

**INQUIRY INTO HISTORICAL INSTITUTIONAL ABUSE 1922 TO 1995****Witness Statement of Kevin McCoy**

1. I began my social work career as a Social Work Assistant in County Down, Northern Ireland. I trained in Social Work at the University of Strathclyde, Glasgow and the College of Deaf Welfare, London. I have a degree in Economics and Social Policy (Queen's University, Belfast) and a Masters and Doctorate in Public Policy (University of Bath).
2. I was employed by Down County Welfare Committee in various posts from 1963–1972. I joined the Department of Health and Social Services in 1972 as a Social Work Adviser and was appointed Senior Social Work Adviser in 1973 and Assistant Chief Inspector in 1986 when the Social Work Advisory Group became the Social Services Inspectorate. In 1989 I took up the position of Chief Inspector of the Social Services Inspectorate and retired from this position in November 2000.
3. In December 2000 I was appointed by the Government in the Republic of Ireland as a Commissioner on the Commission to Inquire into Child Abuse and served as a member of the Confidential Committee. I left the Commission in May 2003. Since then I have provided consultancy services to a wide range of statutory, voluntary and private sector organisations.
4. On leaving the Department in 2000 I did not retain any papers relating to my period of employment there and the following comments are based on a review of files and papers supplied to me in recent weeks by the Department.
5. I have been asked to consider a number of papers from the HIAI and the Department of Health Social Services and Public Safety (DHSSPS) with a view to providing comment on the issues concerning the respective responsibilities of the Department and Boards/Trusts in dealing with complaints and child care concerns about voluntary homes.
6. The Inquiry has specifically referred to the matters surrounding the report requested from the Order of Nazareth by the Inspector, Ms J Chaddock, in

1995. I was not the Inspection Manager for this inspection and can only comment in general terms based on the information supplied.

**What the Department did when it was made aware of complaints from a number of individuals in the home about how a member of staff was behaving.**

7. Nazareth Lodge was inspected in October/November 1995. The Brief for the Inspection is set out in Appendix 1 to the Inspection Report [SNB 14240] and this included an examination of the monitoring system and the operation of the complaints procedure. As part of the methodology for the Inspection the Directors of Social Services and Trust Managers were informed by letter that the Inspection was to be conducted. This would have provided the HSS Boards with an opportunity to convey any specific complaints they had received about the care of children for whom they were responsible in the home. There is no indication in the Inspection Report that any HSS Board informed the Inspector that they had concerns about the care and treatment of children in the home.
8. Paragraph 6.4 of the Inspection Report [SNB 14219] refers to the identification of complaints through discussion with children and the completion of questionnaires by children. As a result the Inspector wrote to the management of Nazareth Lodge and the HSS Trusts responsible for the children involved. See Miss Chaddock's letter of December 1995 [SNB -17967].

**How the complaints detailed in the documents presently available would have been viewed by the regulator and its inspectors at that time.**

9. The complaints that were identified by the Inspector were deemed to be very serious. The Inspector had examined the monitoring report for 1994-95 prior to the Inspection and commented [see SNB- 14230] that the type of incidents of importance recorded varied from minor accidents to more serious incidents such as aggressive behaviour and self-mutilation.

**Whether what the Department did is considered satisfactory.**

10. Following receipt of information from a former member of staff and from a resident together with information obtained during the Inspection the Inspector wrote to the Mother Superior asking her to investigate the matters referred to in her letter. The letter was copied to local Managers in Nazareth Lodge and Trusts responsible for the children. This resulted in an Investigation being undertaken by the Management Committee of the home and the subsequent withdrawal of the member of staff from childcare work.

**What options were available to the SSI when concerns over the behaviour of a member of staff in a regulated voluntary home were brought to its attention and whether those options and the steps customarily taken were sufficient.**

11. It is important to distinguish between the respective roles of the Department that regulated voluntary children's homes and the Boards/Trusts who took children into care and placed children in residential homes.
12. Voluntary Homes were regulated in accordance with The Children and Young Persons (Voluntary Homes) Regulations (Northern Ireland) 1975 and inspected by the Department's Professional Staff [SWAG]. The approach to Inspections changed considerably over time and in 1995 the standards applied are reflected in the Inspection Report produced by Miss Chaddock.
13. Health and Social Services Boards and Trusts inherited the responsibilities of the former Welfare Authorities and are/were responsible for taking children into care (where appropriate) and for placing the children in foster care or residential homes depending on their needs and the availability of placements. This responsibility meant that the Boards/Trusts were responsible for ensuring that the needs of children were assessed and an appropriate placement identified to meet those needs. This was not always achievable and Boards/Trusts frequently had to place children in homes where there were places available rather than in homes that were suitable for the needs of individual children. As part of their responsibility, Boards/Trust are/were responsible for monitoring and reviewing the care of individual children through regular visits and discussions with residential care staff.

