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HISTORICAL INSTITUTIONAL ABUSE INQUIRY  
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being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at

Banbridge Court House

Banbridge

on Tuesday, 12th May 2015

commencing at 10.00 am

(Day 120)

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

1 Tuesday, 12th May 2015

2 (10.00 am)

3 (Proceedings delayed)

4 (10.30 am)

5 MR PAT KINDER (called)

6 CHAIRMAN: Good morning, ladies and gentlemen. Can I, as  
7 usual, remind everyone to ensure that their mobile phone  
8 has been turned off or placed on "Silent"/"Vibrate" and  
9 remind you also that no photography or recording is  
10 permitted either in the chamber or in the Inquiry  
11 premises.

12 Yes, Ms Smith.

13 MS SMITH: Good morning, Chairman, Panel Members, ladies and  
14 gentlemen. Our witness today is Pat. This is Mr Pat  
15 Kinder, and Pat wishes to take the religious oath.

16 MR PAT KINDER (sworn)

17 CHAIRMAN: Please sit down, Pat.

18 **A. Thank you.**

19 **Questions from COUNSEL TO THE INQUIRY**

20 MS SMITH: Pat, just to be clear from the outset, you are  
21 now a gentleman of 84 years of age. You were explaining  
22 to me that as a result of your age that you have some  
23 difficulties with your memory and not everything is as  
24 clear as you would like it to be, but you wish to help  
25 the Inquiry as much as you possibly can. Is that fair?

1 **A. That's true, yes.**

2 Q. Well, you have provided a statement to the Inquiry, Pat.  
3 We can see this at SNB-2291, please, to 2292. I am  
4 just -- it is going to be pulled up on the screen in  
5 front of you, Pat. If I can just ask you to confirm  
6 that this is the statement that you provided to the  
7 Inquiry.

8 **A. Yes.**

9 Q. And if we go to the last page of that, it's dated  
10 2nd April 2015 and you have signed it?

11 **A. I thought that was coming up on screen. Yes.**

12 Q. There is a slight delay sometimes when we call up  
13 documents, but ...

14 Now I just want to assure you the Inquiry has read  
15 the entire statement, and I am not going to go through  
16 it paragraph by paragraph, but in paragraphs 1 and 2 of  
17 your statement you indicate your connection with the  
18 Sisters of Nazareth, and that was because your aunt had  
19 lived in their Elderly Care Centre in Nazareth House.  
20 That's how you came to be involved with the Sisters  
21 originally.

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

23 Q. You recall that you were approached by -- you said in  
24 your statement you thought it was **SR 36**, but on  
25 reflection it may well have been another Mother Regional

1 or Mother Superior who asked you to help out --

2 **A. It might well have been, yes.**

3 Q. -- with the work of the Congregation in the home.

4 Now the Inquiry has heard from another source that  
5 you were actually instrumental in setting up a team of  
6 three to visit the home, and that was a doctor, a social  
7 worker and a headmaster, back in 1984, in October '84,  
8 and that was in preparation for the Hughes Inquiry, but  
9 I know from talking to you you have no memory of doing  
10 that. Isn't that right, Pat?

11 **A. I have no memory of setting up that committee.**

12 Q. Later, though, you do remember that you were involved in  
13 setting up what we have been calling and what was known  
14 as the Management Committee, although I know that you  
15 take issue with the actual terminology, saying it was  
16 more a committee of management than a Management  
17 Committee, if that's correct.

18 **A. I think there's a very fundamental point that it was  
19 there to give advice and it could be a committee of  
20 management, but that's just use of language, but the  
21 essence of it was that it had no authority on behalf of  
22 the Sisters to take decisions. It was brought about and  
23 brought into being by the Sisters to give advice.**

24 Q. That was set up in about 1987 following the report of  
25 the Hughes Inquiry.

1    **A. Yes. That was my memory. I couldn't remember exactly**  
2           **at what date it was set up, but you have had records**  
3           **which say it was that timescale, and I accept that.**

4    Q. Okay. Just to be clear, those who were on the committee  
5           at that time were a **NL 35**, a Mrs McNally,  
6           Tom~Cahill, Michael Murphy, yourself, a J. Patten,  
7           a Miss E. Nichol and a Dr McCauley, who subsequently  
8           left because of other work commitments. You were the  
9           Honorary Secretary of the Committee.

10   **A. That's right.**

11   Q. When we were talking earlier, you don't even remember  
12           some of those names. Isn't that correct?

13   **A. One of them I wasn't sure of. It didn't -- the others**  
14           **would have been people I would have known socially one**  
15           **way or another, but one name I didn't know.**

16   Q. And that was Miss E. Nichol. You have no recollection  
17           of who that was?

18   **A. No, I haven't, no. I'm sorry about that. As I said to**  
19           **you, it could appear that I have what you call**  
20           **a selective memory. I'm sorry if that's the case, but**  
21           **I'm quite genuine about there are things I do not**  
22           **remember.**

23   Q. What you do remember is the line management, as it were,  
24           of the Congregation of the Sisters of Nazareth. There  
25           were the Sisters who were working in the home, who were

1 answerable to the Mother Superior in the home. She  
2 would in turn be answerable to Mother Regional, who was  
3 based in Dublin, and Mother Regional ultimately was  
4 answerable to Mother General in Hammersmith in London.

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

6 Q. Now I didn't ask you this when we were speaking earlier,  
7 Pat, but I wondered and we know from documents we are  
8 going to refer to that you certainly did meet Mother  
9 Regional, who in the mid-'90s was **SR 43**, and  
10 perhaps that's why her name was at the forefront of the  
11 person who invited you to become involved in helping out  
12 the Congregation, but did you ever yourself meet the  
13 Mother General in Hammersmith?

