

THE INQUIRY INTO HISTORICAL INSTITUTIONAL ABUSE 1922 TO 1995
MODULE 4
NAZARETH LODGE and NAZARETH HOUSE BELFAST
SUBMISSIONS ON BEHALF OF THE DEPARTMENT OF HEALTH
SOCIAL SERVICES and PUBLIC SAFETY

1. For the purposes of the Submissions:
 - (a) the term “the Department” includes the Ministry of Home Affairs, the Department of Health and Social Services and the Department of Health, Social Services and Public Safety;
 - (b) the term “SWAG” refers to the Social Work Advisory Group;
 - (c) the term “SSI” refers to the Social Services Inspectorate;
 - (d) the term “ the Board” refers to the welfare authorities and the Health and Social Services Boards
 - (e) the term “the Order” refers to the Sisters of Nazareth.

2. **Background**

In or about 1876 the Order opened a Home on the Ormeau Road, Belfast, known as Nazareth House. The purposes and aims of the House were to provide accommodation for orphan and destitute children, the poor and the destitute.

In or about 1897 the Order opened a second Home on the Ravenhill Road, Belfast and this was known as Nazareth Lodge. The purposes and aims of Nazareth Lodge were to provide accommodation and training for children of the Roman Catholic faith, aged between 5 and 12 years. For the most part when boys at Nazareth Lodge attained 11 years of age they were then transferred to Rubane.

In or about 1951, following the coming into operation of the Children and Young Persons Act (Northern Ireland) 1950 both Nazareth House and Nazareth Lodge

were registered as Voluntary Children's Homes and, as such, became subject to the provisions of both the 1950 Act and the Children and Young Persons (Voluntary Homes) Regulations (Northern Ireland) 1952. For the relevant purposes of this Inquiry, the 1950 Act was re-enacted in 1968 and the 1952 Regulations were re-enacted in 1975.

Between 1902 and 1950 Nazareth Lodge was classified as an Industrial/Approved School for Boys and, in accordance with Section 46 of the Children Act 1908, subject to annual inspection by the Ministry of Home Affairs from 1922, when it took over this function from the Inspector of Reformatory and Industrial Schools in Ireland post-partition. Inspection reports obtained by the Inquiry from PRONI show that Nazareth Lodge was inspected on an annual basis by the Industrial and Reformatory Schools Branch of the Ministry of Home Affairs between 1922 and 1950¹ and the Department of Justice has undertaken responsibility for the work of the Branch during those years for the purposes of the Inquiry². Due to continuing change in the profile of children's residential provision, economic viability and dwindling numbers of referrals, Nazareth House closed in 1984 and Nazareth Lodge closed in 1997. In the course of its life Nazareth Lodge provided accommodation for both boys and girls and developed a system of smaller units within the Home, as opposed to the old system of large dormitories.

3. Maintenance of the Child Residents and the Homes

It has been suggested that for a number of years after 1950, the Order had sole responsibility for providing accommodation, food and clothing for the residents in both Homes³ and that this was achieved by means of donations, collections and legacies. However, prior to 1950, maintenance payments were made by statutory authorities who had placed boys in Nazareth Lodge industrial school and from the 1950s welfare authorities who had placed children in the home also made maintenance payments. In later years Boards began to place children, for whom they had responsibility, into both these Homes. Such placements were accompanied, initially

¹ SNB 13676 - 13811

² HIA 1312

³ SNB 50093

by individual payments for children, and then per capita rates based on agreed occupancy levels from the Boards to the Order to defray the cost of maintaining the children who had been so placed. The Boards had their own “statutory” Homes but, for long periods, had insufficient capacity within those Homes to accommodate children whom they had taken into care.

As in other Modules the Order has consistently complained that the per capita rates paid to the Order in respect of children placed by the Boards were insufficient to enable the Order to accommodate the number of children in its care and that this deficit, together with dwindling numbers and the trend to smaller homes/units led to the closure of Nazareth House in 1984 and Nazareth Lodge in 1997.

It is worthy of note at this stage that, while the Order for many years did rely on donations, collections and legacies⁴ and received per capita rates from the Boards which were less than those payable in statutory homes, its reluctance to seek increased funding appears, at least in part, to be attributable to its own religious ethos and its fear of losing its independence by virtue of greater state involvement in the homes.⁵ There is also evidence to suggest that voluntary Catholic homes feared that if they increased their charges, the welfare authorities might not use them.⁶

The Department would point out that during the lives of both homes it made capital grants for improvements to both homes⁷, offered and provided financial assistance to enable staff to acquire social care qualifications⁸, and urged greater co-operation between the Order and the Boards⁹.

4. **The Inquiry**

The Inquiry’s Terms of Reference require it to investigate whether or not abuse, whether physical, sexual or emotional, occurred in Nazareth House and

⁴ The Order has confirmed that it also received some parental contributions but that no records are held.

⁵ Evidence of Sr Brenda on 11.5.15 and SNB 17062

⁶ SNB 17454

⁷ For example see SNB 17057 & 17060

⁸ SNB 17419 & 17420

⁹ SNB 17444 & 17454, SNB 50524 and SNB 15496. See Circulars from 1974 to 1985 at HIA 7851, 7856, 7860, 7875 and HIA 4048.

Nazareth Lodge and, if so, to determine by whom such abuse was committed and to ascertain whether such abuse arose as a result of systemic failures on the part of the Institution or the State.

5. **Abuse**

The Department did not seek to challenge the evidence of witnesses who claim to have suffered such abuse while resident in either or both of the Homes. It considers that the Inquiry will be satisfied that abuse, in all its forms, did occur in both Homes and this view is reinforced by the apology issued by Sr Brenda McCall (the Spokesperson for the Order) to former residents of both Homes who suffered such abuse. The allegations of physical abuse were directed towards members of the Order, lay staff and other child residents within both Homes. Complaints of sexual abuse were made primarily against other child residents, but also against one member of the Order, at least one member of the lay staff and against a “visiting” priest. Emotional abuse is said to have occurred due to a lack of a caring attitude by most members of the Order and members of the lay staff. A common theme that arises from the evidence of former child residents, from the residential social workers and from social workers in the employment of the Boards, is that the Sisters afforded priority to their religious ethos and vows to the detriment of the children.

