
HISTORICAL INSTITUTIONAL ABUSE INQUIRY

being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at

Banbridge Court House

Banbridge

on Monday, 15th June 2015

commencing at 10.00 am

(Day 126)

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

1 Monday, 15th June 2015

2 (10.00 am)

3 (Proceedings delayed)

4 (10.50 am)

5 CHAIRMAN: Good morning, ladies and gentlemen. Can I just
6 remind you to ensure that all mobile phones have either
7 been turned off or placed on "Silent"/"Vibrate" and also
8 may I remind you that no photography or recording is
9 permitted either in the Inquiry chamber or anywhere on
10 the Inquiry premises.

11 Yes, Mr Aiken.

12 WITNESS HIA60 (called)

13 SM Questions from COUNSEL TO THE INQUIRY

14 MR AIKEN: Chairman, Members of the Panel, good morning.

15 The first witness this morning is HIA60, who is "HIA60".
16 HIA60 gave evidence to the Inquiry in Module 1 dealing
17 with his time in Termonbacca on 3rd March 2014. His
18 transcript is in the bundle and is at 60178 through to
19 60255. That was Day 15 of the Inquiry's proceedings.
20 I was saying to HIA60 this morning obviously that was
21 March 2014. We are now beyond 100 days of the hearings.

22 HIA60 was sworn on 3rd March and the reference for
23 that is at 60179. So he is aware he doesn't need to
24 give the oath again.

25 His witness statement was available to the Panel.

1 It is of 10th January 2014 and he adopted it on the last
2 occasion. I am just going to bring it up, if we may, at
3 FJH013.

4 You don't need to adopt it again, HIA60, but we are
5 just going to verify this is it. You can just see the
6 first page and you will see in the first paragraph
7 information that you will recognise. Then if we go to
8 the last page at FJH022, and you confirmed on the last
9 occasion, HIA60, that was your statement and you were
10 adopting it as your evidence to the Inquiry.

11 A. Yes.

12 Q. It is paragraphs 21 through to 26 of the statement that
13 deals with HIA60's time in Fort James and that's at
14 FJH019 to 020.

15 In addition to that HIA60 has already provided to
16 the Inquiry, and the Panel are aware from Module 1,
17 a 49-page document analysing in particular a social work
18 report of 1st May 1981. That was an application by his
19 then social worker, **SND 466**, for HIA60 to go on
20 the Northern Ireland Housing Executive housing list at
21 a particular level so that on his 18th birthday he could
22 effectively jump to the head of the queue for housing.

23 That document, which is a chronology -- it's
24 a five-page document written by **SND 466** which
25 is a chronology of his involvement with HIA60 and

1 HIA60's general involvement with Social Services -- was
2 something that HIA60 took issue with and he provided
3 this 49-page document, which encompasses a considerable
4 amount of evidence and then analysis of what SND 466
5 **SND 466** was saying. That document, if we just bring
6 up the first page at 40822, you will recognise the first
7 page, HIA60, when you -- when you see it.

8 A. Yes.

9 Q. That jog your memory as to ...?

10 A. Yes.

11 Q. If we just look, the last page of it is at 40868. If we
12 just scroll down to the bottom. Obviously none of the
13 names that you and I use today, HIA60, will be reported
14 beyond the chamber, and subject to us getting it right
15 --

16 A. Yes.

17 Q. -- the material that's published on the website won't
18 identify any individuals.

19 A. Okay.

20 Q. This 49-page document contains a section on your time in
21 Fort James. It's eleven pages. It runs from internal
22 page 27, so from FJH40846 through to 40857.

23 The third document, HIA60, that makes up the written
24 evidence that you want to give to the Inquiry is
25 a document that you gave me today, which is

1 a 7-page document, if I am right about that, and as
2 I discussed with you, that's a document that I then
3 immediately have made available to the Panel, who have
4 had the opportunity to read it, and it's a document that
5 we have added to the evidence bundle. I am just going
6 to give the Panel the reference, although it won't be
7 possible just yet, unless somebody gives me the nod,
8 that I can bring it up on the screen. The document is
9 at FJH860 through to 866.

10 As I was discussing with you, HIA60, the Panel have
11 read the document and it is not in my view, as
12 I discussed with you, in your interests to have to sit
13 and read it out to the Panel, because they have had the
14 opportunity to consider it.

15 Then HIA60 spoke to the police in England in 2003.
16 That was on 18th July 2003. The statement is in the SND
17 bundle. I don't need it brought up, but I am just
18 giving the Panel a reference. It is at SND15536 to
19 15542. It is a document we looked at during Module 1
20 when HIA60 was giving evidence, because it relates to
21 incidents in Termonbacca, but there is simply a passing
22 reference to Fort James at 15540, where HIA60 simply
23 acknowledges that he spent a period of time in Fort
24 James before moving into digs.

25 Then the Panel have the Health & Social Care Board

1 replying statement as far as it relates to Fort James
2 matters and that statement is at FJH372 through 378.
3 Exhibited to that statement then from page 379 to 446
4 are particular parts of HIA60's social work file, which
5 he himself had obtained before the Inquiry ever came
6 about, but in addition those documents are taken from
7 the social work papers that have been provided relating
8 to HIA60. The social work papers can be found at
9 FJH50000 to 50040.

10 Two final matters, Members of the Panel. HIA60
11 talks in his statement about his social worker, SND 466
12 **SND 466** , and the Health & Social Care Board have been
13 able to obtain a statement from **SND 466** . That
14 runs from 767 through to 770. I know the Panel have had
15 access to that statement, and essentially **SND 466**
16 is simply able to recount what he's recorded at the time
17 in the social work file that was shown to him to assist
18 him in preparing a statement.

19 Essentially it is the same for the statement
20 provided by **FJ7** who is referred to in one
21 particular incident about the bin bags, whenever HIA60
22 was leaving his property being put in bin bags, and he
23 was saying to me this morning he really has no issue
24 about that in any event, but that **FJ7** was
25 agreeing that at that point in time that is how

1 belongings would have been collected for those who were
2 leaving. Her statement is at FJH813 through to 819.
3 She, like the Health & Social Care Board, acknowledged
4 that it wasn't until some time later that the facilities
5 of petty cash allowed them to have hold-alls that would
6 then be used rather than bin bags for the children's
7 possessions.

8 That essentially is the material that's available to
9 the Panel that the Panel have had the opportunity to
10 consider, HIA60, in advance of you giving evidence.

11 I am going to just confirm with you you were born on
12

13 A. Yes.

14 CHAIRMAN: Can I just interrupt? Does HIA60 wish to
15 preserve or waive his anonymity?

16 MR AIKEN: No, he is preserving his anonymity, as he did on
17 the last occasion. I should have made that clear,
18 Chairman.

19 CHAIRMAN: Thank you.

20 MR AIKEN: You were saying you were born on
21 and therefore recently enjoyed your 52nd birthday.

22 A. Thank you for reminding me, Joseph.

23 Q. What I am not going to do, HIA60 -- the Panel have
24 access to the social work material and therefore, as
25 I was discussing with you, it is possible from that

1 material to work out the chronology of the period of
2 time at Termonbacca when you were 15 and a half through
3 to about 16 and a half and then a series of a foster
4 placement that breaks down, living with your mum on
5 occasions, with your grandfather on occasions, with
6 other individuals who were involved in your life in one
7 way or the other on occasions. The Panel has the
8 opportunity to see that flow of circumstance and I am
9 not going to pour over that today. The Panel are aware
10 of -- from the material the occasion whenever you come
11 into -- it is on 16th September 1980. You were
12 describing it to me in your own words as you presented
13 yourself basically with your bags at the Social
14 Services, and they had some difficulty. You were 17 and
15 a quarter. You'd essentially come out of care when
16 you'd gone back to your mum previously, and they were
17 faced then with -- well, you had nowhere to live, and
18 you were explaining to me earlier you were aware of
19 others who essentially ended up living on the streets or
20 in very difficult circumstances.

21 A. Yes.

22 Q. You were saying, "Well, help me". In the end, while
23 they were not keen -- it's, as we were discussing, clear
24 from the material they didn't want you going to
25 a children's home -- essentially at that stage, because

1 you couldn't get a Housing Executive house until you
2 were 18, the only place that they could provide was
3 a place in a children's home.

4 You can see their consideration of perhaps Harberton
5 and in the end -- I think they looked at eventually
6 Coneywarren and took the view that wasn't appropriate,
7 because that would be you moving away from the city you
8 knew. In the end they were left with only Fort James as
9 a place where you could go.