14 **A. Oh, yes.**

15 Q. When would you have met her?

16 **A. Years before, because she visited Nazareth House and my**  
17 **aunt was in Nazareth House from about 1974. So I was**  
18 **going there quite often, and I met her in that**  
19 **connection some day.**

20 Q. So that was just -- might it have been her who asked you  
21 to set up this committee?

22 **A. No, I don't think so. I had little to do with the**  
23 **Mother General.**

24 Q. Was that just on an informal basis that you met her  
25 then? Is that what you're --

1 **A. It would have been. It would have been, yes.**

2 Q. You never met her in connection with your role as  
3 Honorary Secretary or anything like that?

4 **A. I don't think so. It's -- most of the meetings from**  
5 **memory always occurred with either -- always with the**  
6 **head of the home and the Regional would have come in and**  
7 **out of meetings.**

8 Q. Well, you have given -- at paragraph 6 of your statement  
9 you have indicated that the role of the Committee was to  
10 advise the Sisters. It met once a month, and you say  
11 that the three Sisters in charge of the groups came to  
12 the meeting and raised any concerns or discussed issues  
13 within the running of groups and received feedback.  
14 I was asking you whether you had any recollection of  
15 what those concerns might have been.

16 **A. Not specifically. It was talking about those issues**  
17 **which the Sisters wished to raise rather than vice**  
18 **versa. That could have been about small matters in the**  
19 **unit or problems that were arising, or arrangements for**  
20 **the future of the children in terms of holidays and that**  
21 **type of thing, but it -- I have no memory of a specific**  
22 **issue.**

23 Q. I think when we were talking earlier, you said that some  
24 of the things that might have been raised was the  
25 problems they were maybe having with certain types of

1 behaviours and how they could be best dealt with within  
2 the unit. Was that one of the things that might have  
3 come up?

4 **A. Yes. I'm sure that is, especially as some of the**  
5 **members of the committee had got to know some of the**  
6 **children. When they talked about problems or attitudes**  
7 **or whatever, that it meant more to them because they**  
8 **could identify with a child.**

9 Q. That -- you make the point in paragraph 8 that in  
10 addition to the monthly meetings members were assigned  
11 to a particular group and visited at other times in  
12 order to build up relationships and better understand  
13 what was going in the groups. I was asking you whether  
14 you yourself had ever been part of that visiting team,  
15 as it were?

16 **A. No. I hadn't, although you've shown me some evidence of**  
17 **my having participated in the investigation of**  
18 **a complaint, but I -- it was a line which -- that I had**  
19 **to define, the amount of time that I had available for**  
20 **such activity. That isn't to say that the other members**  
21 **of the committee weren't busy people as well, but it was**  
22 **agreed that I would not participate in that, that my**  
23 **role would be in keeping the records, and that was it.**

24 Q. Because of your other work commitments at this stage?

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



1 Q. Up until -- I think you retired you said in '95 --

2 **A. 1995.**

3 Q. -- '95 you had been Chief Executive of the Eastern  
4 Health & Social Services Board when you did retire.

5 **A. Effectively for about twenty years.**

6 Q. Now just -- we were just -- that document we were  
7 looking at, if we can look at that. That's SNB-18037,  
8 please.

9 **A. Sorry.**

10 Q. Sorry. It is just going to be called up on the screen  
11 in front of you, Pat. It will take a moment or two to  
12 come up.

13 **A. It hasn't happened yet.**

14 Q. But you'll see this is -- I was showing you a hard copy  
15 of this.

16 **A. Yes.**

17 Q. If we look, it is headed "Complaint 7" there at the  
18 right-hand side.

19 **A. I recognise my writing, yes.**

20 Q. You told me that that was actually your handwriting.  
21 I will just read it out. It says:

22 "Name of complainant: Not given.

23 Date of complaint: Date -- received 7/11/88 in  
24 London."

25 Is that correct?

1 **A. Yes.**

2 CHAIRMAN: Is it possible --

3 MS SMITH: To enlarge that? Yes.

4 CHAIRMAN: Blow it up, please.

5 MS SMITH: Just highlight that section of the page, please.

6 The top right-hand section of the document, could that  
7 be highlighted and enlarged?

8 **A. Yes.**

9 Q. Yes. That's much better. Thank you. Yes. It says:

10 "... in London.

11 Written complaint, not signed, alleging behaviour by  
12 a member of staff who was named",

13 although you don't record the name in this.

14 "No specific statements made but allegations --  
15 suggestions" -- I beg your pardon -- "suggestion of  
16 familiarisation and favouritism. Letter has been seen  
17 by Mother Regional, Sister Superior -- Mother Superior,  
18 Chairman and Honorary Secretary. Our joint view is that  
19 there is nothing of substance in the letter which can be  
20 investigated and we have no reason to make further  
21 enquiries."

22 It is signed by I think that's **NL 35** on  
23 21st November '88, yourself, Mother Aidan, who would  
24 have been Mother Regional, and SR121, who is SR121,  
25 Superior in the home in 1988.

1 **A. Uh-huh.**

2 Q. Although you recognise your handwriting, Pat, you have  
3 no recollection of actually having written that --

4 **A. No.**

5 Q. -- or what it was about?

6 **A. No.**

7 Q. It seems to be -- it is recorded in the complaints book,  
8 which, as I indicated to you, was only kept from 1985,  
9 again from January '85, after Hughes. Certainly the  
10 only record of a complaints book that we have is from  
11 that date. Obviously it was a complaint that had come  
12 in. London must have sent it to be investigated by  
13 Nazareth Lodge, and you, the Mother Superior, the Mother  
14 Regional and the Chairman of the Committee looked at the  
15 letter and decided that there was nothing more that  
16 could be done. Would that be a fair assessment of  
17 what's written?