As was the case in other voluntary and statutory children’s homes, the Order acknowledges that, for a substantial number of years after 1950, few of the Sisters had any social care qualifications although this appears to have been a common theme in voluntary and statutory homes alike. The Department’s policy in the early years was to encourage the development of a skilled residential childcare workforce by supporting staff from voluntary children’s homes to attend Home Office training courses and short courses run by local colleges.¹⁰ The Department’s subsequent training strategies, which promoted secondments of staff from voluntary homes to qualifying courses for residential child care and ultimately professional social work training together with in-service training initiatives¹¹, was part of a well established

¹⁰ SNB 17120

¹¹ SNB 50507

tradition of Departmental support for the voluntary sector. Nazareth Lodge staff clearly availed of this support.

The Department would also refer the Inquiry to correspondence from the Northern Ireland Council of Social Services to the Catholic Diocese, dated 4 March 1965, which includes an acknowledgement of the helpfulness of two Officers of the Ministry of Home Affairs, Ms Forrest and a Mr Alexander and encloses a memo based on discussions with the Ministry officials.¹² The Memo on Catholic Child Care Services¹³ encourages the employment of qualified staff in Catholic Voluntary Children's Homes, recommends children are cared for in small groups by trained staff, families are not split up and staff changes avoided. It also suggests that such homes obtain as much information as possible before admission, so that reference can be made to the welfare authorities to settle, at the outset, the question of maintenance. It also highlights the importance of keeping in touch with families and of aftercare.

It was suggested to the Bishop of Down and Connor at this time that a Catholic Family Welfare Service should be established, under the direction of the Bishops, to work towards the improvement of standards in voluntary homes, linking them together and more closely with the welfare authorities. Correspondence indicates that the Bishop approved the setting up of a Committee, under the direction of Father Lowry, to consider childcare in the Diocese with a view to modernising standards.¹⁴

However, even in later years, lay members of staff who had achieved social care qualifications, have asserted that the bulk of their duties were taken up with domestic chores and that the Order dismissed suggestions by these members of staff (residential Social Workers) as to possible means of improving care for the child residents. . These matters were identified in the 1983 SWAG inspection¹⁵ and formed the basis of recommendations contained in inspection report which was issued in 1984. A follow up visit was made by SWAG in 1985 to review, with the home, the implementation of the recommendations.

¹² SNB 17486

¹³ SNB 17444

¹⁴ SNB 17478

¹⁵ SNB 50503, 50505, 50522,50523

Unfortunately, but as now seems customary, children in care appear to have been reluctant to make complaints of any type of abuse to their own families, or to families who brought them out at weekends and at holidays, or to Social Workers who would have visited them at the Homes on a monthly basis. The Department has noted, however, that some former child residents refer to complaints made to social workers which were not appropriately pursued. Obviously this is a matter of response for the Boards.

As the Inquiry is aware, the Department introduced a Complaints procedure in 1985 for children's homes to act as channel for complaints from children, their parents and others. As part of the development of the inspection process, in later years questionnaires were issued by the Social Services Inspectorate of the Department to children, their parents and former residents seeking their views on various aspects of the care received in the home and seeking details as to any complaints.

6. **Inspections**

The Department had a power, both under the 1950 and 1968 Acts, to inspect, inter alia, Voluntary Children's Homes. Although this was not a duty the Department purported to exercise this power. Indeed, it is clear from the documentation provided by the Order, including the books maintained by the homes that the familiar name of Ms Kathleen Forrest (an Inspector with the Ministry of Home Affairs) inspected/visited Nazareth Lodge frequently from 1952 until 1973. In addition to Ms Forrest who was sometimes accompanied by other Officers from the Ministry of Home Affairs, other inspections and visits to Nazareth Lodge during this period were performed by a Ms Hill (also an Inspector in the Ministry of Home Affairs) and in the period from 1973 until 1986 the same Books reveal visits to Nazareth Lodge by Officers of the Ministry of Home Affairs, including Ms Forrest, Mr J O'Kane, Mr McNeill and Mr C Walker. There was also a visit by a Mr O'Brien and a Mrs Lewis to Nazareth Lodge in November 1986 with both appearing very impressed with how Nazareth Lodge was being run.

Notwithstanding the above, the Department acknowledges that a visit cannot always constitute an inspection and, as it admitted in the Hughes Inquiry, it did not fulfil the

obligation it had taken upon itself to inspect Voluntary Children's Homes on an annual basis. This admission applies to the period between 1972 and 1983.

The Department would, however, maintain that from 1986, following an inspection undertaken in 1983 as part of SWAG's region-wide programme of inspections of all children's homes, until 1995 the Department, in the form of SWAG and SSI, did carry out annual inspections of Nazareth Lodge even though not all the inspection reports can be traced.

The absence of regular inspections in the period 1972 until 1983 was considered in the evidence provided to the Hughes Inquiry to be attributable to a lack of resources within the Department. However, whilst it is accepted that there was a resourcing issue within SWAG, a view endorsed by the Sheridan report¹⁶, the Department would wish to offer further clarification of the role and function of SWAG during these years. In 1972 the previous children's social care functions, responsibilities and powers of the Ministry of Home Affairs and the Ministry of Health and Local Government were divided between the newly created Department of Health and Social Services and the Northern Ireland office. Within the Department there was created SWAG which, by its very name, suggested that its function was primarily directed towards providing advice to the Department itself, and to Agencies and Institutions with social care functions, rather than the conduct of inspections of Children's Homes.

The Department has sought to establish the reason for this apparently purposeful change of emphasis from a body which operated as an "Inspectorate" within MoHA to one which became an "Advisory" body within the DHSS. The Department's inquiries have led it to re-examine the 1968 Seebohm report¹⁷, which resulted in significant changes to the structure of local social care services and their administration by central Government Departments. The view of the Seebohm Committee was that the role of a combined central Government Inspectorate, established to service the new structures should be "not so much regulatory as promotional, educational and consultative". The Department had now come to understand that this approach was adopted by both SWAG and its counterpart for

¹⁶ HIA 645

¹⁷ SNB 19914

England and Wales, the Social Work Service. The Department believes that this approach led to the development by SWAG of a consultative and advisory role with voluntary and statutory providers across the spectrum of the social care services as evidenced by the number of “visits” to, rather than “inspections of” voluntary homes during this period. This view was confirmed by correspondence with Sir William Utting, the Chief Officer and Director of the Social Work Service in the Department of Health and Social Security 1976 to 1985, and a former Chief Inspector, SSI England 1985 to 1991 who has stated:

“The advice about this role being “not so much regulatory as promotional, educative and consultative” appears to have been particularly significant. My later understanding of DHSS thinking in 1971 was that the big new Social Services Departments should not need close Government oversight. This was reinforced by the prevailing professional dislike of the concept of inspection.”.