14. Following the Report on Homes and Hostels for Children and Young People in Northern Ireland 1982 (The Sheridan Report) the Department issued a Complaints Procedure for Children in Residential Care [SNB 19076].
15. Paragraph 24.0 of the Complaints Procedure Circular refers to children being able to raise complaints with their social worker and Paragraph 28.0 refers to the role of the Director of Social Services with regard to children in a voluntary home.
16. When concerns about the behaviour of a member of staff were brought to the attention of SSI these would have been discussed with the Manager of the Home and an investigation of the concerns requested. This would have been sufficient in respect of complaints by individual children about a specific member of staff. In the event that the number of children making complaints was significant and involving the overall treatment and care that the group of children being accommodated an unannounced inspection could have been conducted. This was not thought to be necessary in respect of Nazareth Lodge.
17. The respective roles of Boards and the Department was considered at an earlier date (1984-1986) when the Eastern HSS Board referred a number of complaints to the Department and asked it to conduct an Investigation into the running of Nazareth Lodge. The Department took the view that the Board should have investigated these complaints in accordance with the Circular HSS (CC) 2/85 Provision of Information to and Complaints Procedure for Children in Residential Care and Their Parents.
18. It was not clear what the Eastern Board hoped to achieve by the Department mounting an investigation under the provisions of the Children and Young Persons Act 1968. While there had been a number of complaints made by children in the care of the Eastern Board these had been partially investigated by the Board without any clear outcome. The Social Work Advisory Group had inspected the home in October 1983 and in January 1986. On neither occasion was there any adverse comment about the harshness of the regime. My reference to the 1986 report comes from my memorandum to

Mr P J Armstrong [see SNB 6957-SNB 6961 Para 18b] dated 6 June 1986. In this memorandum it was recorded that "the Sisters reject Corporal Punishment" and that the "usual range of sanctions are made use of". [See Paragraph 8.3 of the 1986 Inspection Report].

### **De-Registration of Children's Homes**

19. As mentioned above Voluntary Homes were regulated in accordance with The Children and Young Persons (Voluntary Homes) Regulations (Northern Ireland) 1975 and inspected by the Department's Professional Staff [SWAG]. I have been asked to reflect on what circumstances would have led to the Department de-registering a children's home.
20. The Department's duty to register homes incorporated ensuring that standards of care were adequate. In the 1970s and before that reports on homes were mainly concerned with material provisions, management, general regimes and support services. Inspections were undertaken at irregular intervals with a degree of informality. In the 1980s the purpose of Inspections was to evaluate standards of care, to provide reports for the Department and for Management Committees about the type of care being provided and to attempt to ensure that the care was of an acceptable standard.
21. I am not aware that the Department ever contemplated the de-registration of a voluntary children's home. This was probably due to the contribution that voluntary children's homes had made and were making to the care of children and young people who had to be cared for away from their parents. It was also due to the dependence of the statutory authorities on the places that were available in these homes. The Department was not aware from its visits and inspections to homes that there were major concerns about the type and quality of care being provided. It would have worked with voluntary bodies to improve the standards in their homes and thereby meet the needs of Boards for placements of children.

### **Inspections of Nazareth Lodge Children's Home**

22. In paragraph 9.25 of the Hughes Report it is recorded that the only SWAG report extant for the period 1973 to 1983 related to an Inspection carried out in October 1983, that is, after the Kincora Scandal. The report notes that Social Work Advisers visited the home on four other occasions from 1973 [HIA 915].
23. It is not recorded which Social Work Adviser visited the home and in his memo of 29 October 1980 to Mr Armstrong [see RUB -41442] Mr O'Kane refers to two visits to Nazareth House on 21 November 1978 and 26 July 1979. The omission of Nazareth Lodge from this list of visits is difficult to explain as the list covers all other homes in the Eastern and Southern Boards' areas at that time.
24. However, it is interesting to note [SNB-50354] the schedule of visits by the MOHA/SWAG to Nazareth Lodge. Despite what Mr O'Kane recorded in his October 1980 memo to Mr Armstrong about visits to homes in the Eastern and Southern Boards it would appear that he made visits to Nazareth Lodge on 9 February 1977 and 21 November 1978. He also visited on 13 February 1981. On this last visit he was accompanied by Mr O'Brien who might be able to provide some information on the nature of the visit and whether a report was produced.
25. As mentioned above inspections were undertaken at irregular intervals with a degree of informality. In the early 1980s a more formal approach to inspection was introduced and a programme of inspections of all children's homes commenced. Nazareth Lodge was inspected in October 1983.
26. Following the publication of the Hughes Report the Department introduced a programme of annual inspections of all Children's Homes and inspections of this home were carried out in:



April 1984 with a follow-up in March 1985

January 1986

January 1987

January 1988

January 1989

January 1990

January 1991

January 1992

January 1993

January 1994

November 1995

**The investigation of and correspondence relating to complaints in respect of Nazareth Lodge's care of children made by the Eastern Health and Social Services Board (EHSSB) to Mr P J Armstrong, Chief Social Work Adviser (CSWA), March 1984–September 1984.**

27. In March 1984 the Eastern HSSB referred a report to SWAG setting out a number of complaints in relation to the running of Nazareth Lodge [SNB 14677]. These were:

- Putting soap into children's mouths as punishment for swearing;
- Using a room infested with cockroaches as an isolation room for disruptive children; and
- The use of surplus food from Marks and Spencers.

28. The complaints were investigated by two Social Work Advisers. Mr Norman Chambers, Social Work Adviser, met with DL 518 EHSSB, on 4 April 1984 [SNB 18982] and no further action was taken by the Department or the Board in relation to the child named in respect of the use of soap. In July 1984 the Chief Social Work Adviser, Mr P J Armstrong, advised the EHSSB that the Department would not be taking any further action and that the resolution of complaints by children in the Board's care should be pursued by it [SNB 19009].

**The SWAG's handling of investigations of physical abuse by former residents of Nazareth Lodge reported to the CSWA in May 1985 and December 1985.**

29. On 15 May 1985 the Director of Social Services in the EHSSB wrote to the Chief Social Work Adviser with reports from North and West Belfast Unit of Management which contained allegations of physical abuse by a boy who had lived in the home from September 1973 and August 1981 [SNB 19018]. The Board had investigated these allegations but were unable to corroborate his allegations. Despite this the Board persisted in maintaining the position that the allegations described unacceptable child care practices rather than complaints in relation to one child.
30. In December 1985 the Board submitted a report of an interview with another former resident who had been cared for in the home from 1974 to 1981 [SNB 19027]. In addition the Board also submitted a report of an interview with another former resident [dates not known] who alleged abuse during his time there [SNB 19044].
31. Throughout the extensive exchange of correspondence with the Board the Department tried to impress upon the Board that these complaints by the three children which are clearly specific to them needed to be treated individually.
32. The Board were also informed that Inspections carried out in 1983 and 1986 had revealed that there were no adverse comments about the harshness of the regime and that the Sisters reject corporal punishment.

**SSI's handling of the complaints received by Miss Reynolds from a former member of Nazareth Lodge staff in January 1993.**

33. An Inspection of Nazareth Lodge was carried out in January 1993 by Miss Marion Reynolds. Prior to the completion of the report Miss Reynolds received a telephone call from [NL 269], a Social Worker, who had worked in Nazareth Lodge. He had heard that she was undertaking an Inspection of Nazareth Lodge and wanted to pass on a number of concerns he had regarding the home. Miss Reynolds took a detailed note of the issues [NL 269] raised [SNB 19070]. In her record dated 26 January 1993 of the



conversation, Miss Reynolds stated "I have told NL 269 that I would prefer it if he placed his views on record by writing to me, although I read my notes to check that he was in agreement with the record of our telephone conversation".

NL 269 was also advised that some points he had raised were already covered in the draft inspection report and that his comments would be followed up in discussion.

34. In response to the record of the conversation, Mr Chambers made a note to Miss Reynolds dated 2 February 1993 in which he stated "While NL 269 expression of concern confirms our own findings, I don't think it can be used unless he makes specific complaints in writing".
35. Miss Reynolds wrote to NL 269 on 29 March 1993 informing him that as she had not received his written comments on the issues raised by him she was unable to seek the views of either the Religious Order or the home's management committee on the matters raised. She also provided him with the names and addresses of relevant contacts to whom his comments should be sent.
36. The matters raised by Mr Gilmore were of a serious nature and should have been followed up with the home. There was no protocol either within SSI or the wider Department that required such concerns to be conveyed in writing before being acted upon.

#### **Medical Input into SSI Inspections of Children's Homes**

37. I have no recollection of the arrangements for including a medical officer in the Inspection Teams for these homes. However, it would appear from Departmental papers that Dr Kilgore was involved in the 1988 inspection of Nazareth Lodge [SNB 13914].