18 **A. That -- from what's written I would assume that, yes.**

19 Q. So it's clear from that that the Congregation are  
20 turning to the Management Committee for advice about  
21 these things in 1988.

22 **A. Well, that's -- that would meet with the stipulation of  
23 what they intended, that there should exist a body to  
24 give advice, and they were using that body --**

25 Q. Yes.

1 **A. -- asking them, giving them the authority to do that.**

2 Q. This is one of the things that we were discussing is  
3 that by setting up the Management Committee the  
4 Congregation was reacting to what Hughes had said they  
5 ought to be doing and they were trying to move forward.  
6 Would you -- was that your view of what they were doing?

7 **A. With hindsight yes. I don't remember that that was**  
8 **stated as an intention. My memory of it was that they**  
9 **sought advice and support in undertaking what was**  
10 **becoming an increasingly difficult job.**

11 Q. Well, in paragraphs 5 and 9 of your statement, going  
12 back to that at 2291, you are at pains, if I might say,  
13 to say --

14 CHAIRMAN: Before we leave that --

15 MS SMITH: Sorry.

16 CHAIRMAN: -- is the other side of the page relevant to  
17 this?

18 MS SMITH: It is not, Chairman. It is just another  
19 complaint.

20 I should say, Pat, that the complaints book, when it  
21 is looked at in its entirety, it is usually complaints  
22 by children in the home within the unit that is signed  
23 off by the Sister in charge of the unit, maybe the  
24 social worker of that child and perhaps a voluntary  
25 visitor, who was one of the monitoring team before the

1 Management Committee was set up in '87, and then after  
2 '87 maybe one of the management team -- Management  
3 Committee team, or indeed we have seen the signature of  
4 Felicity Beagon, who was the Social Services Inspector.  
5 So she obviously was able to exam the complaints book  
6 when she came to inspect the home.

7 But those are -- the general complaints that were  
8 recorded were more in the nature of day-to-day  
9 complaints by children in the home rather than this sort  
10 of formal complaint, albeit unsigned --

11 **A. Yes.**

12 Q. -- complaint, that had gone to Hammersmith. That's just  
13 for the benefit of the Panel to explain to them what  
14 kind of document we were looking at there.

15 **A. I see.**

16 Q. So, as I say, in paragraphs 5 and 9 you are essentially  
17 at pains to say that:

18 "The Committee had absolutely no management or  
19 supervisory role. It wasn't involved in the appointment  
20 or dismissal of staff. It didn't provide monthly  
21 reports and it didn't discharge any statutory or formal  
22 function."

23 That is still your view, Pat, that that -- you  
24 really were there just to advise and support and that  
25 you could not ultimately make any decisions on behalf of

1 the home. Is that fair?

2 A. That is fair and it is correct in my view. The Order  
3 had a discipline and a structure within which it worked,  
4 which involved very -- which involved centralised  
5 management in terms of policies and operations run from  
6 Hammersmith, and a direct line to the Sister appointed  
7 in a particular facility, who had responsible for  
8 running that facility and had responsibility to  
9 Hammersmith for that purpose and supervised by  
10 a Regional. It was an important channel of  
11 communication, and the existence of something called  
12 a Management Committee at one site just didn't fit with  
13 that structure. It was fundamental to that. It could  
14 assist the work in a unit. It could support the work of  
15 a unit, but at the end of the day the decision on the --  
16 to be made would be made by the unit person, the Sister  
17 in charge of the unit, with the support that she had  
18 from Hammersmith and from Dublin.

19 Q. Well, I know that you yourself have no recollection of  
20 events involving SR18 and you didn't seem to remember  
21 anything even as we were discussing it earlier, but I am  
22 just going to look at a few documents, please. If  
23 I could look at 49402, you will see this is headed  
24 "The Minutes of a Special Meeting of the Management  
25 Committee of Nazareth Lodge held on 4th March 1996 at

1 8.00 pm in Nazareth Lodge". Present are **NL 35**  
2 Chairman; **SR 43**, who was Mother Regional at the  
3 time; SR121; SR148; Mrs McNally; T. Cahill; M. Murphy;  
4 P. Kinder; J. Patten; and an apology was received from  
5 the person whom you don't remember, Miss E. Nichol.

6 **A. Uh-huh.**

7 Q. "This is a report of an investigation by the appointed  
8 complaints subcommittee. The members of the  
9 subcommittee were Mrs McNally, **SR 43** and Mr Alan  
10 Chard of Down & Lisburn Trust and they were all present  
11 when making their report to the Management Committee."

12 I was trying to remind you that a number of  
13 allegations had been made about SR18, that she had --  
14 essentially the matters had been brought to the  
15 attention of a Social Services Inspector, Judith  
16 Chaddock, who had written to the home in December 1995  
17 asking that they investigate matters, the allegations  
18 essentially being that SR18 had forced a young person to  
19 eat food retrieved from a waste bin in front of other  
20 children; that she had struck a young person in the  
21 course of a violent argument when dropping him off in  
22 the countryside in Co. Donegal at night, leaving him to  
23 make his own way back to the holiday home; the  
24 undermining of staff who'd voiced concerns about the  
25 effects of such behaviour on the young person; and

1 refusing to speak to a young person for almost two  
2 months before the inspection came up; treating him  
3 unfairly in relation to her treatment of other children  
4 within the group; and being reluctant to give him his  
5 clothing allowance.