The Department, however, recognises that its change of approach from in or about 1972 until 1983 did not absolve it from its inspection obligations.

As stated above, Nazareth House closed in 1984 and it appears that all files held by the Department in relation to this Home have been destroyed. The Departmental statement refers, however, to evidence of inspections having been carried out between 1953 and 1966. As this Home was in close proximity to Nazareth Lodge and as both were registered as Voluntary Children’s Homes at or about the same time, the Department would suggest it is more likely than not that inspections did take place on a similar basis to that regarding Nazareth Lodge, but probably equally as irregularly in the period 1972 until 1983. The Department is currently examining further material and if evidence of inspections, or lack of them, is revealed, that information will be provided to the Inquiry

7. **The Administering Authority**

Regulation 4 of both the 1952 and 1975 Regulations provided:-

“The Administering Authority shall make arrangements for the Home to be visited at least once a month by a person who shall satisfy himself that the Home is conducted in the interests of the well-being of the children.”.

Both Nazareth Lodge and Nazareth House were under the control of the Order until 1984 (when Nazareth House closed) and 1987 when the conduct of Nazareth Lodge may have come under the control of a Management Committee. Further it appears that at all material times ownership of both Homes was vested in the Order.

The Department acknowledges that one of its duties was to ensure that all Voluntary Children’s Homes complied with Regulation 4 and appointed a person, known as a Visitor, who would make a thorough inspection of each Home on a monthly basis. Even though the Department, either during or immediately after an inspection of Nazareth Lodge in 1983, provided the Mother Superior of that Home with a copy of the 1975 Regulations, it appears that the Administering Authority of Nazareth Lodge may not have complied with its obligations under Regulation 4 until after that date and probably not until 1987 . Whilst it would appear from evidence given to the Hughes Inquiry that there was a Monitoring Committee set up in October 1984 to conduct visits¹⁸, the 1986 inspection report raised the issue of the Visitor requirement, suggesting that it was not being fully met. From in or about 1987, two members of the Management Committee jointly took on the role of Visitor and such of their inspection reports as are available indicate regular inspections which involved conversations with the child residents, with the lay staff and with the Sisters, in addition to an inspection of the fabric of the building and examination of books including the complaints books.

Although Regulation 4 does not preclude a member of the Administering Authority from being the Visitor, a hint of criticism has been directed against this arrangement on the basis that the Administering Authority was, in effect, inspecting its own arrangement. However, by way of response, the Department’s would highlight that in relation to statutory Children’s Homes, owned and run by Boards, the role of Visitor was placed upon a Senior Officer employed by the same Board.

¹⁸ SNB 50105

The Department would note in passing that when the Order applied for and obtained registration of Nazareth House and Nazareth Lodge , it was provided with copies of the 1952 Regulations (as were all voluntary homes in Northern Ireland) and a copy of the 1951 Home Office Memorandum and the duty of the Order to comply with the 1952 Regulations (and later 1975 Regulations) was at least as paramount as the obligation of the Department to ensure compliance with the Regulations, including Regulation 4.

8. The Church

In correspondence to the Bishop in 1954 Brother Stephen of St Patrick's Training School advised of the particular importance of setting up a Committee of Management to advise the Sisters on their responsibilities under relevant statutes and it was noted that the Committee would be required to provide a visitor to carry out an inspection of the Lodge each month.¹⁹ Subsequent correspondence from the Nazareth Lodge Welfare Committee²⁰ to the Bishop indicates that the setting up of a Committee of Management is a matter for the nuns, but that the Committee proposes to submit a list of names of its members who would be prepared to act on a Committee of Management.²¹ Further correspondence indicates that a committee was set up, as Miss Kathleen Forrest of the Ministry was invited to be a member, but declined due to the statutory relationship.²² The Bishop indicated his worries about certain aspects of the running of Nazareth House and his intention to have a committee of experienced persons to look into the running of the institution and make recommendations. Earlier correspondence from the Nazareth Lodge Welfare Committee to the Bishop explained that one of its aims was to aid the Nazareth Lodge boys and that the committee's labours "...will enable the sisters to devote more time to the babies, the toddlers and the young boys."

¹⁹ SNB 17060

²⁰ At SNB 17004 the Committee's 1950 constitution records its role as assisting the Sisters of Nazareth Lodge in their work wherever possible

²¹ SNB 17063

²² SNB 17499

There is also evidence to suggest that the Church was involved in the setting up of a management committee for Nazareth House. In the Nazareth House Foundation book an entry dated 1952 records that much literature has been received latterly from the welfare authorities and that, to meet their Regulations which require voluntary homes to be visited once a month, a house Committee was formed. Canon O'Neill consented to be Chairman and sponsored the whole. It was hoped the committee would be a valuable help since they will take a personal interest in the children and the work.²³

It appears to the Department that little may have been said about any possible role of the Church and/ or the Diocese of Down and Connor, in which both Nazareth House and Nazareth Lodge were situated. Other correspondence from the Nazareth Lodge Welfare Committee to the Bishop in 1954 states that, as the matters discussed entail acceptance of financial aid from the Government, though welcoming any measure which would ease the financial burden of the Committee, it would not wish to proceed further without ascertaining his wishes.²⁴ The Department would respectfully suggest that correspondence demonstrates some sort of Church control of the Nazareth homes and an awareness of the relevant legislation (and Regulations) by the Order. The Department further notes the reference in the Inquiry's opening statement to the record found in a local authority file in PRONI of a meeting of the Divisional Group at West Division held on 14 June 1971.²⁵ It is indicated that there is dissatisfaction with Nazareth House procedures regarding children in their care placed with them and that cases have been documented and forwarded to Mr Moore regarding this. A suggestion is recorded that a meeting be convened with Fr Lowry to try and resolve the problems and, if necessary, the Bishop approached regarding them.