10 You and I were discussing there were steps taken
11 during your period in Fort James, which was essentially
12 nine months, where you and **SND 466** worked on
13 an advertisement to essentially get another person to
14 share renting a flat --

15 A. Yes.

16 Q. -- to live in. I think during the period that you were
17 in Fort James the social work material shows there were
18 occasions of you and your mum re-engaging and
19 potentially staying maybe at the weekend and then that
20 would have broken down and it just never worked for you
21 going back --

22 A. No.

23 Q. -- to be with your mum.

24 Your time in Fort James initially you were in what
25 I'll call an ordinary room. You would have shared with

1 another person who was staying in Fort James, but about
2 halfway through you were given what was the independent
3 living unit --

4 A. Yes.

5 Q. -- but which was in effect the attic room on the third
6 floor --

7 A. Yes.

8 Q. -- which was their attempt to provide an independent
9 living type flat for an older person. You moved there
10 and were there then until your 18th birthday, when you
11 were moving into the Housing Executive house, and you
12 have explained in detail about that circumstance.

13 I am not going to go through the detail of it, but
14 you and I, for instance, were looking this morning -- it
15 is clear there was a lot of difficulty between you and
16 staff members during your time in Fort James.

17 A. Yes.

18 Q. You have a view about who was responsible for that and
19 the social work material explains a different view of
20 who was responsible for it, but whatever the cause, the
21 relationships were difficult in Fort James. Is that
22 fair, HIA60, if we characterise it in that way?

23 A. That's correct, yes. That's correct.

24 Q. There were two particular incidents that you discuss in
25 your statement. I am going to deal with those, but

1 first I know from the suite of material that you have
2 provided that one of the beliefs that you had -- and
3 hopefully I have assisted with that to some extent --
4 was that the Social Services at 17 and three-quarters
5 considered and actually applied to a judge to get
6 a Training School Order for you to go to either
7 St. Pat's or De La Salle, and I was explaining to you
8 from the records it appears -- we can look at that
9 record. It is at FJS -- FJH-- sorry -- 50038. It is
10 the record I was discussing with you this morning,
11 HIA60. It is quite close typing, so we will try to blow
12 it up as best we can.

13 If we just scroll down a little, please, just
14 a little more, and then if we can make that as big as we
15 can, we can see then something has happened, HIA60, over
16 the weekend of what leads to 16th February 1981, by
17 which time you have been there for about seven months.
18 You were going to be 18 then in June, but -- sorry.
19 I said seven months. I should have said five months
20 from September 1980.

21 There has been a phone call from the then head of
22 Fort James looking for the Social Services staff to
23 come, and **SND 466** and **SND 468** then come to this
24 meeting that's held. Whatever the rights and wrongs of
25 it, the staff in Fort James were complaining to **SND 468**

1 and **SND 466** about your behaviour.

2 One -- oh! If we can keep it up -- one can see then
3 a discussion takes place with them about the fact they
4 had previously agreed, as they had, all -- at a case
5 review in January 1981 they had all agreed that really
6 there was no -- having considered various options,
7 including looking at the foster -- potential further
8 foster placements or the advertisement for the shared
9 living accommodation, that they had come to the view
10 that really this was the only possible arrangement for
11 the present until your 18th birthday with the aim then
12 of helping you get a house through the Housing
13 Executive.

14 You can see in the third line from the end of the
15 entry of 16th February:

16 "It was agreed that HIA60 would have to be referred
17 to the Principal Social Worker for Residential and
18 Fieldwork for further decisions. The head of the home
19 at that time, FJ5, accepted this with reluctance."

20 You can see that eight days later **SND 466** is
21 recording that **SND 468**, his boss, is telling him
22 that:

23 "Following discussion with the relevant Principal
24 Social Worker ..."

25 So you have got on 16th a reference to the fact

1 there is going to be conversations with the Principal
2 Social Worker and then by 24th the -- **SND 466** is
3 recording what he is told about those discussions that
4 have taken place between **SND 468** and the Principal
5 Social Worker, and it is, after the discussions:

6 "It had been decided that a Training School Order
7 would not be a viable proposition in this case
8 (principally in view of HIA60's age) ..."

9 Just move the cursor for me a second, please:

10 "... nor were there alternative residential
11 possibilities."

12 You can see:

13 "(The Senior Social Worker had made some enquiries
14 to Tara Lodge in Belfast ..."

15 I was explaining to you that was a Barnardo's home
16 that had some specialist services that were sometimes
17 available:

18 "... but this had come to nothing). HIA60 could
19 therefore remain in Fort James with the clear
20 stipulation that in the event of any further threat to
21 either the other children or to members of staff, he",
22 as in FJ5, "could use his discretion to involve the
23 police."

24 Then I was reading to you earlier, HIA60, if we
25 scroll down, the following day then **SND 466** has

1 a conversation with you about this. You explained to
2 him that you were expressing -- do you see the third
3 line down of the entry of 25th February? You were
4 expressing the view to him that you were being
5 victimised by the members of staff and by FJ5 in
6 particular. He then, **SND 466**, was discussing with
7 you the consequences as he was describing it of there
8 being any further problems in Fort James and the impact
9 that would have, because you'd at this point re-engaged
10 with the technical college studying and then the aim of
11 getting a house on discharge.

12 If we just scroll down on to the next page, please,
13 it is recorded as you saying that you were -- the
14 discussion with **SND 466** ended with you were still
15 saying, "This is not me doing this", but in any event
16 promising for your part you will ensure good behaviour,
17 as it is described.

18 So I was showing you that earlier, because you were
19 of the view based on your belief that they had actually
20 gone to court and sought a Training School Order to send
21 you, and I was showing you that what appears to have
22 happened as a result of whatever took place in the
23 middle of February, a consideration was given to a
24 Training School Order being one option that could be
25 pursued, but that they decided not to pursue that.

1 I was saying to you this morning I hope that was
2 helpful to at least clarify that for you, but the point
3 you made to me was that it was something that was
4 continually said to you, that you'd be sent to
5 a training school. Does that --

6 A. That's correct, yes.

7 Q. It is somewhere -- you have explained in the documents
8 it is somewhere you wouldn't have wanted to go and you
9 knew other friends of yours who had gone and their
10 experiences were not good.

11 A. Less than good, you know.

12 Q. Yes. I've explained to you we're -- part of our
13 programme is going to be looking at the training schools
14 you refer to in the documents.

15 You then explain a particular incident that occurs,
16 if we look at paragraphs 22 and 23 of your statement,
17 please, at FJH019, and, as you know, the Panel has
18 already read the detail of this. If we just scroll down
19 a little, please, you describe a Sunday morning
20 a particular member of staff, as you remember her as
21 **SND 541**, coming in to wake someone else.

22 You had stayed in their room. She used a word towards
23 you about your background. Your Father was a Jew --

24 A. Yes.

25 Q. -- and reference was made to this and that that's what

1 you were and therefore you wouldn't be going to church.
2 You then spoke back to her referring to her husband and
3 the language that you used you have set out in your
4 statement.

5 Then three days later effectively on the Wednesday,
6 the subsequent Wednesday, you had a visit from her
7 husband. You were in Fort James at the time and he
8 asked you to come out.

9 A. Yes.

10 Q. Then you set out the altercation that occurred between
11 you and then him and his colleagues and you, including
12 the use of a police vehicle. You explain that there was
13 another member of staff, **SND 450**, who had arrived
14 --

15 A. Actually she was leaving.

16 Q. She was leaving?

17 A. She was being picked up by her husband.

18 Q. By her husband. Sorry. It was her husband had arrived,
19 and she engaged or he engaged --

20 A. He did. He did, yes.

21 Q. -- to bring the thing to an end. If we just move on to
22 the next paragraph, please, paragraph 24 -- you express
23 a view in paragraph 23 -- just scroll up just a little,
24 please:

25 "I was unable to report the matter as I could hardly

1 report RUC officers to the RUC."

2 A. Yes.

3 Q. Now in the 49-page document that you have provided --
4 you know the document I am talking about?

5 A. Yes.

6 Q. We had a look at earlier. You date this event around
7 March 1981.

8 A. Yes.

9 Q. So it's coming towards the end of your time in Fort
10 James, and I'll just give the Panel a reference for
11 that. It is on internal page 30 of the document. It is
12 at 40849, where it is March 1981. Can you remember why
13 you -- is there something that lets you place it around
14 that time?

15 A. I just remember it was like springtime.

16 Q. Springtime?

17 A. Yes.

18 Q. But towards the end of --

19 A. Yes.

20 Q. -- your --

21 A. Well, yes.

22 Q. That would be your only spring, as it were --

23 A. Yes.

24 Q. -- in Fort James. So that's what has you saying around
25 that?

1 A. Yes. I mean, you can call me -- you can say I am being
2 over-personal about it, but anybody who mentioned
3 anything to do with my father, I would have immediately
4 taken issue. My father had died less than a year before
5 that. He was 40 years of age. He died of cancer.
6 I was supposed to have met him and he had died within
7 three weeks. No-one told me until three months after
8 he'd died. So for anybody then in my view to have to
9 abused my father, they were -- you know, they were
10 abusing me. I would take issue about that, and that's
11 what happened that morning, and **SND 541** had her
12 husband and his colleagues come and give me a good
13 pasting. **SND 450** husband was about 6'6" and he
14 got out of his car and said, "If you don't stop, I am
15 going to get involved". So that's when that ended, but,
16 you know, before that there were -- you know, there were
17 -- it wasn't as if we had a good relationship at all.
18 I have my own reasons why I think that was, but it was
19 never pleasant.