6 She copied that letter to the Management Committee  
7 for information, SR148 and the operational manager and  
8 had notified the Trust responsible. That was a letter  
9 addressed to the Regional Superior.

10 Now SR148, when she gave evidence, said she recalled  
11 receiving this letter and immediately referred it to the  
12 Management Committee. She said that she may have  
13 discussed it with the Mother Superior, but certainly her  
14 view was that the appropriate body to deal with this  
15 complaint was the Management Committee.

16 I was wondering apart -- I know you don't remember  
17 this particular complaint, but it is clear that the  
18 Management Committee had some sort of role in these kind  
19 of formal type complaints rather than the daily  
20 complaints from the children from what we have seen is  
21 what was recorded in the complaints book.

22 Appreciating the difficulties with your memory, do  
23 you have any memory of other complaints being reported  
24 to the Management Committee?

25 **A. No. The -- I again emphasise that if the Management**



1 Committee was dealing with complaints referred to it, it  
2 would be through the office of the person -- SR121, who  
3 was the person responsible in Nazareth Lodge. In other  
4 words, we didn't have a right to deal with complaints,  
5 but we would deal with complaints when the Sisters said,  
6 "We want you to deal with complaints". It's important  
7 to emphasis the question of rights and authority as  
8 against the question of assisting.

9 Q. So basically if a complaint like this came into the  
10 home, you -- well, you were copied into this letter.

11 A. Yes.

12 Q. The Management Committee was copied into this letter.  
13 So am I right in understanding that before anything  
14 would have been done by the Management Committee you  
15 would have said to the Mother Superior, "Look, do you  
16 want us to deal with this"?

17 A. Probably if it had -- if the circuit had been  
18 established that it came into the Management Committee.  
19 The Sister-in-Charge was always there at the meeting.  
20 Not a question of us, the Management Committee or  
21 (inaudible) committee, dealing with something that  
22 wasn't within her knowledge.

23 Q. She was part of the Management Committee essentially?

24 A. Exactly. Exactly.

25 Q. Well, just going back to the document that's on the

1 screen here, it is recorded that:

2 "The subcommittee presented their conclusions in  
3 respect of the seventeen allegations that have been made  
4 as attached."

5 Now the allegations that I read out to you were the  
6 six that had been made to the Social Services Inspector,  
7 but then there were I think my learned junior Mr Aiken  
8 called it three trains converging, because there were  
9 complaints coming in from three other sources about this  
10 particular nun.

11 "The subcommittee carried out their investigations  
12 in respect of those seventeen allegations and explained  
13 the process they had adopted had been to interview the  
14 complainants, SR18 and Judith Chaddock. They had not  
15 carried out any further investigations and the members  
16 of the subcommittee agreed that SR18 should be advised  
17 of these -- of their conclusions.

18 The members of the subcommittee invited questions  
19 from the Management Committee and a number of questions  
20 were raised by all members of the Management Committee  
21 and the principal issues involved related to  
22 clarification of the comments in respect of allegations,  
23 views on the extent to which there appeared to be  
24 validity in some of the allegations and the degree of  
25 cooperation afforded to the committee by SR18.

1           The subcommittee members made clear that SR18 had  
2           cooperated fully with them and that her comments had  
3           enabled them to indicate that there was some validity in  
4           the allegations.

5           The subcommittee produced two further letters that  
6           they had recently received following the conclusion of  
7           their investigations."

8           Scroll on down, please:

9           "One of these letters was to North & West Belfast  
10          Trust, which alluded to information received which might  
11          have a bearing on one of the allegations, and the  
12          subcommittee have noted the contents of the letter but  
13          emphasised they were unable to take any account of the  
14          statements made in the letter and the issues raised"--  
15          sorry -- "remain to be dealt with at an appropriate time  
16          and place.

17          A second letter was received from a social worker  
18          who had interviewed the boy in question, a resident in  
19          the home, who had been mentioned frequently by others  
20          making the alleged allegations. The letter made it  
21          clear that he didn't consider any of the matters raised  
22          as being of a serious nature and he didn't wish to  
23          pursue these matters by way of complaint. The social  
24          worker confirmed that he didn't regard the child's  
25          statement as being evasive."

1           Now that's a record of the discussions that took  
2           place with the subcommittee while all three of them were  
3           present in the room.

4           "The members of the Management Committee spoke at  
5           some length about the issues. In broad terms their  
6           comments were related to the importance of making no  
7           recommendations or proposals in light of the conclusions  
8           reached by the subcommittee until SR18 was advised as to  
9           those conclusions and had an opportunity of considering  
10          them and, if she wished, either coming before  
11          an adjourned meeting of this Management Committee or  
12          making representations to an adjourned meeting.

13          Concern about the nature of the existing complaints  
14          procedures in the home to ensure that such matters came  
15          to light either through the work of the voluntary  
16          visitors or the complaints and untowards events  
17          procedures.

18          The effect of these allegations and events on the  
19          children concerned. The members recognised the high  
20          standards of care and responsibility shown by SR18 for  
21          the children. They recognised that she accepted that  
22          she'd made errors of judgment and had cooperated fully  
23          with the complaints committee, this cooperation by her  
24          often being the only means by which substantiation of  
25          the complaint could be achieved."

1           Now when we were discussing this earlier, Pat, I was  
2           explaining to you that a witness on behalf of the Health  
3           & Social Care Board reviewed not only this investigation  
4           but other investigations, and his view was that there  
5           was no evidence anywhere in the documentation that he  
6           had seen that set out the rationale for the conclusions  
7           that the committee had reached other than the fact that  
8           SR18 admitted some of them or partially admitted some of  
9           them. He wondered if she hadn't put her hands up  
10          and said, "Yes, I did this" or "I did that, but I only  
11          did that because" or "I only did that, but that is not  
12          quite how it was done", if she had not done that, his  
13          view was "Well, what conclusions might they have  
14          reached?", because there is no evidence anywhere of  
15          really what they heard when they interviewed people or,  
16          you know, why they formed the view that they did other  
17          than the fact that she had made admissions.