The Department further notes the talk given in June 1975 by Fr Thomas Gibbons, Administrator from the Catholic Child Care Office in Glasgow, to an audience which almost certainly included Sisters.²⁶ He says that he has some criticisms of the staff and it is beyond him that they do not have staff at being trained as there has been a residential child course in Belfast for many years and all of the Sisters of Nazareth in Glasgow have done the course. He states he finds it unbelievable and urges that they

²³ SNB 11290

²⁴ SNB 17062

²⁵ SNB18975

²⁶ SNB 17077

ensure the Sisters of Nazareth appreciate that residential childcare is a profession which demands full –time attention.

9. **The 1983 Inspection**

In October 1983, two Inspectors from SWAG carried out a three-day inspection of Nazareth Lodge. The “final” report contained 19 recommendations, including the need for staff meetings, the reallocation of duties to enable more direct involvement with the children, the extension of the primary worker system and the need for better qualified and trained staff. However, shortly after the completion of the inspection, one of the inspectors committed his immediate thoughts to writing in what has been described as a draft report or an aide memoire. The Department accepts that many of the harsh criticisms set out in the first document were not incorporated into the final report. Of importance was a matter raised; namely, that a sister in charge of one of three units had little understanding of residential social work. The panel will be aware that the inspector had recently held a senior position in the Barnardos organisation and was accustomed to staff having relevant child care qualifications and must have been disappointed with the lack of qualifications of a nun in charge of a unit.

It has been argued that the failure to include these matters in the final report would have limited and restricted the nature and extent of the next inspection to be carried out.

The Department’s position is, however, that the 1983 aide memoire was reflective of an initial, spontaneous comment by one Inspector which formed the basis for discussion with a colleague who had also been involved in the inspection of the home. The views expressed may well have been justly modified as a consequence of this discussion and further experience of the situation in other children’s homes; it is noted that whilst the inspection was carried out in October 1983, the report did not issue until April 1984. The Department’s view is that following the Kincora scandal, this inspection was one of the first to adopt a more stringent approach to the inspection process. It is suggested that rather than alarm homes who had been unused to such an approach, the softer style of the final report, was a means of encouraging the Order to

develop more professional standards, a closer association with both the children and its lay staff and to expend its resources on employing better qualified staff, as reflected in the nineteen recommendations of the report. This was the first stage in a process of a developing inspection methodology which was to increase in rigour in ensuing years. There is evidence that the Department and the Board sought to work with the home to improve standards following this inspection, as evidenced by the record of meeting which took place on November 1983.²⁷ The per capita rate was increased on the basis that staff training and numbers would be increased. It appears from evidence given at the Hughes Inquiry that the Board attended for annual discussions with the home before agreeing to an increased per capita rate.²⁸ It is noted that the inspection was assiduously followed up by a visit by SWAG to ensure that its recommendations were being followed through.

10. **Complaints**

(a) **Direct Complaints to the Department**

- (i) In January 1993 an SSI Inspector, Ms Marion Reynolds, conducted a five-day inspection of Nazareth Lodge. Ms Reynolds has no actual recollection of this inspection but in her written statement and in her evidence to the Inquiry has relied upon the actual inspection report, the statement of a Social Worker witness and the evidence given by that witness to the Inquiry. Ms Reynolds does, however, indicate that it would have been her custom and practice to speak to child residents, lay staff and the Sisters in the course of any such inspection. Ms Reynolds accepts that in the course of that inspection she received a complaint from a child resident who contended that he was being punished by having the switch to his bedroom light positioned outside the room. Ms Reynolds noted this in her inspection report and recommendations and it appears that the complaint was remedied by the Home within a short period of time. Shortly after her inspection was complete, [REDACTED] NL 269 a former Resident Social Worker at

²⁷ SNB 15495

²⁸ SNB 50738

Nazareth Lodge, who expressed a number of concerns. Ms Reynolds noted the concerns of [NL 269] indicated that she had observed some of the same matters in the course of her inspection and asked [NL 269] to commit his concerns in writing. Ms Reynolds then prepared a note of this telephone conversation for her Line Manager and received a reply a few days later which stated:-

“While [NL 269] expression of concern confirms your own findings, I don’t think it can be used unless he makes specific complaints in writing.”.

Ms Reynolds was unaware of any protocol which required complaints of this nature to be made in writing and her view has been confirmed by Dr Kevin McCoy, a former Chief Inspector of SSI. Ms Reynolds then wrote to [NL 269] asking him to commit his concerns to writing but no reply was ever received.

Ms Reynolds’ Line Manager has defended his written comment by stating that the concerns expressed by [NL 269] in his telephone conversation did not contain sufficient detail to enable any investigation to commence, or to enable his concerns to be placed before those in charge of Nazareth Lodge. However, Ms Reynolds, Dr McCoy and the Department accept that the concerns of [NL 269] should have been pursued, even though not in writing and that the pursuit of those concerns might have prevented further sexual abuse and improved the care regime within the Home.

- (ii) In 1995, in the course of or just after an inspection of Nazareth Lodge by an SSI Inspector Ms Judith Chaddock, a complaint was received from a member of staff, who identified a child resident who had been allegedly ill-treated and identified a Sister who was alleged to have little regard for the care of the children and who did not welcome suggestions from qualified residential Social Workers. Ms Chaddock then notified the Boards who had placed identified children in

Nazareth Lodge and also notified the Head of Nazareth Lodge/the Management Committee. As a result, a three person Sub-Committee (including an Officer from an outside Trust) was appointed to investigate the complaints and concluded that some of the complaints were well-founded. Ms Chaddock was a witness in this investigation. As a consequence, the identified Sister resigned and, it is understood, never participated in child care activities again.

11. **Other Complaints**

(a) On 15 March 1984 the Eastern Board reported to the Chief Social Work Advisor that complaints had been made by a former member of staff at Nazareth Lodge to a Senior Social Worker that staff at Nazareth Lodge had:-

- (i) put soap into the mouth of a child [REDACTED] NL 157 as punishment for swearing;
- (ii) had used a cockroach infested room as an isolation room for disruptive children;
- (iii) had used out of date surplus food, donated by Marks & Spencer.

On 4 April 1984 an Officer of SWAG met [REDACTED] DL 518 of the Eastern Board in an attempt to agree a way forward. The SWAG Officer is adamant that it was agreed that all children within Nazareth Lodge should be interviewed by Social Workers from the Boards who had placed them in Nazareth Lodge. The SWAG Officer also informed [REDACTED] DL 518 of Departmental concerns following the October 1983 inspection of Nazareth Lodge, but stressed "these do not include unacceptable methods of discipline nor did the children make any complaints regarding their care and treatment in the Home".

