, you've put it into your --

2 **A. Yes.**

3 Q. -- own language, and if we scroll through another two
4 pages just as I'm asking you the question, we can see
5 it's the same type of letter. I was asking, "Why send
6 that nineteen days after you'd given one that was pretty
7 similar?" You were saying to me that was really
8 completeness. You were making sure there was no --

9 **A. Doubt.**

10 Q. -- doubt --

11 **A. No.**

12 Q. -- about what had to be investigated.

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

14 Q. We are not going to look at it, but you kept your finger
15 on the pulse of this, because on 9th January you are
16 sending a memo, or it was pp'd for you, about now Alan
17 Chard and his investigative team meeting NL 271 ,
18 the social worker for NL168.

19 Now what flows out of that is that some date prior
20 to 9th January, and it is not entirely clear when, but
21 Alan Chard, who was in the Down trust --

22 **A. Down & Lisburn Trust was this?**

23 Q. -- Down & Lisburn Trust, he was identified --

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

25 Q. -- and agreed to act as the independent member of the

1 Nazareth Lodge investigative team or subcommittee of the
2 Management Committee that was going to look into these
3 issues?

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

5 Q. That was clearly organised by that date, because ^{NL 271}

--

7 **A. Yes.**

8 Q. -- is getting told to go and meet with Alan and the rest
9 of the investigative team.

10 **A. Correct.**

11 Q. While this is happening -- and I am not going to bring
12 them up -- Tommy Boyle is carrying on his meetings with
13 SR 148 about the NL 227 train, the incident that
14 had happened specifically in August over the phone and
15 the notebook and the whatever, and that's happening,
16 and, in fact, there is a detailed report that is
17 produced by SR 148 and it has, because it -- I am
18 going to show it to the Panel because it is the first of
19 its type that the Inquiry has seen, although you had no
20 involvement in it. That document is at 19492, please.
21 Now you and I were discussing this report.

22 **A. Yes.**

23 Q. It runs from 19492 through to 19508 and the summary is
24 at 19506. If we can just go to the summary, please, at
25 19506, so SR 148 interviews SR18, interviews

1 another -- interviews NL 227 , tries to discuss it
2 with NL168. There's talk about lawyers being involved
3 and so on. Then she comes to her conclusion. If we
4 scroll to the bottom, please, the conclusion she
5 reaches:

6 "In conclusion, the member of staff's line manager"
7 -- that would have been SR18 -- "reports that NL 227
8 is a capable and caring worker with a good understanding
9 of the client group and the agency policies and
10 procedures.

11 On the day in question ... a member of staff found
12 herself in a situation which necessitated the young
13 person being held. However, I can find no evidence to
14 substantiate the allegations contained within the young
15 person's report."

16 That was of being too firmly gripped and restrained.

17 That report was produced to your Trust --

18 **A. That's right.**

19 Q. -- in and around January of 1996. Mr Boyle meets with
20 SR 148 and they agree that there should be
21 an independent investigator appointed to look further
22 into this, because really NL168 wasn't really
23 cooperating with the --

24 **A. That's right.**

25 Q. -- investigation SR 148 was doing, and was looking

1 and eventually did move out --

2 **A. Yes.**

3 Q. -- to a different placement than Nazareth Lodge.

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

5 Q. The reference to that for the Panel is at 59398. You
6 send a memo on 1st February of 1996 confirming that
7 an independent investigator has been agreed for the
8 ^{NL 168} NL 227 complaint and that's going forward. That's
9 at 49400.

10 Now then we have taking place you step out of the
11 picture effectively and the Management Committee of
12 Nazareth Lodge -- the investigative team have produced
13 their report --

14 **A. Correct.**

15 Q. -- and the Management Committee have met. We can see
16 a set of minutes if we look, please, at 49402. 49402.
17 So these are the minutes of the Management Committee
18 meeting. I think we have elsewhere the actual report,
19 but I'm not going to show the report, because it's
20 something that was never provided to you.