18                Would you accept that perhaps the investigation was  
19                somewhat deficient in that regard?

20   **A. I would distinguish between the investigation and the**  
21   **conclusions that they reached, whatever they were, and**  
22   **the consideration of those by the Management Committee.**  
23   **I use that term loosely. It is fairly clear from the**  
24   **way in which this is written that all the members of the**  
25   **Management Committee were involved in its considerations**

1           and the issue of the principles of law that were  
2           involved were there and the proofs required for that  
3           were stipulated and were high.

4           The outcome from that was the opportunity for SR18  
5           to be informed. The procedure that was being followed  
6           was important to give her the opportunity to say  
7           anything that she wished to say about this before  
8           a decision of the body called the Management Committee  
9           was taken.

10          In retrospect I'm impressed by the minute. I have  
11          no memory of it, but it seemed that issues of law, which  
12          might have been beyond a number of us on the Management  
13          Committee, were very much in the considerations of the  
14          committee. That appears to mean that it wasn't as  
15          active in making a decision. Well, that -- that is the  
16          fact, but I don't know what the inference would be from  
17          that statement.

18    Q. I think if I can raise a couple of issues, you talk  
19          there about the standard of proof requiring to be high.  
20          There is certainly mention -- I think it is within  
21          this minute -- of the standard of proof being on the  
22          balance of probabilities, which we lawyers know is the  
23          civil standard of proof rather than the criminal  
24          standard of proof, which is beyond a reasonable doubt,  
25          which would be the normal standard that would be applied

1 in disciplinary procedures, but Mr Chard, who gave  
2 evidence to the Inquiry, and who was the independent  
3 member of the subcommittee, he felt that he was being  
4 expected to apply an even higher standard than the  
5 balance of probabilities.

6 **A. Given the structure of our committee, that might well**  
7 **have been what was coming across. One would normally --**  
8 **not normally expect a committee to have such knowledge**  
9 **of the law as this committee had.**

10 Q. Well, can I ask the fact that a higher standard,  
11 a higher bar was being set for the proof of this  
12 investigation, had that to do with the fact that it was  
13 a nun who was being investigated, do you think?

14 **A. No. It -- I don't think so. I think it was a question**  
15 **of fairness and procedural process to establish**  
16 **an outcome. The fact that it was a nun -- I think you**  
17 **would have to recall that apart from the principles of**  
18 **law that are adduced here, there is the recognition on**  
19 **the part of this Management Committee of the work, the**  
20 **context within which all this arises, and that probably**  
21 **influenced them in terms of their sensitivity to making**  
22 **a decision.**

23 Q. Can I ask maybe that there might have been a different  
24 approach taken because it was a nun rather than, say,  
25 a lay staff member, the nun having been engaged in this

1 work as part of her vocation rather than as desire to be  
2 employed in the field, if I may put it that way? Was  
3 that a consideration, do you think?

4 **A. No. The consideration would essentially have been the**  
5 **care of the children and the protection of the care of**  
6 **the children. That becomes the most important factor in**  
7 **this. The other factors of how you secure that**  
8 **protection and the implications for people who**  
9 **transgress are disciplinary matters, but the committee**  
10 **would have been very alive to the protection of the**  
11 **children.**

12 Q. You go on in this minute to note that:

13 "The effect of these allegations on the children  
14 concerned was something that was being discussed, and  
15 the members were recognising the high standards of care  
16 and responsibility shown by SR18 for the children. They  
17 recognised that she had accepted she'd made errors of  
18 judgment and had cooperated fully with the complaints  
19 committee and that that cooperation by her was often --  
20 was the only means by which substantiation of the  
21 complaint could be achieved.

22 They noted that 17 -- of the 17 allegations 9 were  
23 partially substantiated, 3 were substantiated and 5 not  
24 substantiated. They took account of the letter received  
25 from the child's social worker and noted the extent to



1 which that substantiated or partially substantiated the  
2 allegations related to him. He obviously even now did  
3 not wish to make any complaint against SR18.

4 At the conclusion of a period extending over several  
5 hours the Management Committee decided:

6 (i) that SR18 be given a copy of the document  
7 setting out the outcome of the investigations by the  
8 complaints subcommittee and that she be invited, if she  
9 so desired, to comment and to advise the committee if  
10 she would wish further investigations to be made."

11 As you have indicated, this was a desire to be fair  
12 to her.

13 "(ii) that the North & West Belfast Trust be  
14 informed of the status of the letter, which had been  
15 addressed to a member of the complaints subcommittee,  
16 that it be made clear that the issue mentioned in the  
17 letter had not been taken into account by the  
18 subcommittee and that the Management Committee would now  
19 wish to learn from the Trust how they wished to address  
20 the matter."

21 I know, reading this, as you said, you have no  
22 memory of all of this investigation. Am I right, Pat?

23 **A. That's right.**

24 Q. So none of this is prompting any recollections even as  
25 you hear it?

1 **A. No. It didn't. It didn't prompt it. It took me back,**  
2 **but not in places of saying, "Ah! I remember that", no.**

3 Q. Well, at (iii) here:

4 "The Committee's thanks and appreciation be extended  
5 to all members of the complaints subcommittee for the  
6 thorough work which they have undertaken, and  
7 particularly Mr Chard, who had been co-opted on to the  
8 committee and who had left the meeting prior to the  
9 considerations given to the report by the members of the  
10 Management Committee."