On 9 April 1984 the Chief Social Work Advisor wrote to the Head of the Home (Mother Paul) outlining the allegations and seeking a response from her.

On 14 April 1984, Mother Paul responded by stating that staff involved in putting soap in the child's mouth had been reprimanded, that the alleged cockroach infested room was bright and airy and that allegations regarding out of date food were denied. This response was forwarded to the Eastern Board.

On 13 June 1984 the Eastern Board wrote to the Chief Social Work Advisor indicating an understanding that SWAG would interview Mother Paul on all the matters raised by the former member of staff. On 22 June 1984 a SWAG Officer visited Nazareth Lodge, discussed the complaints with Mother Paul, inspected the Boot Room and had a meeting with a Marks & Spencer representative in relation to the food complaint. On 24 June 1984 it was noted in the relevant file that [DL 518] is taking the view that the allegations do not justify involving the other children in the Home. He is uncertain about using out of date food and less than content with the use of the Boot Room for punishment". On 4 September 1984 SWAG wrote to the Eastern Board seeking information on the outcome of its investigations into the complaints. On 18 September 1984 [DL 518] replied stating:- "It is proposed to take no further action in relation to the complaint concerning [NL 157] ... [NL 157] is doing well in Nazareth Lodge and has good relationship with his primary worker [NL 157] and parents satisfied complaint properly dealt with and do not wish to pursue the matter further".

- (b) On 15 May 1985, the Eastern Board reported to the Chief Social Worker Advisor the complaints of a former resident of Nazareth Lodge [HIA 210] who alleged that he had been beaten with instruments, locked in a cupboard, put in a cold bath as punishment, locked in a bathroom overnight without lights, deprived of food for periods up to one day and made to eat discarded food from a waste bin. It may be worthy of note that a period of four years had elapsed since [HIA 210] had last been a resident in Nazareth Lodge. The Board indicated that it carried out an initial investigation and although the staff identified had denied the allegations, the Board felt that there was some substance to the complaints. On 29 May 1985, the Chief Social Work Advisor informed the Board that the complaint should be dealt with by the Board in

accordance with para 28 of the Departmental Circular HSS(CC)2/85. Further reference to this Circular will be made below.

- (c) On 12 December 1985, the Eastern Board reported on follow-up investigations it had undertaken in the [REDACTED] HIA 210 [REDACTED] complaint by way of interviews of former staff in the presence of Mother Paul, as directed by [REDACTED] DL 518 [REDACTED].²⁹ It also made known to the Chief Social Work Advisor fresh allegations made by a former resident of Nazareth Lodge, [REDACTED] NL 145 [REDACTED]. This former resident alleged that she was made to lie on a bed while she was beaten with part of a shower unit, that boys and girls were made to roll of their trouser legs while they were beaten with a stick, that physical punishment that she received was minor compared with that experienced by two brothers and a "black" boy. Again, it may be worthy of note that these complaints were made after a period of four years had elapsed since [REDACTED] NL 145 [REDACTED] was last a resident in Nazareth Lodge. On 21 January 1986 the Chief Work Social Advisor replied to the Eastern Board in relation to both the [REDACTED] HIA 210 [REDACTED] and [REDACTED] NL 145 [REDACTED] complaints indicating that these complaints should "be investigated and dealt with in the first instance by the Board and Administering Authority", that the outcome should be reported to the Department to enable consideration of "relevance and importance of issues involved to the current and former operation of the Home". On 24 January 1986 the Eastern Board responded by stating that the children who had made the earlier allegations also alleged that other children in the Home were subjected to similar treatment and therefore the issues had moved from "the particular to the general". On 7 February 1986 the Chief Social Worker Advisor replied that no new information had been provided which might lead SWAG to alter its former views, and again referred the Board to paras 28.6 and 29 of the 1985 Circular.

On 30 April 1986 the Eastern Board sent a report of its interviews with a [REDACTED] NL 97 [REDACTED] (named as a witness by [REDACTED] HIA 210 [REDACTED] which alleged that there had been physical abuse of himself, [REDACTED] HIA 210 [REDACTED] and other children and that [REDACTED] HIA 210 [REDACTED] had been locked in a cupboard. The Eastern Board added that it

²⁹ SNB 19025

did not consider that it had any authority to interview Senior Staff in the Home as it was neither the employer of the staff nor the Registering Authority, and it suggested that there were now general allegations of malpractice and assault. On 14 May 1986 the Chief Social Worker Advisor wrote to Mother Paul, the Mother Regional requesting "some indication of the progress of your investigation of these matters". He also wrote to the Eastern Board stating that he had copied Board correspondence to Mother Paul. On 22 May 1986 Mother Paul responded stating she had already spoken to Sisters and members of staff who were employed in Nazareth Lodge during the relevant period and that all had rejected the allegations, but that she had intended to speak to them once again and to put to them the account of [REDACTED] NL 97 [REDACTED]. On 6 June 1986 Dr Kevin McCoy, the Assistant Chief Social Work Advisor, provided an Opinion on the Board's request for investigation by the Department of the complaints recently received, and provided also his summary and commentary on those complaints. He indicated that he had taken advice from the Policy Branch which had agreed that there were insufficient grounds for the Department to become involved in this Home over and above their annual inspections and scrutiny of their monitoring arrangements. On 3 July 1986, Mother Paul forwarded a completed report in which she indicated that none of the staff could substantiate any of the allegations and that it was the policy of the Order not to permit any physical abuse of children. This report was forwarded by the Department to the Eastern Board. By letter dated 18 August 1986, the Eastern Board indicated to the Chief Social Work Advisor that it remained unhappy, and that the report from Mother Paul did not lead it to conclude that the allegations of brutality had not been substantiated. The Board was taking the view that the Police should be involved and that other children and parents should be given the opportunity to make complaints to the Police with the assistance of its staff. By letter dated 8 October 1986, the Board sought a response from the Chief Social Work Advisor to the proposals previously set out by the Board in its letter of 18 August 1986.

On 20 October 1986 there was a meeting between the Eastern Board and SWAG to discuss the way forward, but unfortunately there are no notes of this meeting. By letter dated 23 October 1986, the Chief Social Work Advisor

advised Mother Paul that the Board did not share her views that the allegations of brutality were not substantiated and that they intended to inform the three children of their rights to have these incidents referred to the Police.