21 This Management Committee, if we just scroll down,
22 please, they've met, and:

23 "The subcommittee", so that's the investigative
24 team, "presented their conclusions in respect of the
25 seventeen allegations" -- just stop there. Just scroll

1 back up a little bit, please. Thank you -- "which had
2 been made as attached. They explained the process which
3 is adopted which had been to interview SR18 and Judith
4 Chaddock. They had not carried out any further
5 investigation. The members of the subcommittee agreed
6 SR18 should be advised of the conclusions."

7 The matter proceeds ultimately with SR18 being
8 advised of the findings and then writing, if we look,
9 please, at 49405, because ultimately these three
10 documents I'm showing you you did get to see. This is
11 her letter then saying she acknowledges her errors of
12 judgment and essentially resigns from childcare.

13 **A. Correct.**

14 Q. But what you had already achieved was that she was not
15 performing childcare duties while this investigation was
16 taking place --

17 **A. Correct.**

18 Q. -- which was one of your three things you wanted to
19 secure and you secured all three of them.

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

21 Q. The Management Committee then met again on 11th March,
22 if we look, please, at 49406. They meet again. If we
23 scroll down, please, we can see about the handling of
24 the complaint. You can see:

25 "It was agreed that the Trusts and the Department

1 should be given copies of the minutes of the special
2 meetings" -- so that's the two that we've just looked at
3 -- "together with a copy of the statement received from
4 SR18."

5 So what's not being approved for release is the
6 report --

7 **A. Correct.**

8 Q. -- into the allegations.

9 **A. That's correct.**

10 Q. Then on -- I appreciate you've said to me, just so I can
11 make it clear for the Panel, that throughout all of this
12 period there would have been a lot of telephone calls --

13 **A. Yes.**

14 Q. -- going on --

15 **A. Yes.**

16 Q. -- where you were trying to push the thing on --

17 **A. Yes.**

18 Q. -- and make sure that it was being dealt with --

19 **A. Yes.**

20 Q. -- as expeditiously as possible, bearing in mind the
21 point you made to me, that it can be quite difficult
22 with people in these types of committees to get free at
23 the same time --

24 **A. Yes.**

25 Q. -- to do the things they've got to do.

1 April:

2 "... and we agreed that the respective trusts would
3 individually progress matters."

4 Now what I take that to mean, she's resigned from
5 her post. What's left to do, as it were, in terms of
6 managing this to completion is to then share the outcome
7 with the child and her family and bring the matter to
8 a satisfactory conclusion. Is that right?

9 **A. Well, I think the central issue was if we look at
10 the minutes of 4th March --**

11 Q. Yes.

12 **A. -- they record the outcome of the investigation. I will
13 just quote:**

14 "There were seventeen allegations made: nine
15 partially substantiated; three substantiated; and five
16 not substantiated."

17 Now that does not disaggregate.

18 Q. Yes.

19 **A. We can't tell from that what any individual child's
20 complaint -- how it was resolved.**

21 Q. Yes.

22 **A. For example, if NL168 had made a complaint about SR18
23 reading out of a newspaper, we couldn't tell whether
24 that complaint was substantiated or not substantiated.
25 So we had to go back to them and ask them, "Can you tell**

1 us for each child and for our own particular children in
2 respect of the particular complaints they made what was
3 your outcome?", but I think we also had a view that --
4 and I think it is recorded later in further
5 correspondence -- access to the report would also have
6 been helpful.

7 Q. Well, actually that's what's on the screen --

8 A. Yes.

9 Q. -- because in the last paragraph you --

10 A. Yes.

11 Q. -- you point that out:

12 "We took the view the information currently
13 available was less than adequate. Given that the young
14 person for whom we have responsibility has made specific
15 complaints, I have written to SR 148 (copy
16 enclosed) requesting that this issue be responded to."

17 I'm going to look at that in just a moment. Then
18 you say this:

19 "I take the view that the Trust should have sight of
20 the Inquiry report, but would suggest that this may be
21 more appropriately accessed through a request from
22 senior management within the Trust."