11 Now I know, Pat, you have seen the transcript of the  
12 evidence of Alan Chard that he gave to the Inquiry. His  
13 view was that while that is factually technically  
14 correct, it wasn't that he left voluntarily. He was  
15 asked to leave the meeting before the Management  
16 Committee discussed the conclusions of the subcommittee.

17 Is that your -- well, you don't have a recollection,  
18 but his view was that he was essentially put out, that  
19 he wasn't part of the general discussion. Would --  
20 leaving aside what you do or don't remember, would that  
21 have been an appropriate step to take, to put the  
22 independent member out before the general discussion?

23 **A. If you -- if I'm asked this question where I sit now --**  
24 **and I have no memory of this particular thing -- I would**  
25 **have found that not the right thing to do. If somebody**

1 had been good enough to come along to assist in -- in  
2 this activity, I think we owed them the duty to be  
3 caring and to recognise that.

4 I did read Mr Chard's report or evidence over the  
5 weekend so that I wouldn't come here without any  
6 knowledge of what was being said, and he referred to  
7 a hostile or quasi-hostile interrogation by myself and  
8 **NL 35**. I'm sorry that that was the case, if it was  
9 the case or if it was perceived to be the case. So his  
10 view on that he was put out of the committee wouldn't  
11 fit within the general disposition of the committee in  
12 its -- the way it treated people who came before it.

13 Q. He also put it just-- as you've said, you have seen it.  
14 He described the committee as being fairly controlling  
15 of the information it gave out. Would that be fair?

16 A. If he formed that view, yes, that's ...

17 Q. I think you made the point to me that you had no  
18 authority to give out information essentially, that the  
19 point you are making that the authority came from the  
20 Congregation and that any authority you had came from  
21 them, that you as a committee would have no authority to  
22 act without their say-so.

23 A. That's right.

24 Q. Now talking -- just completing going through  
25 this minute, if I may:

1           "The Committee noted the limited nature of the  
2           enquiry in that the allegations were made not by any of  
3           the children allegedly involved but by social workers  
4           who were in different ways involved with the children.  
5           They also decided to accept as the standard by which  
6           an allegation should be considered as one of proof on  
7           the balance of probabilities."

8           I knew it was in that document somewhere. Then the  
9           subcommittee were to reconvene on Monday, 11th March.

10           We can see the document of 11th March. That's at  
11           4906. I think it might -- scroll down a bit. It might  
12           actually be on the next page. This is a letter that  
13           SR18 wrote saying that -- she was obviously informed,  
14           because she said she:

15           "... read the report of the complaints subcommittee.  
16           Been informed of the decisions of the Management  
17           Committee taken at their meeting on 4th March.

18           I deeply regret that these issues have arisen.  
19           I have always endeavoured to look after the children to  
20           the highest professional standards and, as you know, my  
21           work has been acknowledged by the Management Committee  
22           and by authorities outside the home.

23           During my interview with the complaints subcommittee  
24           I accepted that I had made some errors of judgment.

25           I now recognise that as these are presented it is not

1 possible for me to remain as a team leader and I have  
2 decided to withdraw from childcare.

3 In taking this decision I do not wish to pre-empt  
4 any further discussions which the Management Committee  
5 may wish to have and I am prepared to help in any way  
6 I can."

7 That is two days later on 6th March '96 she writes  
8 that letter.

9 Now she gave evidence and she said that it was clear  
10 that you had advised SR121 -- SR121 told her that you,  
11 Pat Kinder, had told her that she would be better  
12 standing down.

13 Do you even remember that? Is it possible that you  
14 would have done that, Pat, that you would have said to  
15 the Mother Superior, "Look, she'd be far better standing  
16 down since these complaints are substantiated or some of  
17 them"?

18 **A. I have no memory of that. To put me in the position of**  
19 **saying, "Is it possible?", I can't say it's not**  
20 **possible.**

21 Q. Well, when you were saying -- you were saying that if  
22 she hadn't stood down, she would -- she would have had  
23 to be dismissed presumably.

24 **A. If I use the standards that would exist in the public**  
25 **service, she would have been dismissed, but in the**

1 public service there is also considerations of further  
2 training, reduction in level of responsibility.  
3 Dismissal is too easy. You know, there are levels of  
4 fairness in the public service about what would happen  
5 in response to something like this if a person in other  
6 ways was considered to be a good officer. The --  
7 that -- those considerations would have happened in  
8 a disciplined sort of statutory way, but all this has to  
9 be seen in the context of a committee making  
10 recommendations to the Order through the  
11 Sister-in-Charge and through the machinery that I have  
12 explained.

13 Q. But presumably the fact that -- you have no reason to  
14 suspect that SR18 is not correct in saying that you  
15 advised the Mother Superior that she would be better  
16 standing down?

17 A. I am in no position to say anything other than that.

18 Q. Assuming that --

19 A. I would also allow for the fact that on occasions your  
20 name may be used when a Sister-in-Charge has something  
21 difficult to say to another Sister and saying something  
22 else, but I am not walking away from that. I simply  
23 don't know.

24 Q. You say you may have actually done it or she may have  
25 just used you as cover, as it were?

1     **A.** I'm in the business of trying to sort of say what might  
2       happen, but that's not fair either to the Sisters or to  
3       me.

4     **Q.** Well, I just want to explore it, and I appreciate that  
5       I am dealing with the fact that you have no memory of  
6       this, Pat.

7     **A.** Yes.