It is now clear from material provided by the Inquiry that the Sister accused of the various assaults [SR 62] was removed from all child care duties, probably by the Mother Regional and, although she did return to Nazareth Lodge at later stage, she was restricted in her duties to that of a receptionist. This important information was never conveyed to the Department. Equally it now seems reasonable to assume from the statement of [SR 29] that members of staff interviewed by Mother Paul did not tell her of incidents that they had witnessed involving [SR 62] although they did tell the police in a later investigation, or that they did tell her of such incidents and that she failed to include this information in the final report that she provided to the Department.

It should be noted that the Department, through its inspections carried out in 1987 and 1988 sought the views of Boards about children placed in Nazareth Lodge, some of whom had been contemporaries of the former residents who had complained about abuse. All reports were positive with no indication that there were continuing problems.

12 **Generally**

Unfortunately much of the evidence heard by the Inquiry within the last few days of this Module has been taken up with argument as to where responsibility lay for the investigation of complaints by or on behalf of child residents in Nazareth Lodge. It is highly likely that the Department and the Boards would now agree that a meeting, probably held in late 1985, and involving the Department, the Boards and the Head of Nazareth Lodge, may well have defined the roles of all three parties in the investigation of complaints made by or on behalf of children in Nazareth Lodge and established a plan of action. Sadly, no such meeting ever took place and the Department and the Boards continue to hold differing views. Criticism of the 1985 Circular has come from [DL 518] (who for reasons unknown to the Department

made a statement to this effect, but did not give evidence) and Mr John Duffy on behalf of the Boards. [DL 518] in a somewhat antagonistic manner, has described the Circular as “not fit for purpose”, with particular reference to the fact that the circular did not contain “procedures for the investigation of general malpractice in voluntary children’s homes and no procedures for joint investigation of complaints in voluntary homes by Boards and Management Committees.” The Board’s witness, Mr John Duffy has also made criticisms of the circular, in particular stating that section 8 1.5 of the Eastern Board’s child protection policies and procedures “*excludes allegations made against a member of staff of an organisation providing social care services including residential care when the complaints procedures of the organisation are to be used.*” He has also referred in oral evidence to the lack of a statutory framework for the complaints procedure, which he intimated, led to confusion and a lack of understanding of the context of the procedure.

The Department has set out in detail its refutation of [DL 518] criticisms. It rejects the criticisms from [DL 518] and Mr Duffy for the following reasons:-

- (a) in 1982 the Sheridan Report recommended that the Department should “introduce adequate arrangements for looking at complaints made by children and their parents about treatment in Children’s Homes, and at this date few systems existed in the United Kingdom providing for such a complaint procedure for children;
- (b) the statement from Doreen Brown (who carried a major responsibility role in the Hughes Inquiry) has stated that the 1985 Circular was preceded by a Consultation Paper in October 1983 and a draft Guidance issued in August 1984. Ms Brown has further stated that the Circular required the Boards and Voluntary Organisations to develop the detail of their own operational complaints arrangements, as not only did Voluntary Organisations differ structurally from one another, but so did the Boards. Voluntary Homes were also required to provide monitoring information to the Department in advance of annual inspections and the nature and extent of complaints on any Home would have entitled the Department to take such further action as it considered necessary;

- (c) paragraphs 28 and 29 of the 1985 Circular make it abundantly clear that complaints from children should be investigated by the Board which placed them in Nazareth Lodge, and that the Director of that Board should oversee the investigations;
- (d) at all times the Department was a Regulatory body, responsible for the registration and inspection of Voluntary Children's Homes, but not for the placement of children in those Homes by the Boards. DL 518 has failed to identify any other legislation, policy or circular which imposes on a Regulatory Body a duty to investigate complaints emanating from Voluntary Children's Homes;
- (e) Mr Duffy's complaint that the 1985 Circular lacked a statutory framework fails to recognise that from 1972 the Department had overall responsibility for the provision of Health Services in Northern Ireland, and that it is implicit in almost all legislation that while a Statute does not explicitly define the powers of a particular Body, the general tenor of the legislation will permit the Body to take such steps as may be considered "ancillary" to their specified powers. Furthermore, there was no statutory framework for the consideration of complaints specifically from children in care in the UK until the enactment of the 1989 Children Act for England and Wales. This Act and the subsequent Children Order (NI) 1995 established a regulatory representations and complaints procedure for children in care and their parents/representatives.
- (f) the Eastern Board issued its own policy relating to the care of children³⁰ and at Section 18 it is stated that Appendix 9 describes in some detail the child protection functions of Health and Social Services Boards under the Children and Young Persons' Act (Northern Ireland) 1968 and also identifies, and in some cases sets out the contents of the main relevant provisions of the 1968 Act;

³⁰ In the HIA bundle bearing the page number SNB 7282

Appendix 9³¹ provides “If a Board’s inquiries show that a child or a family do need support or services, then the Board must take the appropriate action, in accordance with its statutory duties and in collaboration with other agencies. Such action should take place whether the child is living at home, with foster parents in a Residential Home or in any other situation”; and

- (g) it is the contention of the Department that this “Duty to Investigate” fully dispels the assertion of the Boards that they did not have the power to interview members of staff of a Voluntary Child’s Home. Mr Duffy’s statement to the effect that the Board’s child protection policy and procedures “*exclude allegations made against a member of staff of an organisation providing social care services*” is, the Department believes, a misrepresentation and misinterpretation of the Board’s own procedures which state:

*“If the allegation is against a member of staff then the Board’s complaints Procedures which include provisions for dealing with such matters will be implemented. Other professions and agencies also have procedures for dealing with allegations and complaints against staff which they will implement in these circumstances. **The joint investigative process will take account of these procedures**” (para 8 1.5).*

It is clear from the context of para 8 1.5 that the complaints procedure is to implemented alongside the investigative process under child protection arrangements but not as a substitute for these. This may be because the complaints procedure allows for the disciplinary procedures of the organisation to be implemented immediately and, where necessary, the member of staff removed from the situation while the child protection issue is being investigated.

13. Conclusion

³¹ In the HIA bundle bearing the page number SNB 7843

As far back as 1984 the Department accepted Voluntary Children's Homes were not inspected as frequently or thoroughly as, with hindsight, would have been desirable. It also accepted that, for many years, it did not give appropriate attention in the inspection process to ensuring that Administering Authorities of Voluntary Children's Homes were complying with their obligation under the 1952 and 1975 Regulations to appoint a Visitor. The Department does not now resile from those admissions.