20 Q. I was explaining to you this morning, HIA60, in the
21 Health & Social Care Board statement -- I was asking you
22 whether you might have the name wrong of the husband and
23 wife that this incident involves, because in
24 paragraphs 15 and 16 of the Health & Social Care Board
25 statement, which is at page 375, Members of the Panel,

1 they have explained to the Inquiry they have taken two
2 steps to try and trace the individuals that you're
3 talking about.

4 The first step was to go back to their records where
5 staff would be on the likes of the payroll and so on
6 where you would expect them to find the name of the
7 individual you were looking for and they can't find
8 a **SND 541** on the records. So then they
9 spoke to, as I was discussing with you, various members
10 of staff that they're still able to access and they say
11 they don't recall a **SND 541**, but they do
12 mention another name, and I am not going to use that
13 name today, because if that's the right person, the
14 Inquiry has not yet been able to speak to that person,
15 but you always knew the lady as **SND 541**

16 A. Yes.

17 Q. -- and you're not sure whether the surname might be
18 something other than **SND 541**

19 A. Her husband's name was **SND 542** I remember that.

20 Q. So it's **SND 541** and **SND 542**. That's what you remember?

21 A. Yes.

22 Q. As matters stand we haven't been able to identify who
23 those people are in order to say to them and give them
24 an opportunity to say, "Well, what do you say about this
25 incident that HIA60 is describing?"

1 A. Yes.

2 Q. So if that changes, that's something we will be able to
3 look at.

4 A. One of the things about that incident was that that was
5 1981. I left Derry in 1984, but from 1981 to 1984 I was
6 constantly stopped and harassed by police. I am in no
7 doubt that was because of -- it started in that time.

8 Q. Again at the moment it has not been possible for the as
9 yet Health & Social Care Board to trace the lady who you
10 refer to as her husband coming to your assistance, and
11 if we are able at some stage to take that further
12 forward, then that's what we'll do.

13 You say in your own statement that you didn't report
14 the matter at the time and you have expressed your
15 reason for that, that you didn't feel it was going to
16 help to report the police to the police.

17 A. Well, this was 1981, and however things may have
18 improved in Northern Ireland, in 1981 it was
19 a completely different time, different place. Derry was
20 very different, and at 17 years of age no-one ever asked
21 me did I ever want to make a complaint, did I ever have
22 any concerns, and I certainly wouldn't have gone to

23 **SND 466** , because you told me here on 3rd March last
24 year that he knew my mother for a full two years before
25 he met me. So my impression of that man was that he had

1 always -- he had made up his mind before he had even met
2 me. If he knew my mother for two years before I even
3 met him, then, you know, that confirmed it.

4 Q. You have set out in the document you have provided your
5 views about that. As I said to you then and I will say
6 it again now, when you read the suite of the material,
7 he does on a number of occasions express the view that
8 he wasn't taking your mum's side in being of the view
9 that you were the difficult one. I'm trying to put that
10 in a -- he certainly expresses the view that she was
11 making life very difficult for you. So in fairness to

12 **SND 466** who is not here to answer for himself,
13 the records suggest he was not taking the view that your
14 mum was blameless in the difficulties that were arising
15 between you.

16 A. Yes.

17 Q. But you mentioned -- you have taken me on, HIA60, to the
18 question I was going to ask you, which was you didn't
19 feel able to report it to the police. The 2003
20 statement doesn't report it to the police, because it is
21 dealing with the other matter connected to Termonbacca,
22 but all I can do then is look at the March 1981 case
23 record, if we just look at 50039, because if what I am
24 understanding is correct, you are not saying for certain
25 it was definitely March. It could have been February.

1 It could have been --

2 A. May well have been. I didn't keep a diary.

3 Q. Because it is clear that **SND 466** is involved
4 with you during this period and there's not any
5 reference to this incident being discussed, but you have
6 actually said in your evidence -- a question I was going
7 to ask you: can you remember ever telling him about it?

8 A. I never would have discussed it with him, because the
9 feeling I got from him was he had at the very least
10 disdain for me. My mother had made accusations against
11 me, which she later denied many years later, where I was
12 supposedly violent towards her and he was very prepared
13 to believe that at that time. So at 17 years of age
14 I thought anybody could do anything to me and
15 I certainly didn't trust anybody who was an adult, you
16 know. Then I had no reason to. So ...

17 Q. Okay. I speculate, and I have no basis for this other
18 than recording, there obviously was something that
19 happened in February that was being discussed and
20 whether you are talking about the same thing as is being
21 recorded in February, which was the previous page we
22 looked at earlier --

23 A. The weekend.

24 Q. Yes. Whether that's --

25 A. Well, there was a whole list of things that went on,

1 none of which I've even -- you know, I've even written
2 about, because it was ...

3 Q. So it may not be the same thing.

4 The second incident, HIA60, that you describe about
5 Fort James in particular is in paragraph 24 of your
6 statement, if we look at 020, please, and this is the
7 incident where you were involved with two younger
8 children and it turned out that one of them had stolen
9 money and had given some of that money to you. It was
10 a 20 pence piece. I think they had stolen -- from your
11 more detailed document, the 49-page document, you
12 explain they had stolen £6 in a -- of change.

13 A. It was actually three young children. There were two
14 boys of 4 and 6 and a boy of 9. The two boys of 4 and 6
15 I used to take to the park and shops and buy them a bag
16 of sweets and they'd play on the swings, and this
17 9-year-old boy he came lately into Fort James and he
18 would come with us. Then on the day this happened
19 I knew his father had visited and I thought his father
20 had given him some money, and this boy gave me 20 pence,
21 and then the next thing I found out that he'd taken this
22 money from a visitor's car. She was a dinner lady
23 and she had a bag of coins in the car. He could see
24 them. The door was open and he took them, gave me 20
25 pence. Then I ended up in Spencer Road Police Station.

1 Q. From your detailed document you talk about this -- it is
2 on 40852 is the page where you talk you about it in some
3 detail in the 49-page document. What you are describing
4 is you were blamed for having put them up to taking the
5 money.

6 A. Uh-huh.

7 Q. You describe then in both paragraph 24 and your report
8 of being involved with the police. I was asking you
9 earlier, because the Inquiry has endeavoured to gather
10 all the police material connected to Fort James, and
11 there's nothing in that police material that relates to
12 this incident, and I was asking you, "Were you
13 interviewed and so on?" You said there was a suggestion
14 of you being cautioned, but you weren't cautioned in the
15 end.

16 A. Yes. I was taken to Spencer Road Police Station and
17 I was interviewed, whatever, and they told me that
18 I would be likely -- it was likely I was going to be
19 cautioned, and this police officer, **FJ 35**, she
20 had told me previous to that in her role as
21 a residential social worker that I would be dealt with.
22 So then I later then met her. On this occasion they
23 took me to the police station they took what I assumed
24 to be a statement and told me that I would be going to
25 St. Pat's and I would be joining **DL 48**

1 Q. So that was a reference to the training school?

2 A. Yes. When I left Spencer Road Police Station, I did go
3 to my mother's that evening and then I met other
4 Termonbacca boys, older boys, who had left and they told
5 me their experiences of St. Pat's.

6 Q. And the -- again I don't think you are in a position, or
7 you haven't in the documents, and it may be something
8 you can assist the Inquiry with as to at what point of
9 your time in Fort James this is likely to have happened.
10 This would have been shortly before you left do you
11 think or was it at an earlier stage possibly?

12 A. I think it was probably around four or five months
13 before I left.

14 Q. So that would have been maybe January --

15 A. Yes.

16 Q. -- February, around then?

17 A. Something like that, yes.

18 Q. And again you will probably answer this question in the
19 same way, but you didn't talk to your social worker --

20 A. No.

21 Q. -- about it, because -- I am not going to bring up the
22 pages, but there's -- the flow of the social work
23 record, which is **SND 466** seeing you every week
24 or every other week in the documents, there is nothing
25 about this particular incident, but you didn't --

1 A. No, I wouldn't have mentioned it to him.

2 Q. You wouldn't have told him about it?

3 A. At that time I just felt anything he was told about me
4 he would have believed and I just thought what was the
5 point. I mean, you've got to remember at that time
6 I had -- I had hoped and expected to meet my father.
7 When he died, that kind of took the wind out of my
8 sails. I really wasn't interested in very much at all.
9 I mean, I had sporting activities I would be involved in
10 and I was going to the tech, college, but other than
11 that I wasn't really -- I wasn't really very ...