8     **Q.** So I do accept that entirely, but what I am trying to  
9       say is this would have -- her stepping down would have  
10      made life easier for the Congregation than a decision  
11      having to be made to remove her?

12    **A.** Yes, but there were -- in the recommendations of the  
13      quasi-Management Committee there were follow-up things  
14      that had to happen, which didn't mean that there would  
15      have been a seal put on this process. There was  
16      communications -- there were communications to be sent  
17      to several bodies, who would in my knowledge of the  
18      Health Services provoke discussions of, "Okay. We have  
19      dealt with that case. How can we prevent this happening  
20      again? By what mechanism? By what system? Does the  
21      officer involved" -- I am using the Health Service's  
22      approach to this -- "involved carry a risk to the public  
23      service in any way which could affect the future?"  
24      Those issues would have been subsequent to all these  
25      decisions. That's why they're very succinctly

1       **prescribed in that minute.**

2       Q. I accept what you are saying entirely, but certainly the  
3       Inquiry has seen nothing to suggest that those wider  
4       considerations were looked at after SR18 stepped down.

5       **A. That surprised me in the sense that I think the duty**  
6       **which would have come to a Unit Trust, being the same as**  
7       **would be on the Board, would be to follow up those**  
8       **things and not to be satisfied with somebody saying,**  
9       **"Oh, we wrote a letter such and such a time and it**  
10       **wasn't answered". It is far more serious than that. So**  
11       **I do not think that the public service can escape its**  
12       **duty of pursuing this issue.**

13       Q. Well, we do know from the evidence of Mr Chard that  
14       certainly he received a letter from Barbara McDermott.  
15       I think he was in the Craigavon & Banbridge Trust, and  
16       she wrote to him asking for sight of his report, but he  
17       had to leave his report with the Management Committee  
18       and was not allowed to keep a copy of that. So he had  
19       nothing to give her. He wrote then forwarding her  
20       letter to Nazareth and saying, you know, "I've received  
21       this request". It doesn't appear that the Management  
22       Committee were actually keeping the Trust informed at  
23       that stage.

24       **A. The duty of keeping the Trusts informed was the duty of**  
25       **the Order, and I am not trying to put them in**



1 a difficult position, but that's the way it was. So  
2 whatever happened as a consequence of the  
3 recommendations of the quasi-Management Committee -- and  
4 here's -- here's why I tried to stress at the beginning  
5 the importance of recognising that this body existed to  
6 advise, but couldn't interrupt the authority of the  
7 process, which went right back to Hammersmith.

8 So if the process wasn't followed, it meant that the  
9 Sisters obviously did not accept the advice of the  
10 Management Committee, but I emphasise the importance of  
11 the public service. This just doesn't rest with  
12 somebody who says, "Well, we are not going to be doing  
13 anything more about this". It also rests with those who  
14 have a duty to pursue it and statements like, "I didn't  
15 get an answer" or "I wrote to this Management Committee  
16 or that Management Committee" are all evasive and do not  
17 take away the responsibility which -- the important  
18 responsibility which social workers had in the placement  
19 of children in this home. They couldn't just leave it  
20 at that and shouldn't have left it at that. It is easy  
21 for me to say that. I was three years out of the Board  
22 by that time or thereabouts, but I know where their duty  
23 lay.

24 Q. Well, thank you for that, Pat. Certainly I can just  
25 tell you, and I have checked this, that the Inquiry has

1 no evidence that the Congregation ever reported to the  
2 Department or that the Department -- either from the  
3 Department or from the Congregation's records we have  
4 nothing to suggest that the Department was informed of  
5 the outcome of this investigation, for example, and  
6 other than the letter where Barbara McDermott was  
7 writing to Alan Chard and he was then in turn passing  
8 that on to the Congregation, we have I don't believe  
9 seen anything from the Health & Social Care Board that  
10 they received any documentation from either the  
11 Congregation or from the Department about the outcome of  
12 the investigation. So it is not to say that it wasn't  
13 pursued. What I am saying is we have no evidence to  
14 show us that it was reported back, that the outcome was  
15 reported back.

16 If we can just look at the next page, which is  
17 49406, which I think is the minute of -- yes, of 11th  
18 March. This is a slightly shorter minute, which may be  
19 explained by the fact that apologies were given by the  
20 one barrister on the Management Committee, who may have,  
21 in fact, drafted the minute of 4th March, but it said  
22 that:

23 "The members of the subcommittee agreed the minutes  
24 of the previous meeting held on 4th March 1996 as being  
25 a correct record of the business undertaken.

1 Members were handed a statement submitted by SR18  
2 which is attached to the minutes."

3 That's the statement I have just read out.

4 "Members deeply regretted that SR18 had decided to  
5 withdraw from childcare and asked that the Honorary  
6 Secretary should write to her to convey their  
7 appreciation and thanks for the excellent work she had  
8 undertaken in the home over many years.

9 The members reiterated their view that there was  
10 a need in the light of the complaints investigation to  
11 review procedures for complaints and untoward events.  
12 It was agreed that a small subcommittee comprising the  
13 Chairman, SR148 and the Honorary Secretary should be  
14 appointed to review these procedures and to make  
15 an initial report to the next meeting of the Management  
16 Committee, which will take place on 22nd April 1996."

17 I am going to pause there again, Pat. I think  
18 I know what your answer might be, but have you any  
19 memory of being part of a subcommittee with SR148 and  
20 **NL 35** about complaints procedures?