For the purposes of this Module, the Department recognises that it did not have in place a proper system of inspection for most of the years between 1972 and 1983. Whilst there was some evidence that in earlier years Nazareth House had appointed a committee to undertake visits³² and that such a committee was formed in respect of Nazareth Lodge³³ it appears the Department did not seek to ensure that the Administering Authority was complying with its statutory requirement to appoint a person to visit the home once a month and report to the Administering Authority regarding the conduct of the home and well-being of the children until in or around 1986. It is noted that the recommendations of the 1986 SWAG inspection report contained a recommendation to this effect. Although it is not a defence to the failure to hold annual inspections nor to its failure to ensure that Voluntary Children's Homes complied with the Visitor requirement, the Department would wish to stress that a change in its focus towards an advisory role between the early 1970s and the early 1980s, mirrored what was taking place in England, and that this change was primarily brought about by the implementation of the Seebohm Report by the Department. The Department would also wish to stress the fact that a close supportive relationship aimed at the development of residential care had been built up by SWAG with voluntary homes over these years.

In relation to the Panel's likely findings that all the specified forms of abuse did take place in both Nazareth House and Nazareth Lodge, the Department has set out above the range of complaints it received between 1984 and 1995 in relation to individual children. It is respectfully argued that complaints relating to four complainants were

³² In the Nazareth House Foundation Book at SNB 11290, an entry dated 1952 records that much literature had been received latterly from the welfare authorities and that, to meet their Regulations which require voluntary homes to be visited once a month by their own appointed officer, a house Committee was formed. Canon O'Neill consented to be Chairman and sponsored the whole. It is hoped the committee will be a valuable help since they will take a personal interest in the children and the work.

³³ SNB 17499

dealt with appropriately by the Department . In the first case, SWAG carried out further investigations with the home and an outside party, as a follow- on to the investigations carried out by the Board. Following this investigation, agreement was reached with the Eastern Board that steps would be taken to raise standards of childcare in the Home and eliminate malpractice.³⁴ In the next three cases the member of staff had already left the home some three to four years previously and there was a duty on the Board to investigate in light of its responsibilities under complaints and child protection procedures. In the fourth case, the Department acted with expedition in referring the issue to the appropriate authorities. In relation to the complaint made by [REDACTED] NL 269 it is accepted that further action should have been taken by the Department in relation to this matter.

The Department further contends that, in accordance with its 1985 Circular, the investigation of complaints from child residents or lay staff (including residential Social Workers), fell within the responsibility of the Boards and this belief is reinforced by the Board's own child protection policy and procedures and in particular its duty to investigate.

FRANCIS E O'REILLY

12 May 2015

³⁴ SNB 19020

ef/7/3

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SR 220

BY MR KENNEDY

A I suppose the key worker would be the principal person that would supervise each child.

Q Is there a file kept with regard to each child from his admission to the home until he leaves the home?

A Yes.

Q A separate file?

A A personal file.

Q What does it contain? Perhaps this is a question you might prefer to leave to SR 143?

A We made a list of it yesterday, SR 143 and myself; I do not seem to have a list of what is in the file.

Q Perhaps in fairness to you SR 143 might be the best person to look after that.

A We have it.

MR CAHILL: SR 143 has that.

MR KENNEDY: There was a criticism in the SWAG report about the insufficiency of staffing with regard to certain standards that have been recommended.

A That is right; yes. We have upgraded the staff. We have five house parents now and five assistant house parents. At the time we could not afford the staff, but we have been given extra money by the Department; by the Eastern Board, I think. They have upgraded the per capita.

Q Was the administration of the home restricted by the constraints of finance?

A Very much so, yes.

Q That was the reason why the staff was low?

A That was the reason the staff was low, yes.

Cross-examined by MR WEIR

Q I should like to ask you some questions on behalf of the Health Boards, if I may. May I ascertain -- you may have said this and I may have missed it -- how many children's homes is the Order responsible for in Ireland?

A Four at the moment.

Q And how many homes of other types? I gather that you also care for the elderly?

A Yes; we have eight homes altogether in Ireland; four in the North and four in the South of Ireland.

Q Four children's and four homes for elderly people: is that the position?

A In Derry we have both; we have both old people and children in our home in Derry; in Sligo the same.

Q As far as the children's homes are concerned, Nazareth Lodge is for children only?

A Yes.

Jm/8/1

28

MOTHER GERTRUDE
BY MR WEIR

A A This is the first thing I have seen in writing, but we have written out a list of what they asked us to do, and we have written a list of what we have done.

Q Quite so. I am really not at the moment analysing what you should or should not have done; I am really analysing what they might or might not have done, prior to October 1983. Are you saying that since 1979, when you assumed responsibility, the first thing you are aware of in writing from the Department making helpful suggestions is October 1983?

A That is all that I am aware of.

Q Well, it may be that SR 143 knows of something more, but you would have expected to know of it had there been anything else?

A Yes.

C Q Formally in writing?

A Yes.

Q Tell me, the Social Work Advisory Group visited in October 1983, and they sent you a copy then of their report or recommendations, did they?

A Yes.

D Q Did you send a copy of that to the Eastern Board?

A No. I would have thought they would have got it.

Q . You would have thought they would have got it? May I ask you, would you have thought it appropriate that they should in fact see it, so that they would know?

A Yes.

E Q You would not - when I say "you" I mean the Order - have thought there was anything improper about the Eastern Board knowing about the various matters which the Social Work Advisory Group thought might require some looking at?

A No, that would be quite in order because we are situated in that area, the Eastern Board.

Q And because they are placing children in your care?

F A And they are paying us for them.

Q But apart from the paying, it would help them to know - I mean, I don't know and I still don't know what was in the 1983 report - if, for example, there was an indication that the home had a - I was going to say deficiency, but that sounds critical - but that there was some area of weakness, perhaps quite understandable due to a staffing shortage or a building difficulty or something of that sort, which made the home unsuitable for a particular age group or something of that sort, and if that matter were in the report it would be helpful to the Board to know about it?

A Yes, it would.

Q And you would have no objection whatever to their knowing that that was a difficulty?

A No.