23 I think there is correspondence elsewhere. You
24 weren't getting the report --

25 A. That's correct.

1 Q. -- and didn't get the report --

2 **A. That's correct.**

3 Q. -- and didn't have the power to compel the production of
4 the report.

5 **A. Well, certainly at my level at that point in time
6 I didn't, no.**

7 Q. What you were saying is, "I don't know what I can tell
8 this child".

9 **A. Well, I can tell them -- well, with respect, on 15th May
10 Mr Kinder then wrote back to us with the details.**

11 Q. What I'm --

12 **A. Sorry.**

13 Q. No, no. You're okay. On 3rd May you've been given --

14 **A. Yes.**

15 Q. -- what you were going to be given.

16 **A. Yes.**

17 Q. You -- what could you have told NL168 about her
18 complaint?

19 **A. Nothing of substance.**

20 Q. Because you didn't know --

21 **A. No, we didn't.**

22 Q. -- whether she was the five unsubstantiated --

23 **A. No, we didn't.**

24 Q. -- or the seven partially substantiated or the whatever.

25 **A. No, we didn't.**

1 Q. You couldn't tell.

2 **A. No.**

3 Q. So you then write, as you say you're going to do in the
4 memo, on 3rd May. If we look, please, at 49407, this is
5 you writing to SR 148 saying:

6 "In respect of your letter of 19th ..."

7 So that's going back to your December letter setting
8 out the fifteen matters:

9 "... outlining the complaints made by NL168 ..."

10 because some of them -- some of the fifteen related
11 to --

12 **A. Others.**

13 Q. -- other children:

14 "I would appreciate it if the Trust could be
15 provided with a specific response to the detailed
16 allegations made by NL168 in respect to herself.

17 I would suggest this is essential in order to make
18 a meaningful response to NL168 and her parents."

19 Now the result of that, if we look, please, at
20 49409, was your letter that you received from Pat
21 Kinder, who was the chair of the Management Committee,
22 on 15th May, and he says:

23 " SR 148 has asked me to reply to your letter
24 dated 3rd May in respect of the complaint made by NL168.

25 You will be aware from the minutes of Management

1 Committee meetings sent to you that the Management
2 Committee appointed a subcommittee comprising
3 Mother Hilary, Mother Regional of the Order and
4 Mr Chard from Down & Lisburn Community Trust to
5 investigate the complaints.

6 The subcommittee considered all the papers available
7 to them in respect of the complaints made and
8 interviewed members of staff and the Social Services
9 Inspector appointed by the Department of Health & Social
10 Services.

11 The subcommittee classified their views on the
12 complaints into three categories: substantiated, not
13 substantiated, and the third category that these
14 appeared to be some validity in the complaint -- there
15 appeared to be some validity in the complaint.

16 In respect of the complaint made by NL168 -- they
17 are items 9, 10, 11, 12 and 15 in your letter of 19th
18 December -- the subcommittee view in respect of these
19 items is as follows:

20 Substantiated;

21 Substantiated;

22 Substantiated;

23 Substantiated;

24 and some validity in the complaint."

25 **A. Sorry. Not.**

1 Q. Not substantiated. Sorry.

2 A. Yes. Three "not"s and one "yes" and one "some
3 validity".

4 Q. My apologies. Three not substantiated, a substantiated
5 and a some validity to the complaint. Are you any the
6 wiser about what was said about the individual
7 complaints?

8 A. Well, in fairness we were, because we knew for the -- we
9 could then reference that back to the original document.
10 So we could identify which complaint was made and we
11 could say, for example, I think number 11 refers to --
12 sorry -- number 12 refers to the one reading out the
13 paper. I think that was substantiated. Other ones
14 referred to not getting the correct foster care
15 allowance. That was not substantiated.

16 So we were able to go back in terms of each
17 individual complaint and say, "That was found to be
18 substantiated" or "That wasn't found to be
19 substantiated". So we were able to say that.