12 Q. Interested --

13 A. No, in anything.

14 Q. -- or focused at the time. From the social work
15 material it doesn't appear that anybody in relation to
16 either of the incidents you're talking about told him.
17 Never mind you telling him. They didn't tell him --

18 A. No.

19 Q. -- as in the police or **SND 450** or anyone hasn't
20 said to him, or if they told him, it's not recorded in
21 his statement. He's no recollection of it now.

22 The third issue that we have touched on, although
23 I said to you at the outset, was about the bin bags, and
24 you are saying you are not really --

25 A. Yes.

1 Q. -- making any issue about that. It is dealt with in
2 paragraph 25 of HIA60's statement, which is at 020.

3 Then FJ7 deals with it in paragraph 10
4 of her statement at 819, where she acknowledges that
5 that would have been -- the use of bin bags would have
6 been something that did happen at that point in time.

7 HIA60, from our discussion earlier you are aware
8 I was saying to you about the two questions we ask each
9 person towards the end of their evidence. The first is
10 about recommendations. I said to you we have covered
11 that in some detail on the last occasion. There are
12 several pages of transcript about that issue, and you
13 raised with me that you wanted to -- you wanted to draw
14 the Panel's attention to your -- you were going to sit
15 and read the document you prepared.

16 I am going to try, if I can just bring it up, so you
17 can confirm it, that this is what you are talking about
18 --

19 A. Yes.

20 Q. -- and the Panel have had the opportunity to read it.
21 As I said, there is no point in you sitting reading it
22 today. It is at 860, if we can bring that up, because
23 you wanted to be sure that the Panel have access to it.

24 A. Yes.

25 Q. You can see that that's the start of the document.

1 A. Yes.

2 Q. If we just look at the end of the document, 866, and
3 that's the end of the document. So that has been added
4 to the Inquiry's evidence bundle and the Panel has had
5 the opportunity to read it.

6 A. Yes.

7 Q. You know I took particular issue with page 3 about our
8 work effort.

9 A. Yes. I want to withdraw comments I made about
10 Mr Aiken's work.

11 Q. Well, there is no particular comments about me.

12 A. Oh, sorry. I want to take that back as well.

13 Q. The document refers to the Inquiry and we've dealt with
14 that in discussion.

15 A. Well, you explained to me that everybody who would have
16 contacted the Inquiry would have been given the
17 opportunity to actually make a statement. Whether they
18 do or not is then up to them, but ...

19 Q. Yes. That is the factual position.

20 A. Yes.

21 Q. The last question then, HIA60, that I ask each witness,
22 as you know -- and I have asked you this question
23 previously, but I will ask again now -- is whether
24 there's anything else -- in this case we are looking at
25 Fort James. There is, as you know, now a large body of

1 material that the Panel have had access to, but whether
2 there's anything else you want to say about your time in
3 Fort James to assist the work of the Inquiry. Now is
4 the time to do that.

5 A. Well, actually there is. Regarding FJ5, something that
6 was obvious at the time and something which I never even
7 thought about was there was a young person who was --
8 had two cousins in Fort James at the same time,
9 a 13-year-old boy. He spent more time in FJ5's cottage
10 beside Fort James than he did in the home, and one of
11 his cousins showed me his room. It was empty. It was
12 never slept in.

13 So, you know, I think there was a lot more went on
14 in Fort James than I ever saw, because I was 17 years of
15 age and I was troublesome, to say the least. I was able
16 to take care of myself, but there were other things that
17 went on there, and my brother was also a resident there.
18 He is not prepared to give a statement, but I know that
19 there were things that went on he has told me. So
20 that's it.

21 Q. All right, HIA60. I am not going to ask you any more
22 questions. If you just bear with me for a short while,
23 it may be the Panel Members want to ask you something.
24 So just bear with me.

25 A. Thanks.

1 Questions from THE PANEL

2 MS DOHERTY: Thanks very much, HIA60. Can I just check one
3 thing? When you were in Fort James, did you have a key
4 worker? Was there somebody that worked ...?

5 A. There was a lady there. I don't know if she was my key
6 worker, but I ended up doing a lot with her. I don't
7 know her surname. Her first name was HH 11

8 Q. HH 11, but you don't remember if she was allocated to
9 you --

10 A. No.

11 Q. -- as somebody that --

12 A. Well, she was someone who would always approach me and
13 she was always someone -- not all of the staff were, you
14 know -- I didn't not get on with all of the staff.

15 HH 11 was very nice, and there was SND 450 and
16 there was -- the cook was a lady there, FJ 40 She was
17 very nice, and one of the cleaners, FJ 41. I mean, while
18 they were working in those roles very often I would meet
19 them or just in passing, you know. So it wasn't
20 unpleasant contact I had with them.

21 Q. Right. So there'd be some good -- there were some
22 positive relationships for you then?

23 A. Yes, there was.

24 Q. Just to ask when you were in the flat, the independent
25 flat --

1 pulled me off whatever anyway. He told the police that
2 he would throw me in a boxing ring and he did that, but
3 that -- if I hadn't been involved in sporting
4 activities, then I think I would have been -- I would
5 have very easily ended up in prison or in trouble.

6 I don't know what else they could have done.
7 I mean, at that time the resources that were available,
8 you know, there was foster care, which was -- for me was
9 totally -- totally inappropriate. They didn't use bed &
10 breakfasts.

11 Me and **SND 466** made a paragraph -- wrote
12 a paragraph -- I think he wrote the paragraph and showed
13 it to me about foster care, which I thought was
14 nonsense.

15 I visited rented accommodations, and I was going
16 there and I was maybe knocking on doors and speaking to
17 people and they were maybe 30 years of age and there's
18 me a 17-year-old. I had holes in my trousers. I mean,
19 how was I going to pay for rent, you know? It just
20 wasn't practical.

21 The best thing that could have happened was me
22 getting my own place when I was 18. That's why I wanted
23 to do that, because I knew boys who had been in
24 Termonbacca who were then homeless and they were living
25 in derelict buildings in Foyle Street. was

1 one of them. I expected that was what was going to
2 happen to me. So I knew I had -- I only had that a
3 period of time. I knew if I left care at 18, while
4 I was in care, they would help me find accommodation.

5 Q. Thank you.

6 CHAIRMAN: Well, HIA60, thank you very much for coming back
7 to speak to us a second time.

8 A. Thank you.

9 Q. We try to avoid that as much as possible, but if you
10 recall, on the last occasion we didn't go into your time
11 in Harberton. That's why we have asked you to come back
12 again today. Thank you very much for coming to do that.
13 That I think -- I hope will be the last time we ask you
14 to come to speak to us.

15 A. Hopefully, yes. Thanks.

16 Q. Thank you.

17 (Witness withdrew)

18 MR AIKEN: Chairman, Members of the Panel, Ms Smith is
19 taking the next witness, but perhaps if we took a short
20 break to allow that to take place.

21 CHAIRMAN: Yes. We will rise until we are ready to start.

22 (11.40 am)

23 (Short break)

24 (12.10 pm)

25

1 MR DENIS O'BRIEN (called)

2 Questions from COUNSEL TO THE INQUIRY

3 MS SMITH: Good afternoon, Chairman, Panel Members. Our
4 next witness is Denis O'Brien. Denis gave evidence in
5 Module 2. So there is no need for him to be sworn in
6 again.

7 CHAIRMAN: Yes.

8 MS SMITH: Denis has given the Inquiry a statement in
9 respect of this module, which can be found at FJH40891
10 to 40897. If we can just call up 891, and can I just
11 ask you to confirm, Denis, this is the statement that --
12 when it comes up, that you provided for this module of
13 the Inquiry?

14 A. Yes. That's my statement for this module.

15 Q. Thank you. Now, Denis, your career path and experience
16 are set out there in paragraph 1. You were with the
17 Department of Health & Social Services from 1981, and
18 you became a Social Services Inspector and worked in
19 that post from 1986 until your retirement --

20 A. That's correct.

21 Q. -- in 1997.

22 A. Yes.

23 Q. In paragraph 3 -- sorry -- paragraph 2 you talk about
24 how inspections were carried out. I was wondering
25 whether or not the approach to the inspections that were

1 carried out in respect of voluntary homes differed in
2 any way to the approach that you would have taken with
3 regard to the State-run homes?

4 A. Not in any real way. The same standards were applied
5 really. Is there anything else you would like me to
6 respond on?