H Q Thank you. The findings of the visits, either of the Mother General or the Mother Regional, I gather have not until recently been recorded in any very formal way?

A That is right.

IT/8/3

30

MOTHER GERTRUDE
BY MR WEIR

- A** Q Because it just occurs to me that if they do, one of the members of the visiting committee is examining his own work. Does it seem to you quite satisfactory to have on the visiting committee a person who is in fact an officer of the home?
A Well, we thought he was a very good person to have.
- Q I mean, I don't know the gentleman and I am not for one moment impugning his qualities.
- B** A He would know the children well because he talks to them when he is examining them, I suppose.
- Q And you are satisfied that these records are kept?
A Yes.
- Q Could I ask you about this: you have indicated that the system within the Order is that a Mother Regional serves for six years, in the ordinary way, and then another member of the Order takes her place?
A Yes.
- C** Q If you don't have any records how do you achieve continuity of development or progress, or anything else, when one goes and the other comes in her place?
A There are private records.
- D** Q I'm sorry?
A There are private records. There are private records, yes.
- Q When you say there are private records - and I don't want to inquire too deeply into them - what is the nature of those and where are those kept and who sees them?
A They are kept in Dublin and in London. Mother General sees them; the people within the Order sees them, because there might be things relating to certain communities and certain houses that wouldn't ...
- E** Q Are those matters which in a sense would be - I know this isn't the expression you would use - personnel files, if you like, on the various Sisters who are members of the Order?
A They would be in London.
- Q That type of thing?
A Yes.
- F** Q You have said a number of times in reply both to my learned friend Mr Cahill and also to Mr Kennedy that you are now keeping better records and you are trying to separate your home records from the records that relate to the religious business of the Order. Who is responsible for that? Who is going to keep those?
A I would say they would be kept in the house - each house would keep their own records; the Mother Superior of the house.
- G** Q The Mother Superior will keep these records?
A Yes.
- Q And you say many of these systems are really just now being implemented?
A Yes.
- H** Q Finally, there is one other area: in relation to the question of visitors to the home, visitors from outside, I rather get the impression

MOTHER GERTRUDE
BY MR KERR

32

T/8/5

A Cross-examined by MR KERR

Q My name is Kerr, and I appear for the Department of Health and Social Services. You will be glad to know I have just a few questions. You were asked by my learned friend Mr Weir about, as he, as he always does, so graphically put it, the dissent of the Social Work Advisory Group on the home in October 1983. It may be that you are not in a position to confirm this, it might be that the question would be better addressed to **SR 143**, but let me just ask you: do you know whether there would be regular visits by members of the Social Work Advisory Group before October 1983 to the home?

A I don't know.

Q You don't know. **SR 143** would be the person to tell us about that - is that right?

A I suppose so. I don't know anyway myself.

Q And we heard from Mr Weir his complaint, if I could put it that way, that he had not seen the report of the Social Work Advisory Group, and he asked whether you would have any objection to the Board seeing that report. Can you tell the Inquiry, are you aware whether the Board has ever asked to see the report?

A I am not aware that they have asked to see it.

Q But certainly, so far as you are concerned, if they did ask, it seems a reasonable thing to expect of them? If they want to see it, and they did ask, you wouldn't have any objection?

A No, they would be very welcome to it.

Q Yes, they would be very welcome to it. So perhaps we can cure Mr Weir's gap of knowledge even at this late stage. You were in **SR 143** earlier in your career, is that right?

A That is right, yes.

Q During the time you were there, did you become familiar with the inspectors from the Department of Health and Social Services?

A Yes.

Q Miss Forrest and Miss Hill, for instance, did you know them?

A Yes.

Q Were you there in Mr O'Kane's time?

A Yes, Mr O'Kane I knew well.

Q When you say you knew him well, did he visit regularly?

A He did, yes.

Q And would it be fair to say that you found him a helpful, approachable person?

A Yes.

Q And did he regularly discuss with you any problems which might arise and offer his advice and assistance?

A He did, yes.

Q Could I then just turn to your submission, which I think is in the form of a letter to your Solicitor, Mr Donaghy, dated 17th August

10/2

40

SR 143

BY MR CAHILL

A

Q Just read out the entries in relation to that that were made at that time.

A On Thursday 30 September 76: "children were up at half past seven for breakfast and then school, and the children took the news of Sister Aloysia's leaving very badly." Then again: "Wednesday 6th: usual day except the children are all very depressed as SR 27 leaves tomorrow".

B

Q As far as that diary is concerned, you have made it available. Are there entries relating to matters on a daily basis in it?

A Yes.

Q Was it purely fortuitous that it happened to have been preserved?

A Yes, because we always did keep a daily logbook.

C

Q As far as the home is concerned, in relation to your particular relationship with the staff, you read the SWAG report, where the suggestion is made quite positively that as far as the staff are concerned they felt that they were not being consulted adequately in relation to their positions, and that the sisters really were - as I think Mr Kennedy put it - a bit autocratic in relation to the running of the home, and did not take their views into account to the extent that they should. What would your observations be in relation to that?

D

A I would have said that it was a little unfair criticism, really; that we have always tried to have a good relationship with the staff. We realise that we can do nothing for the children unless there is good relationship between the house parents and the assistant house parents, and if there is any kind of friction or anything the children will be the very first ones to see it. We have always endeavoured to have this good relationship. The only thing that comes to mind is that at the time of the SWAG group inspection perhaps morale was a little low because two members of staff had come about an increase in wages, and we had not been able to give this because our per capita was very low at the time. Then we did increase the wages as soon as we got an increase in per capita, so I think the morale was a little low then and there was perhaps a little unfair criticism.

E

Q So far as staff were concerned, in relation to the amount of money that you had available, would it really be unfair to put it that you were always chasing the devil by the tail to try and get enough money to run the thing in any sort of adequate way?

F

A Yes, because when I came there we were quite a big sum of money in the red, but eventually the Board were very considerate and they gave grants and helped us out that first year to get rid of this debt that we had.

G

Q The sisters were not living on the fat of the land at any stage themselves to the disadvantage of the other staff, were they?

A No. I mean, whatever was for the staff and children it was the same for the sisters, really, in the house.

Q In this area of children going out to stay with families and children going out to stay for weekends or at Christmas, that was something that over the last ten or more years has been encouraged by the Board and by everybody. Would that be correct?

H

A Yes, that is correct.