20 Q. Could you have told her why they weren't substantiated?

21 A. No, we couldn't have told her why. We couldn't, and
22 that we think was a failing. I think -- I suppose one
23 looks at it in context of what we would try to do in the
24 Trust. What I think we would try to do would be to say,
25 "Well, here is how we reached these conclusions. Here

1 is the evidence we looked at. Here is what informed our
2 judgment". Sometimes we have to say, "The judgment is
3 not clear. The evidence is contradictory", and that's
4 fine, but at least there's some rationale to explain why
5 you reached the conclusion. We would also like to -- we
6 would often say in the Trust, "If you feel you wish to
7 discuss it with somebody, we'll give you a name,
8 somebody to contact". This was I think, as I said in my
9 statement, the bare minimum. We could certainly tell
10 her mother the complaint was a "yes" or a "no", but we
11 couldn't tell her anything beyond that. That really was
12 in our view not as helpful as it might have been.

13 Q. So let's take a step right back, because you are having
14 to live with the minutiae of this.

15 A. Yes.

16 Q. A complaint is made to the Social Services Inspectorate
17 that covers a series of children in various trusts. The
18 way that was dealt with was to ask the various trusts to
19 carry out an investigation. That investigation was
20 effectively to tell the voluntary home that they needed
21 to investigate and persuade them to do so under the
22 circular as you understood it to be. Then once that
23 process was engaged in to try to get out of the
24 voluntary home what the result was, and then receive
25 enough information to communicate to the individual what

1 the outcome of their problem was.

2 **A. Correct.**

3 Q. How satisfactory was that as a system to try and
4 operate?

5 **A. We felt it wasn't satisfactory. I think there was major**
6 **difficulties with it. It didn't create a climate where**
7 **could you say to the family, "This is what we looked at.**
8 **This is what we explored. These were our conclusions".**
9 **There was -- it didn't convey openness I suppose.**
10 **That's the difficulty. I think what we like to do is**
11 **say to the complainants, "Here's how we investigated**
12 **your complaint. Here are the things we looked at.**
13 **These are the factors we took into consideration. Our**
14 **opinion was swayed by this and by this", or whatever,**
15 **and on the basis of that allow -- help them to see how**
16 **we reached our conclusion. They may not share our**
17 **conclusion. They may disagree, but at least they can**
18 **see how we -- how we got down that path, as it were, and**
19 **this document didn't allow us to do that. It allowed us**
20 **on a minimum level to go back to the family and say,**
21 **"Here is a direct response to each individual**
22 **complaint", but it allowed us to say nothing more than**
23 **that.**

24 Q. You on 4th June then, if we look at the memo at 49410,
25 you say -- you are forwarding a copy of the response

1 received from Mr Kinder. This is you up to your boss:

2 "You will note that the investigation only concerned
3 itself with those complaints which directly related to
4 NL168.

5 I have arranged for the social worker to share the
6 above information with NL168 and her mother and will
7 advise you of the outcome.

8 You will recall the Management -- that this matter
9 was investigated by the panel set up by the Management
10 Committee."

11 Am I right -- I'm trying to remember if I saw this
12 in a document or it comes out elsewhere. Did you talk
13 to Alan Chard about trying to get him to give you the
14 report and he didn't have a copy either?

15 **A. I don't recall that conversation.**

16 Q. It wasn't you. Maybe it is another one of the trust
17 representatives who tried to get Alan Chard to produce
18 the document.

19 **A. But certainly, you know, in a situation like that
20 obviously there will be a lot of discussions across
21 trusts. No document was ever produced from Alan. So
22 ...**

23 Q. Yes. I think in the end he said he didn't actually --
24 he wasn't allowed to keep it. So he didn't have it to
25 produce.

1 While this is coming to its conclusion, then the
2 NL 227 complaint relating to NL168 had begun in the
3 August '95 that Tommy Boyle was taking forward. It
4 eventually -- there was going to be an independent
5 element to it and ultimately I think there was
6 an attempt to discuss it with the family. NL168 had
7 moved on and I think then the world had moved on.