7 Q. No. When we were discussing it, you mentioned that you
8 probably did have a higher expectation of those
9 State-run homes --

10 A. Yes.

11 Q. -- than you would have had of the voluntary homes.

12 A. Yes, we would have, but then we were always anxious to
13 push the level of the voluntary homes up towards the
14 same, you know, comparable level with the State-run
15 homes.

16 One of the disadvantages for them was that they
17 sometimes didn't feel they had sufficient funds, you
18 know, to second staff on training courses and that sort
19 of thing.

20 Q. That's the voluntary homes?

21 A. The voluntary homes, yes.

22 Q. The voluntary homes.

23 A. That's what they felt. It wasn't necessarily always
24 correct.

25 Q. But certainly because -- in your view anyway that would

1 not have been a problem for the State-run homes with
2 regard to recruitment of staff. It wouldn't have been
3 as big an issue. Is that what you're saying?

4 A. The recruitment wouldn't have been an issue. The
5 training obviously would. There would have been
6 on-the-job training, if you like, for some time before
7 anyone would have been seconded off to a training
8 course, professional training course in the statutory
9 homes as well. It would have been difficult for them to
10 recruit qualified staff, yes, and also it was noticeable
11 that staff who were qualified as social workers who
12 would have found employment in residential care, many of
13 them left their posts to take up fieldwork posts. There
14 was always this drain of professional staff both from
15 the statutory and the voluntary sector --

16 Q. Yes.

17 A. -- into -- into fieldworking posts.

18 Q. We have heard that it wasn't until after the Hughes 6
19 recommendation was implemented that the parity between
20 fieldwork staff and residential staff actually addressed
21 that issue properly.

22 A. Yes, yes, and also there was the lifestyle thing, you
23 know. The residential care partners obviously had to
24 work on shifts and many people preferred to work, you
25 know, more sociable hours really and would have left

1 residential care to achieve that. Some of them, mind
2 you, who were dedicated to residential care would have
3 stayed on there.

4 Q. You talk in your statement, Denis, about how inspections
5 were carried out.

6 A. Yes.

7 Q. I just wonder: did you ever carry out any spontaneous
8 inspections?

9 A. No.

10 Q. They were always pre-planned?

11 A. I never carried any out, never made any inspections
12 without notifying the authority that we were making
13 them.

14 Q. You did -- when we were talking earlier, you did say
15 that at some point there was talk about unannounced
16 visits being made, but you yourself never did that?

17 A. That's correct, yes. Unannounced visits were discussed,
18 but I never did any unannounced visits.

19 Q. Now I am going to call up a document that we were
20 talking about --

21 A. Uh-huh.

22 Q. -- although I didn't have it with me. If we could look
23 at FJH5242, please, now you'll see that this is
24 a document that is described as "The standard for
25 monitoring and inspection of residential childcare".

1 A. Yes.

2 Q. It seems to be a Social Work Advisory Group document
3 just by the little --

4 A. Yes.

5 Q. -- reference at the top of that.

6 A. The reference is a Social Work Advisory Group one.

7 Q. It is maybe number 7 of 86.

8 A. Yes.

9 Q. Now you don't recognise this document. Am I correct?

10 A. Well, that's correct. I didn't recognise the document
11 when I received it last week, but that isn't to say that
12 I -- that I hadn't seen it. It's just that I don't
13 remember seeing it. It's a long time since 1986 to
14 begin with, but as I say, having been retired for almost
15 18 years, it may be I just didn't remember seeing it.

16 Q. We will maybe just look through it, because it seems to
17 be essentially what could be described as a checklist
18 for carrying out inspections of the home.

19 A. Yes.

20 Q. Just the first one there is the siting of the building.
21 Then whether it is to be a legal, professional
22 or advisory standard. That's to be by agreement between
23 the Department and Boards and evidenced by way of
24 observation. So the Inspector would go in and see
25 whether the standard as set out here for the siting of

1 the building has been met by looking at the place
2 really.

3 A. Yes, but you can understand also that some of the
4 facilities we visited had been established for many
5 years and, you know, for example, some of them might
6 have been facilities that were used for more than one
7 client group even. You may have found that they were
8 part of a -- particularly in voluntary homes, part of
9 a building used for elderly care as well as for
10 childcare, you know. So we would have commented on that
11 I suppose, but it would have been difficult for -- to
12 say to an organisation, you know, "We are recommending
13 that you must change this or, you know, build a new
14 establishment" or something like that.

15 Q. Yes, although it is true to say in the inspections of
16 Fort James the location was an issue?

17 A. Yes, indeed.

18 Q. And you suggested that there be consideration given by
19 the Western Board as to the location of the home --

20 A. Yes. The lo... --

21 Q. -- particularly as we have heard there were certain
22 sectarian tensions because of the location of that home.

23 A. That's correct. Uh-huh.

24 Q. I am just making the general point that, you know --

25 A. Uh-huh.

1 Q. -- if we look through this document, if we can just
2 scroll on down, please --

3 A. Yes.

4 Q. -- through it, for example, that goes on about the
5 accommodation and the fire precautions --

6 A. Yes.

7 Q. -- and whether or not the regulations are being adhered
8 to.

9 A. Yes. It is not dissimilar from what -- from what we
10 would have used, but I don't recall actually having seen
11 that particular --

12 Q. This particular --

13 A. -- document.

14 Q. -- version of it?

15 A. Yes.

16 Q. I mean, this was certainly 1986 it would appear to have
17 been created.

18 A. Yes.

19 Q. In or around there anyway. Am I right then in thinking,
20 Denis, you would have had a checklist for guidance when
21 you were carrying out the inspections?

22 A. Yes, we would have had, yes.

23 Q. If I can just move on then, in your statement you talk
24 about the inspections. You talk about Harberton, first
25 of all, but if I may, I am just going to go to Fort

1 James, first of all.

2 A. Okay. Yes.

3 Q. In paragraph 9 you discuss the findings of the 1982
4 report on the home, and I am not going to obviously go
5 through the inspection report, which can be found at
6 6613 to 6650 --

7 A. Okay.

8 Q. -- but it is clear from the inspection report that that
9 1982 inspection was carried out -- both yourself and
10 Norman Chambers did that.

11 A. Yes.

12 Q. I was wondering was the norm that two people would
13 inspect the home or one or how it did it come about?

14 A. It really depended on obviously the size of the facility
15 and the number of staff employed there. Some of the
16 smaller homes would have been done by one Inspector or,
17 if there was any other particular reason, we might have
18 had, you know, two inspectors. I can't recall why there
19 were two of us doing that particular inspection. My
20 feeling is that I probably inspected that home on more
21 than one occasion and I probably did it by myself on
22 other occasions.

23 Q. Certainly it would be seem to be that your subsequent
24 reports were just you --

25 A. Yes.

1 Q. -- carrying out the inspection. I wondered then was it
2 maybe something to do with the fact that in 1982 every
3 single home was being inspected --

4 A. Yes.

5 Q. -- in preparation for the Hughes Committee?

6 A. That's correct, yes. We inspected all of the homes at
7 that time.

8 Q. One point that did come out of the report, which is at
9 6646, was that the home was falling below the Castle
10 Priory recommendation with regard to staff ratios at
11 that time.

12 A. Yes.

13 Q. A point was made to us by the officers in charge of the
14 homes, that they themselves perceived the Castle Priory
15 -- I think actually Dominic Burke made the point as well
16 -- that that was set in the 1960s and was very much
17 a minimum requirement.

18 A. Yes.

19 Q. Therefore, when you are looking at the home in 1982, it
20 still wasn't meeting that bare minimum?

21 A. Yes.

22 Q. And the point that they made was, as you have been
23 talking about, the difficulty with getting qualified
24 staff, for example, within the homes. That was applying
25 across the Board --

1 A. Yes. That would have.

2 Q. -- both voluntary and statutory homes?

3 A. Uh-huh. Yes. It would have been --

4 Q. A factor?

5 A. -- a factor all right.

6 Q. Now it's not the case the home was not inspected between
7 '82 and '87. It is just the case that we don't have any
8 inspection report in between those years, although there
9 is documentation that suggested there was an inspection
10 in or around '85 or '86.

11 A. Yes. I think there was an inspection in '86 anyway
12 from -- because there is a reference to the previous
13 inspection.

14 Q. In the 1987 report there's reference to an earlier
15 inspection.

16 A. Yes, reference to the earlier one --

17 Q. Isn't that correct?

18 A. -- in '86, yes.

19 Q. Just moving on to the 1987 inspection, and that can be
20 found at 6728 to 6743, in paragraph 10 you talk about
21 the fact there had been improvements in the home from
22 the last inspection, whenever that might have been.

23 A. Yes.

24 Q. I think you were making the point to me that the officer
25 in charge at that time, who was a witness we have heard

1 from, FJ 33--

2 A. Yes.

3 Q. -- you felt that his leadership was a positive feature.

4 A. I certainly did. I felt that FJ 33 had made great changes
5 and I think at the end of the '87 report there was
6 probably only one or two recommendations.