#### **Inspections of Nazareth House**

38. In his memo of 29 October 1980 to Mr Armstrong [see RUB 41442] Mr O'Kane refers to two visits to Nazareth House on 21 November 1978 and 26 July 1979. Mr Norman Chambers recorded on Departmental File No. 2272/1992 –

Nazareth Lodge Children's Home Belfast that Nazareth House was due for inspection in November 1983 but this was deferred pending discussion with the Order re the amalgamation of Nazareth Lodge and Nazareth House. A meeting was planned for 18 November 1983 re this. There is a note of this meeting on file [SNB 15495] and on 27 June 1984 the Department received a letter informing it of the closure of Nazareth House and its de-registration [SNB 15489]. Prior to this [REDACTED] SR 220 had written to Mr Chris Walker, SWAG, on 23 November 1983 informing him of the decision to close Nazareth House [SNB 15498].

### **Conviction of Fr Brendan Smyth**

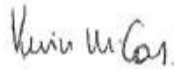
39. A memo from myself to Mr Norman Chambers dated 11 August 1994 asks him to try to ascertain how an investigation into serious crime at Nazareth Lodge begun in 1990 could escape the attention of the Home Managers, Boards and the Department and not come to light until reported in the press [SNB 14948]. The files scrutinised do not contain any report on this from Mr Chambers and there is no reply from Mr Stewart's letter to the, then, RUC [SNB 14947].
40. This memo also indicates that inspection reports for the period 1988 to 1990 referred to Fr Joseph Steele as one of two chaplains to the home.
41. The position of Fr Steele would appear to raise similar issues to that of Fr Brendan Smyth. In February 1996 Fr Steele confessed to 11 charges of indecent assault and one of gross indecency which took place between 1969 and 1983 when he was pastor and chaplain of a children's home in south Belfast and Cross and Passion Secondary School. He was jailed for two and a half years. His victims were two boys and three girls between the ages of nine and 15 years. There is no reference to this in the files examined.
42. On 21 November 2012 it was reported in the media that Fr Steele had died but had admitted five counts of indecent assault and two of gross indecency committed against a male child on dates between January 1967 and January 1971 and a further three counts of indecently assaulting his female

43. victim on dates between August 1979 and July 1983. The children were brother and sister.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed



Dated 13/04/2015

Dr Kevin McCoy

Mr K. F. Mr. Pay.

Nazareth Lodge Children's Home.

On 14<sup>th</sup> April 1984 I met Mr R. Bunting and [REDACTED] NL 181 (S.S.W - [REDACTED]) to consider the allegations as described in [REDACTED] NL 181 report of 8<sup>th</sup> March 84, and to agree the way forward.

1. The Department to forward [REDACTED] NL 181 report to the Sisters of Nazareth requesting clarification of current policy regarding methods of discipline and [REDACTED] SR 143 response to the specific allegations.
2. In the light of the Home's response Mr Bunting will brief supervising social workers to interview all children in the care of the E.H. & S.S. Bd regarding their experience of discipline while in the home.  
[REDACTED] NL 157 will be interviewed regarding the specific incident of alleged mouth washing and a decision will then be taken by the Board whether to ask the boy's parents if they wish to make a complaint.
3. A copy of social workers' reports of interviews

Mr P J Armstrong

**NAZARETH LODGE CHILDREN'S HOME**

1. In March 1984 the Eastern Board referred a report to us setting out a number of complaints in relation to the running of this Home. These were:

- putting soap into children's mouths as punishment for swearing;
- using a room infested with cockroaches as a isolation room for disruptive children; and
- the use of surplus food from Marks and Spencers.

These complaints were investigated by Mr Walker and Mr Chambers and no further action was taken by the Department or the Board in relation to the child named in respect of the use of soap.

2. On 15 May 1985 Mr Moore wrote to you with reports from North and West Belfast Unit of Management which contained allegations of physical abuse by a boy, **HIA 210**, who had lived in the Home from **1973** to **1981**. These allegations were made when the child, who was placed with foster parents, was having nightmares and was interviewed about his experiences in the Home.

3. **HIA 210** alleges that:

- he regularly received beatings from **SR 180** who used whatever implement would be at hand;
- he was placed in a bath of cold water as punishment for informing his social worker about the beatings;
- he was locked in a bathroom overnight without lights; and
- he was placed in a locked cupboard.

4. The North and West Belfast Unit of Management staff investigated these allegations by interviewing the boy on 2 occasions, his brother on one occasion and a social worker who had responsibility for him during his time in the Home. The interviews with his brother and social worker did not corroborate his allegations and the Unit of Management report concluded "as a child he is not adverse to making allegations although we have no personal experience of him being dishonest in this nature although his interpretation of what has happened, as always the case, may be called into question".

In his letter of 15 May Mr Moore stated "as these allegations described unacceptable child care practices rather than complaints relating to one child, I would be grateful for your