8 **A. Yes.**

9 Q. That is where the matter rested.

10 **A. Well, it was a difficult situation to settle and I think**
11 **it went on for a longer time than it ideally should have**
12 **gone on. We tried in the end to meet the mother.**
13 **I offered to meet her twice to try and resolve it and on**
14 **neither occasion was she able to come. So we felt we**
15 **couldn't progress it any further.**

16 Q. You have a situation, albeit you had secured your third
17 limb, which was SR18 not working with the children.

18 **A. Yes.**

19 Q. It took from November or potentially the end of
20 October/start of November until May, or April at the
21 earliest, but May that you could be in a position to go
22 and explain the outcome.

23 Is that -- and I am not -- this is not criticism of
24 you by me. Just observing the time line. Is that
25 indicative of the problem with this mechanism that you

1 were asked to operate?

2 A. Well, I think part of the difficulty is if we'd had --
3 in the first instance if the initial response had come
4 back in a way which would have been fit for purpose in
5 terms of the going out to the family, we would have had
6 that much sooner. I am trying to recall when I actually
7 met SR 148 and Pat Kinder. Yes, they were given to
8 me on 3rd April. So on 3rd April they gave me
9 a document which had a response in it. Now if that
10 response had been detailed and specific, then I could
11 have had the social worker go out on 4th April, but it
12 wasn't. So we didn't have any meaningful response until
13 the middle of May. So we had another month's delay
14 there.

15 Q. There is two things I want to ask you and it's the
16 bigger picture I'm asking you to reflect on as you look
17 back now. The Department with the power to go in and
18 inspect and inspect relevant material in relation to the
19 home, do you know did it ever occur to go back to the
20 Department and say, "Can you get this?" You are not
21 aware of that discussion taking place?

22 A. I am not aware of that, and I suppose, looking back on
23 this -- I suppose it is interesting when you go back
24 after twenty years and look at material. I think you
25 could presumably say that should have been vigorously

1 **pushed up, but no, I don't recall, but that's not to say**
2 **it didn't happen, because if it had happened, it**
3 **wouldn't necessarily have happened through me. It would**
4 **have happened through staff more senior to me.**

5 **Q. Yes.**

6 **A. So it may have happened, but I'm not aware it did**
7 **happen.**

8 **Q. Well, we do know there was a request from the**
9 **Department, as it were, through Judith Chaddock for**
10 **a report. So we'll see if we can get to the end of**
11 **whether she received that or not.**

12 **A. Right.**

13 **Q. The other question I had for you: if one body had done**
14 **the investigatory work, whether that was one person**
15 **employed as the troubleshooter to go in --**

16 **A. Yes.**

17 **Q. -- when these things come up and investigate them, would**
18 **that have been more difficult, do you think, because**
19 **that person would have to talk to you and find out about**
20 **the child and do the same then for the other trusts and**
21 **maybe carry out the investigation with the person in the**
22 **home?**

23 **A. I think there's difficulties no matter what route you**
24 **take. I think probably the advantage of one person is**
25 **that you avoid the silo mentality. I think the**

1 difficulty is with our process was we all got responses
2 of various levels of quality, but I suppose what that
3 didn't give you was the composite overview maybe, and
4 the sort of system you are talking about would probably
5 give you the composite overview, which I think you lose
6 if you get individual Trust responses. So I think we
7 would probably address that.

8 Q. I think the other thing you wanted to do from our
9 discussion, David, was to try and explain a little bit
10 about the context --

11 A. Yes.

12 Q. -- of this time, and just how this is examples of
13 complaints being pursued by the Trust for the child that
14 you were responsible for and trying to get to
15 a conclusion in respect of them, but can you just say
16 a little bit about the context of childcare and what you
17 were facing at this point in time?

18 A. Yes. Well, I think obviously childcare can be a very
19 rewarding job. It is also a very challenging job. At
20 this point in particular, particularly in North & West,
21 there was significant difficulties getting placements
22 for children. That was a major challenge.