7 Q. In fact, I think it was the -- just needed redecorated
8 was the only thing you found --

9 A. Right.

10 Q. -- that needed to be addressed in 1987.

11 A. Yes.

12 Q. Just before moving on, going back to '82, the officer in
13 charge at that time when you carried out that inspection
14 with Norman Chambers was a man called FJ5. You have no
15 recollection of him at all, Denis. Is that right?

16 A. No recollection at all. I don't recall ever meeting
17 him. I only saw his name quite recently. I have no
18 recollection of him.

19 Q. Therefore you cannot assist the Inquiry in any way about
20 -- you -- you were never aware at the time about any
21 allegations being made about him?

22 A. No, I wasn't aware of the allegations.

23 Q. That's '82, '87, and then moving on to 1991 --

24 A. Yes.

25 Q. -- paragraph 11, if we can just look at that, of your

1 statement, which is on page 40896.

2 A. Yes.

3 Q. Now in this paragraph you talk about the 1991
4 inspection. You say that there had been some positive
5 developments -- sorry. That's at '87. I beg your
6 pardon.

7 The main -- about 1981 -- '91 FJ33 has left and it
8 would appear that standards fall again. Would that be
9 a fair assessment of what the inspection is showing?

10 A. Yes, I think that is a fair comment. Yes. Uh-huh.

11 Q. You say that:

12 "Following the '91 inspection, there were some
13 misunderstandings about recommendations made in the
14 report. These were addressed in an inspection follow-up
15 meeting held on 19th" -- sorry -- "17th December 1991
16 between myself and an Assistant Chief Inspector and Unit
17 Management."

18 I am just going to look at some documents that the
19 Inquiry have relating to this, because it would appear
20 from the discussions or what the memos are showing, and
21 when we discussed this earlier, you would accept that
22 the Board -- certainly it was more of a disagreement --
23 they were not very happy with the inspection report that
24 you had delivered.

25 If we can look at this, first of all, there is

1 a letter of Gabriel Carey to you, which is at 7804. You
2 see it is dated 6th September 1991 and it says:

3 "Further to our meeting on 23rd August I thought
4 I would take this opportunity of highlighting some of
5 the main points of our discussion.

6 Firstly, I was very disappointed about the negative
7 tone of the report, and though I did not seek to dispute
8 some of the matters of fact, I indicated to you that the
9 report was unbalanced in that it did not take account of
10 the action which management had initiated to address
11 some of the very points that you had highlighted. You
12 may recall that in the course of my meeting with you in
13 January 19 '91", which would have been at the time of
14 the inspection presumably, "I discussed with you action
15 that I and other managers had instigated and I was
16 subsequently in correspondence with you to make you
17 aware of the progress in respect of the Extern scheme
18 with youths from the Tullyally area. The report in my
19 view gives the impression that management were aware of
20 some of the difficulties and that we did not take any
21 corrective action. This is very much contrary to the
22 actual situation."

23 He goes on then to say what in specific terms they
24 had done. They had taken action to renovate the
25 interior of the unit, to improve the quality of the

1 physical environment, to address the issues surrounding
2 improving the level of supervision and quality of life
3 for individual residents.

4 "That commenced in April '91 and I understand was
5 brought to your attention at the time of your visit.
6 Similarly I recall talking to you at some length about
7 the efforts we have made in speaking to the local
8 community, local public representatives, the police and
9 Extern to address the issue of intrusion on Fort James
10 property by youths from the local area. Up until the
11 present time the action we took has had a beneficial
12 impact in that there has been a significant reduction in
13 this sort of incident. During my meeting with you
14 I also referred to paragraph 4.3 of your report, which
15 indicated that management should not have released both
16 the officer in charge and the deputy officer in charge
17 to take up post elsewhere within the Western Health &
18 Social Services Board within such a brief timescale.
19 I indicated to you that we had no control over this
20 situation, particularly since both staff moved to other
21 units of management. Equally you indicated that the
22 Board should have considered drafting in an experienced
23 manager from another facility to carry the burden as the
24 result of the difficulties created by the departure of
25 the officer in charge and deputy officer in charge from

1 Fort James. You will recall that at that time the only
2 other experienced manager available to us was seconded
3 on CQSW training and that we had acting up -- had
4 an acting up arrangement in our other residential home
5 for children. We had also contacted a variety of other
6 managers and staff inside and outside the Unit of
7 Management to ascertain whether they would be willing to
8 transfer to Fort James. We cannot of course compel our
9 own staff to transfer from their grade to Fort James and
10 we also have to consider the impact of such transfers on
11 the total service.

12 There were similar actions initiated in relation to
13 rotas, the review of the semi-independent living flat
14 and other matters to which your report refers which were
15 ongoing at the time of your visit and to which
16 I referred at the time of our meeting in January.

17 I would accept that difficulties were apparent in
18 Fort James at the time of your visit, but I would want
19 these to be seen in context. The context was, firstly,
20 the unprecedented demand for care places at the time
21 when we were labouring under staffing difficulties which
22 were outside our control. At the same time there is
23 a high premium placed on professionalism by Fort James
24 staff which emerges in terms of the efforts being made
25 to provide staff support, team development and to take

1 other relevant steps with the help of management to
2 address the problem. At the same time management had
3 initiated a range of measures to address many of the
4 difficulties you identified and this is borne out by the
5 fact that in respect of your recommendations we had
6 addressed most of the issues and in some cases have
7 implemented corrective measures.

8 I hope this information is of assistance to you."

9 Now I have taken time to read through the whole
10 document, Denis --

11 A. Okay. Yes.

12 Q. -- because it is clear that Gabriel Carey was very
13 unhappy with the fact, as he saw it -- and this seems to
14 have been -- my understanding of what he's done, the
15 draft report lands on his desk and he immediately goes
16 to you and says, "Look, you have said this but the
17 reality is that, you know, you are saying A but the
18 reality is that A was only happening because of B or
19 whatever, and you haven't given sufficient attention to
20 that fact in the report, and we told you that we were
21 doing these things and we have, in fact, by the time --
22 before you actually issued this report, a lot of these
23 matters have been addressed and why is the report not
24 reflecting that?" Would that be a fair assessment of
25 what he is saying to you?

1 A. That would be a fir assessment of what he is saying, yes

2 --

3 Q. Now --

4 A. -- but --

5 Q. -- just to complete the picture --

6 A. Uh-huh. Right.

7 Q. -- before I allow you to come on and say what you want
8 to about it all, but if we look then at a document which
9 is at 4806, this is your reply of 29th October --

10 A. Okay.

11 Q. -- to him. Oh, no. 7806. I beg your pardon. That's
12 obviously a menu. This is your letter.

13 A. Okay.

14 Q. As I say, it is dated 29th October. You say:

15 "Dear Gabriel,

16 You will recall that we met 23rd January last after
17 I had carried out an inspection of Fort James Children's
18 Home. At that time I expressed concerns about the
19 conditions I found there, the management and staffing
20 arrangements, difficulties arising for staff and
21 residents because of the location of the home and the
22 frequency of untoward incidents arising involving local
23 youths.

24 You said that you were already aware of most of the
25 problems and felt that management was making

1 a considered response to them. Specifically you told me
2 that following a visit to the home by the Unit General
3 Manager and an officer from the Board's Works
4 Department, approximately £60,000 was to be made
5 available for improvements to the main building and to
6 secure the premises. You advised also that the Extern
7 organisation had been requested to undertake work with
8 youths from the Tullyally area and indeed you
9 subsequently sent me a progress report on this
10 development (22nd April 1991)."

11 So far so consistent with what Mr Carey has said to
12 you?

13 A. Yes.

14 Q. Then you go on to say:

15 "I want you to know that I was reassured by this
16 discussion with you."

17 So obviously you felt that staff were taking the
18 matter seriously and were doing whatever required to be
19 done.

20 A. Well, there's a difference between what you find during
21 an inspection and what is proposed and what is
22 anticipated, you know. I did the inspection at the time
23 I -- prior to completing the report and I identified
24 what I felt was wrong at that time and made
25 recommendations which hopefully, if implemented, would

1 improve the situation.

2 Now Gabriel is talking about sums of money being
3 made available, etc, etc, developments made by another
4 organisation, the Extern organisation, in the Tullyally
5 area and things like that. I was there to inspect the
6 home. I reported on how I found the home. I made
7 recommendations accordingly.

8 On meeting Gabriel certainly he was disappointed,
9 but that's not unusual when you are carrying out
10 inspections and you make reports which people perhaps
11 are unhappy about.