21 **A. None. I'm just aware retrospectively that the home must  
22 have been well into its closure procedure by that time.**

23 Q. Yes. I think they eventually closed the doors in 1999.

24 **A. Is it as far back as that?**

25 Q. There were children still there up until 1997. So ...

1     **A. I dearly would have loved to have good recollections of**  
2     **all this, but I'm sorry.**

3     Q. You have given us a deal of information anyway, Pat. So  
4     please don't feel that you are in any way by not  
5     remembering things not giving us information.

6     **A. Thank you.**

7     Q. So if I can just continue on, it was agreed that the  
8     Community Health & Social Services Trusts involved and  
9     the Department of Health and Social Services should be  
10    given copies of the minutes of the special meetings that  
11    the Management Committee held on 4th and 11th March  
12    together with a copy of the statement received from  
13    SR18."

14           I think that is essentially the end of that minute  
15    of the meeting on 11th March.

16           One other thing -- I mean, SR148, when she gave  
17    evidence -- and I was reading that out to you and I am  
18    not going to go through it all -- but she did say that  
19    the Sisters -- the three Sisters reported to the  
20    Management Committee every month and gave  
21    a presentation, as it were. You were saying to me that  
22    when that was done, when you were giving your evidence,  
23    that if there was a difficulty with a particular child,  
24    those people who were visiting the units understood who  
25    was being spoken about and had a greater insight into

1 maybe how they might help the Sisters with that  
2 particular issue.

3 She also it is true to say in answer to questions  
4 from the Chairman accepted that the Management Committee  
5 role was one more of support and advice, but she was  
6 clear as to where the line management was in the home,  
7 and that was with the Mother Superior and then Mother  
8 Regional. So it is true that the nuns who were in the  
9 home shared this view, although her first port of call  
10 whenever she received Judith Chaddock's letter was to go  
11 straight to the Management Committee, because she  
12 thought that was the appropriate body to deal with it.

13 So there seems to have been a slight tension, if  
14 I might put it that way, between who exactly was  
15 responsible for what in a sense.

16 **A. That might appear to be the way. The members of the**  
17 **committee were very clear that they were there to give**  
18 **advice, that they did not have authority, and the**  
19 **Sisters were clear that they hadn't given them the**  
20 **authority, and that showed itself in some small ways,**  
21 **because it would have been intended not to be offensive**  
22 **to the members of the committee reminding them of that**  
23 **fact, but it's -- that's the way that it was. The most**  
24 **important thing to say is that the members of the**  
25 **Management Committee or quasi-Management Committee were**

1           **there for one principal reason and that was the**  
2           **protection of children in care.**

3    Q.   Well, Pat, just one other role that the Management  
4           Committee did play, and again I know you have no memory  
5           of this, but we will look at SNB-14294, please. I was  
6           explaining to you that the Management Committee also  
7           provided a monitoring report in advance of the Social  
8           Services Inspectorate coming to inspect the home. This  
9           is just an example of the monitoring report for  
10          1992/'93. It says:

11                 "The Management Committee continues to meet at least  
12                 on four occasions in each year and members of the  
13                 committee inspect the home once per month."

14    **A.   Uh-huh.**

15    Q.   "Additionally, the Chairman of the Committee undertakes  
16           inspections from time to time and the Mother Regional of  
17           the Order visits and makes inspections during the course  
18           of the year."

19    **A.   Yes.**

20    Q.   "At the meeting of the Management Committee reports on  
21           the work of each unit are made by the head of the unit  
22           and particular attention is paid to untoward events or  
23           complaints."

24    **A.   Uh-huh.**

25    Q.   "The Management Committee believes that these reviews

1 are important in the interests and care of the children  
2 and supportive of the staff."

3 **A. I agree that in our language the Management Committee**  
4 **have created the impression that they were a Management**  
5 **Committee, largely because to be descriptive as**  
6 **an advisory committee takes too long to say, and in the**  
7 **public service we always reduce everything as much as**  
8 **possible. This has led to the confusion which existed**  
9 **from outside bodies as to the duties and function of**  
10 **this thing called the Management Committee. So the**  
11 **language used has increasingly led to that confusion,**  
12 **but the facts of the matter were known to the people who**  
13 **were there.**

14 **Q. Well, just to be -- I mean, it is clear, as you say, the**  
15 **language in this suggests a much greater role than what**  
16 **you are describing to the Inquiry. Just if we can**  
17 **scroll on down. I mean, this is where you were saying**  
18 **about how the Committee felt that it was appropriate**  
19 **that the role changed to visiting the unit, but if we**  
20 **can just -- the "Statutory visits":**

21 "Management Committee members meet the requirements  
22 of voluntary visitors and prepare monthly reports which  
23 are submitted to the members of the committee. These  
24 reports are reviewed and any matter arising is dealt  
25 with at the following meeting of the committee."

1 If we can scroll on down just to the next page:

2 "Complaints.

3 Fire drill.

4 Medical care.

5 Catering and support services.

6 Pocket money."

7 All of those things are being monitored and being  
8 reported back to Social Services Inspectorate in advance  
9 of the ...

10 If you can scroll on down, please. Yes, the  
11 appendices to the report setting out the qualifications  
12 of all of the staff in the home, for example. Scroll on  
13 down to the next page and through that. That's the type  
14 of level of detail that was being provided to Social  
15 Services Inspectorate. It was being compiled by the  
16 Management Committee on behalf of the Congregation. Is  
17 that right?

18 **A. I think this brings out what the Sisters saw as being**  
19 **necessary in the evolution of what they had come into**  
20 **the business of, the care of children, that probably as**  
21 **a result of Kincora and all the things that brought out,**  
22 **the terrible things it brought out, that they needed to**  
23 **be more aware of the regulatory functions and skills**  
24 **which they didn't have in the sense of meeting the**  
25 **regulatory functions. That's why they wanted the**







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