23 I also think another major challenge was the type of
24 young people we were bringing into the system. I think,
25 as I mentioned earlier, what we were becoming

1 increasingly aware of are the issues round young
2 people's mental health, where it was becoming
3 increasingly clear that you were bringing in young
4 people who have significant mental health issues, many
5 of which result in quite aggressive or difficult
6 behaviour and depressive type behaviour. I suppose one
7 of the challenges is how you make sure you address that
8 in terms of making sure they get the help and support
9 they need and also the staff get the help and support
10 they need, because for staff as well in these units it's
11 a very difficult task and they are faced with
12 challenges.

13 Q. That's what I wanted to ask you about, because what
14 I take you to be saying is -- I appreciate we are trying
15 to drill this down to layman's terms --

16 A. Yes.

17 Q. -- it would have been very difficult to be a residential
18 childcare worker in the type of environment that was
19 presenting itself in the mid-'90s that we are dealing
20 with just here.

21 A. I think that's fair comment. Clearly many children were
22 looked after to a satisfactory level. Other children
23 presented considerable difficulties, and issues of
24 violence towards staff were not uncommon, and staff
25 could be placed in very difficult situations with such

1 children. So I think being a residential social worker
2 had significant challenges, and I think in some ways you
3 were dealing with -- you were bringing the most
4 difficult children in the system and putting them into
5 residential care, where quite often you had staff maybe
6 the least experienced, and that was a difficulty,
7 because it is well recognised that children in
8 residential care are frequently the most difficult
9 children along the spectrum of looked-after children.

10 Q. And post the Children's Order --

11 A. Uh-huh.

12 Q. -- the focus then changes away from not entirely
13 residential care, or how have things changed so that
14 what you're then describing is no longer the case?

15 A. Well, most children are -- I think what we got
16 increasingly was a focus on specialised units, which
17 obviously was a welcome development. So you'd have
18 units ideally focusing on more complex children. There
19 was also a move to move towards smaller units. Some of
20 these units in Nazareth are quite big, which wasn't
21 uncommon, but if you are dealing with a unit of, say,
22 six or eight, that's a different proposition entirely.
23 So I think it was a recognition of that. I think it was
24 also a recognition of the significant interface between
25 young people's mental health and residential childcare

1 **services. So I think those things started to change the**
2 **picture, but it continued to be a challenging picture**
3 **for many years.**

4 Q. David, I'm not going to ask you anything more. If you
5 stay where you are for a short while, the Panel Members
6 may want to ask you something.

7 **A. Thank you.**

8 **Questions from THE PANEL**

9 MS DOHERTY: Thanks very much, David. Can I just ask:
10 during the time that you were talking to your
11 counterparts in the other trusts about the complaint and
12 about the kind of inadequacy of the response that you
13 were getting, was there any discussion at any time about
14 ceasing placements to Nazareth Lodge? Was the level of
15 concern sufficient to prompt that type of consideration?

16 **A. No, there was not discussions around that. I mean,**
17 **clearly there were dissatisfactions around what**
18 **I mentioned, but I don't recall any discussions**
19 **suggesting that they would discontinue placing children.**

20 Q. Okay. So the kind of three complaints coming together
21 wasn't enough to kind of trigger that?

22 **A. No. It didn't. I think many of the complaints did**
23 **focus around SR18, who was then removed from the**
24 **picture. Obviously there was concerns about the**
25 **monitoring and the functioning in that sense, but**

1 I don't recall any discussion along the lines of saying,
2 "We will discontinue using Nazareth". I don't recall
3 that.

4 Q. Okay. Thanks very much.

5 CHAIRMAN: Well, David, thank you very much indeed for
6 coming to speak to us today. We're very grateful to you
7 for doing so --

8 A. Thank you.

9 Q. -- and for waiting so patiently to take your turn.

10 A. Thank you.

11 (Witness withdrew)

12 MR AIKEN: Chairman, Members of the Panel, that concludes
13 the oral evidence for today.

14 CHAIRMAN: Well, thank you very much. We will resume at the
15 normal time tomorrow, ladies and gentlemen.

16 (4.43 pm)

17 (Hearing adjourned until 10 o'clock tomorrow morning)

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