12 Q. You are there to see -- to report what you find?

13 A. Yes.

14 Q. But by this stage certainly in April '91 the report has
15 not actually been published as such.

16 A. Yes.

17 Q. Isn't that right? I wonder then if that is the case and
18 they have taken these steps to address things before the
19 actual publication of the report, was there
20 consideration given to either amending the report or
21 putting in an addendum saying, "Since this report --
22 this inspection was carried out, we know that the
23 following has happened"?

24 A. I don't think -- there was no amendment to the report.

25 I think I did note that I had discussed it with the

1 Chief Inspector and the Assistant Chief Inspector --

2 Q. Yes.

3 A. -- and they agreed that I should --

4 Q. Yes. That's indeed -- that's --

5 A. -- that I should, you know, issue the report with the
6 findings.

7 Q. That's indeed what's recorded here in your letter.

8 A. Yes.

9 Q. You said that you had spoken to Dr McCoy and
10 Mr McElfattrick about your preliminary findings:

11 "... and advised them that I thought urgent action
12 was required to improve the situation."

13 A. That's a crucial word, "urgent".

14 Q. Yes.

15 A. You know, it's -- to say that, you know, £60,000 is
16 going to be released, for example, at some stage in the
17 future to do some other work is fine, but I was there
18 inspecting the home on the days I was there and found it
19 --

20 Q. As you found it?

21 A. -- the way it was, yes, and made recommendations from
22 that.

23 Q. I fully appreciate that, but what I'm saying is that in
24 the case of this 1991 inspection before you actually
25 published the report --

1 A. Yes.

2 Q. -- things had changed within the home --

3 A. Yes.

4 Q. -- and the -- you have got a progress report in April
5 1991 from Gabriel Carey --

6 A. Yes.

7 Q. -- saying, "Look, you know, we have addressed these
8 things" --

9 A. Right.

10 Q. -- "or some of them in any event".

11 A. Yes.

12 Q. What I'm wondering then, would that not have been
13 incorporated into the inspection report before
14 publication by way of an addendum, if not, you know, "We
15 found this in January. We know that in April the
16 situation is now different"?

17 A. It could have been, but you have to understand that
18 I also had other work commitments which I needed to be
19 working on. I was probably inspecting some other
20 facilities and writing up reports on those, and often
21 when we were inspecting facilities, it would have meant
22 that I may well have been somewhere else down the
23 country. So, you know, I also have to get a balance in
24 my work, whether I would sit down and start responding
25 to a manager coming to me and saying that he wasn't

1 entirely happy with some of the things that I had said
2 about the facility or any recommendations I made when,
3 in fact, I was already involved in the business
4 elsewhere.

5 Q. Well, certainly in any event you did report the content
6 of your discussion with Gabriel Carey --

7 A. Yes.

8 Q. -- to your line managers, as it were.

9 A. That's right.

10 Q. That would have been Mr McElpatrick and then above him
11 Dr McCoy.

12 A. Yes, yes.

13 Q. Their view was that you should complete and issue the
14 inspection report in the normal way without any addendum
15 or amendment.

16 A. That is correct, yes.

17 Q. You acknowledge his:

18 "... letter of 6th September commenting on the draft
19 inspection report, which we discussed on 23rd August.
20 The measures which management had taken or propose to
21 take to address the problems identified in the report
22 are referred to in paragraph 6.12."

23 In other words, you are saying, "When I was
24 inspecting this, I was told you were going to do X, Y
25 and Z and I reported the fact you were going to do X, Y

1 and Z", but no reflection in the report of the fact that
2 maybe X and Y and not Z had been done?

3 A. Yes. Well, I think at the beginning of the report
4 Gabriel Carey also acknowledges that the inspection
5 report was factually correct.

6 Q. He said certainly some of the findings were --

7 A. Yes.

8 Q. -- not in dispute, as it were. Well, look, the other
9 thing that you wouldn't have been aware of was that
10 Gabriel Carey contacted his line manager, the Unit
11 General Manager, Mrs Burnside or Ms Burnside. We can
12 see his letter to her at 7047. I am not going to go
13 through this in detail.

14 A. Okay.

15 Q. It is from November 1991, and you can see that he is
16 still very aggrieved and realises this inspection report
17 as is, as it stands, is going to go to Board level. So
18 he is putting some context on what he feels are the
19 issues with the report to his line manager and says
20 that:

21 "I understand that you have now received the final
22 copy of this inspection report. You may recall that
23 I spoke to you some time ago about this matter when we
24 received a copy of the draft report. At that time I was
25 unhappy about both the tone and content of the report

1 and arranged to meet with Mr O'Brien on 23rd August to
2 share my disappointment about the negative tone of the
3 report and to appraise him of the action that management
4 had initiated to address some of the very points that he
5 had highlighted. I was especially disappointed that
6 some of these corrective actions were not taken into
7 account in the draft report since in the course of my
8 meeting with Denis O'Brien in January 1991 I had
9 discussed with him the action that I and other managers
10 had instigated and it is a matter of some regret that
11 these were not taken into account in the final report.
12 I did, in fact, write to him on 6th September to
13 highlight some of the main points of our discussion of
14 23rd August and in his letter to me dated 29th October
15 he indicated that, 'The measures that management have
16 taken or propose to take to address the problems
17 identified are referred to in paragraph 6.12'. This
18 paragraph certainly does not take adequate account of
19 the points I raised with him. I attach for your
20 information a copy of my letter of 6th September."

21 Then he goes on to address one by one the
22 recommendations that were made in the report and what
23 steps management had taken in respect of those. I am
24 not -- it is quite a lengthy document.

25 A. Yes.

1 Q. So I am not going to go through it, but I know you have
2 seen this. This would not have been something that you
3 would have seen at the time, as it was an internal Board
4 document.

5 A. No, I didn't see it at the time, but it wasn't unusual
6 to have discussions about recommendations with other
7 managers in other -- of other homes and other Boards and
8 voluntary organisations, and quite often they would have
9 had a spirited defence of the situation that I found
10 there, and they may also have told me about their future
11 plans, but I tried to stick to the task, which was to
12 inspect and make recommendations if I found the need to
13 do that.

14 Q. Just to conclude this 1991, there was a follow-up.

15 A. Uh-huh.

16 Q. If we look at that at 6928 to 6936. 6928. This is
17 headed "Follow-up to inspection of Fort James Children's
18 Home."

19 A. Uh-huh.

20 Q. It goes on to say the inspection report was issued on
21 31st October '91. Then you record about meeting with
22 the Assistant Unit General Manager in January '91. This
23 essentially is a note of the -- sorry -- I beg your
24 pardon -- the note of the various discussions that you
25 had with Gabriel Carey --

1 A. Yes.

2 Q. -- and the response of that. If we can just scroll on
3 down through it, we will see there at 1.3:

4 "It was decided by Social Services Inspectorate to
5 follow up the inspection to establish what progression,
6 if any, had been made with resolving the problems found
7 in the home in January."

8 That involved a meeting then in December '91. There
9 was a visit made to the home --

10 A. Yes.

11 Q. -- and:

12 "The Inspector remained there into the evening and
13 returned the following morning to assess progress made
14 ..."

15 So clearly if I might suggest that in November '91
16 when Gabriel Carey is complaining to his superiors --

17 A. Yes.

18 Q. -- "You know, they haven't properly addressed what we
19 did do", is it possible that somebody then got on to the
20 Inspectorate and said, "Look, you had better come and
21 have another look at this home, because we think that we
22 have met these recommendations" or was this something
23 that the Department did off its own bat, do you think?

24 A. No, I think that I discussed it with my superior and
25 then we decided that we would do something else about it

1 and that was to, you know, make another appraisal.

2 Q. Then this -- this is the result of that appraisal then

3 --

4 A. Yes, that's right.

5 Q. -- when you go on that -- we can just scroll on down

6 through it. I am not going to go through it, but this

7 document then would have been sent to the Board and

8 might have then addressed what their grievances were, as

9 it were, because they are saying you are saying that

10 certainly things have been done since the last

11 inspection.

12 A. Yes. It's an acknowledgment since the last inspection

13 that there have been ...

14 Q. Yes. For example, here just that last line that we can

15 see:

16 "The Inspector was impressed by the adaptations made

17 to the home and noted the positive attitude taken by the

18 current residents to their accommodation."

19 A. Yes.

20 Q. So that's a much more positive tone than Gabriel Carey

21 was ascertaining in the last one. I just wonder is --

22 you were saying there this would have been an ongoing

23 process, that there would have been this relationship

24 between the Boards and the Department with regard to

25 inspections and --

1 A. Well, this is an unusual one I think in that this is
2 probably one that Gabriel Carey pursued, you know,
3 pretty vigorously, but it was quite normal whenever
4 I had a draft report and had the approval of my
5 Assistant Chief Inspector that I would have gone and
6 discussed the draft report with senior management within
7 the Boards, or the manager of a voluntary home, and
8 taken on board comments that they made. It wouldn't
9 have changed perhaps the factual nature of the report,
10 but I may well have made changes to the tone of the
11 report if I felt that it may well have aggrieved them.

12 Q. Okay. I am going to move on away from Fort James.

13 A. Okay.

14 Q. You also inspected Harberton, Denis.

15 A. Yes.

16 Q. I am not going to look at the inspection reports --

17 A. Okay.

18 Q. -- but we certainly have them for 1986. That was the
19 Social Work Advisory Group report. That's in the
20 bundle at 16975 to 17011. There is then an SSI report
21 of 1987 at 18452 to 18470, and the February '91 SSI
22 report is at 16514 to 16564, and then there's a February
23 '94 report which was not done by yourself but was done
24 by Marion Reynolds. That's at 16450 to 16512.

25 Going back to your statement at paragraph 7, which

1 is on page 40893 --

2 A. Yes.

3 Q. -- you go on to discuss the report of the untoward
4 incidents in Harberton House. If we can just scroll on
5 down, please, you will see here you say on 8th May 1990
6 **SND 502** , who was Acting Director of Social Services,
7 wrote to you advising you of childcare difficulties
8 being experienced in the Foyle Community Unit of
9 Management.

10 Now in that letter, which I am not going to call up,
11 she refers to previous discussion with you. I was
12 wondering if you remembered being told -- we know these
13 incidents came to light in March 1990 and you are being
14 formally advised in May 1990 in writing about the
15 matter, but do you recall a conversation?

16 A. Yes, I think that **SND 502** did ring me probably
17 within a day or two of the incidents arising and wasn't
18 particularly specific, but she did say that they were
19 having a problem in Harberton House and that I would be
20 hearing more about it. The result of that then was the
21 letter.

22 Q. So --

23 A. The letter was I think, if I remember correctly -- when
24 she wrote to me, she said that she wished to tell me
25 formally that the following had happened and enclosed

1 with it were -- were the details, you know, a list of
2 the children involved and the details of their
3 background and their involvement in it.

4 Q. Do you recall in the telephone conversation whether --
5 I mean, were you even alerted to the fact it was
6 an incident of peer abuse involving children in the
7 home? Do you remember that?

8 A. I don't recall that.

9 Q. The reason I am asking you that, Denis, I am just trying
10 to tease out whether or not the Department were alerted
11 to the nature of the problem as soon as the Board became
12 aware or whether it took them two months to actually
13 tell you what it was all about. You don't know?

14 A. Oh, no, I think the Department would have been alerted
15 before that. I'm pretty confident that it was.

16 Q. You are confident you knew what the nature was, if not
17 all the details of how many children were involved with
18 that kind of thing?

19 A. Yes. Knew it was something to do with sexual abuse
20 within the home, but not any more specific than that.

21 Q. We know from other material that we have seen that the
22 Department then took certain steps.

23 A. Yes.

24 Q. Dr McCoy came and visited both Harberton and Fort James.

25 A. Yes. Just shortly after we received the letter Dr McCoy

1 did go and visit, came back and then there were meetings
2 that followed involving senior officers in the
3 Department where we discussed what perhaps should be
4 done about it, and I think attending the meeting would
5 have been Mr Hunter, who would have been Chief Executive
6 of the Management Executive in the Department; I think
7 a medical officer, maybe a deputy chief medical officer.
8 There was also Mr Harbison, who was
9 Undersecretary/Deputy Secretary at the time, and
10 Mr Jimmy Kearney, who was responsible for the Policy
11 Branch on Family and Childcare, and myself and Dr McCoy,
12 and I think maybe one of the Assistant Chief Inspectors
13 might have been there as well.

14 Q. So what you're describing is that this matter was taken
15 very seriously at the highest level within the
16 department?

17 A. Yes, indeed it was, yes.

18 Q. I was wondering just what your reaction was when you
19 learned about the details of what had taken place?

20 A. Well, first of all, I thought that it was quite
21 commendable that one of the staff members had actually
22 been told by one of the children that this was going on
23 and had explored it with the child and then after that
24 from that she found that there were more than one child
25 had been involved and that led to an internal

1 investigation, if you like, where -- which -- if you
2 remember, I said earlier that **SND 502** had provided
3 me with profiles of the different children who were
4 involved --

5 Q. Yes.

6 A. -- and their involvement in the incidents. That was the
7 first thing, but I was quite horrified that this had
8 gone on within the children's home for such a long
9 period without it being discovered. That would have
10 been probably one of the things that occurred to me
11 immediately about it. Then obviously when we went on to
12 look at what had happened and we decided --

13 Q. Perhaps --

14 A. -- as a group that we should ask the Board to
15 investigate the incidents, and I think we set out three
16 or four suggestions of how they might proceed with it,
17 and indeed I think there was an offer made that SSI
18 would be of assistance to the Board if the Board wished
19 to have that.

20 Q. We know that Bob Bunting headed up a review team --

21 A. Yes.

22 Q. -- that then carried out investigations and delivered
23 a report.

24 A. Yes.

25 Q. From our conversation earlier, Denis, it would seem that

1 the Department was unhappy with the approach taken by
2 the Bunting review team in that the Department's view
3 was that you really needed to drill down into how this
4 was allowed to happen in terms of staffing. Where were
5 the staff when this happened?

6 A. Yes. I think that would have been the sort of
7 investigation I'd like to have seen, first of all. How
8 could this have happened? Where were the staff when it
9 happened? Were there particular times that it happened
10 and what sort of staff resources were on duty at those
11 times? Issues like that, practical issues we felt
12 should have been explored.

13 Q. Also we were talking -- you were saying that the Western
14 Board -- and one of the things that I will explore more
15 fully perhaps with Dr McCoy --

16 A. Uh-huh.

17 Q. -- was the issue of the fact that the Bunting report
18 linked the whole episode to the issue of resources for
19 the Western Board.

20 A. Yes. That is correct, yes.

21 Q. The Department were unhappy about that also.

22 A. Well, I couldn't say the Department were unhappy about
23 it, but I remember looking at it and feeling it was
24 a good report, but it also was a very major shopping
25 list in terms of needing further resources both for

1 fieldwork staff and residential staff, you know, and
2 there may well have been -- I don't remember it
3 precisely, but there may well have been a huge price tag
4 on it as well.

5 Q. Was that an issue? Was this an issue that you recall
6 for the Department, that the Western Board were using
7 the issue of resources as some sort of excuse perhaps
8 for what had happened?

9 A. I don't think -- I wouldn't put it as strongly as that,
10 but certainly the Western Board had always -- in
11 conversations with them over the years they had always
12 identified that they had -- that there were scarce
13 resources for their work and particularly in family and
14 childcare.

15 Q. Can I say that -- was this something that fell on deaf
16 ears to an extent or was it something that the
17 Department just was used to hearing from them, so really
18 didn't care to hear it anymore?

19 A. Oh, I wouldn't think they would have fell on deaf ears,
20 but then obviously I had nothing to do with finance or
21 financial controls within the Department or the
22 distribution of financial resources. So I'm afraid you
23 would need to ask that to someone who knew more about it
24 than me.

25 Q. Certainly I will address it with Dr McCoy later, but

1 I just wonder was it something then in the course of
2 your work as an SSI Inspector that you were always aware
3 of --

4 A. Yes.

5 Q. -- that this was a complaint the Western Board was
6 making regularly?

7 A. Well, managers at the level that I worked at would have
8 said that they were short of resources. You know, they
9 didn't have the resources to carry out certain elements
10 of work as far as they would like to.

11 Q. Well, can I just ask you one thing just in respect of
12 the whole operation of Harberton House?

13 A. Uh-huh.

14 Q. When we were talking earlier, you were saying that the
15 Boards saw it as the jewel in their crown. This was
16 a purpose-built home --

17 A. Yes.

18 Q. -- although it seems from what we have learned about it
19 that it was never actually operated in the way it was
20 intended. It was intended to be simply an assessment
21 unit and that didn't happen.

22 A. Yes. I mean, I think that there were -- there were
23 plans certainly to run it as an assessment unit and
24 there were some very good staff in Harberton House and
25 some very experienced staff in it and well qualified

1 leadership in it. So that also was surpris... -- one of
2 the surprises to find that an incident like this could
3 have carried on so long.

4 However, the -- from time to time they were perhaps
5 overwhelmed by the number of referrals that were made,
6 and although they wanted to stick to the task which they
7 had developed originally of doing assessments, at times
8 maybe as many as half the children would have been there
9 on placement, whether short-term or maybe longer term,
10 and they would have maybe not had a remit for assessing
11 them.

12 Q. Clearly the core evaluation team, we have seen minutes
13 that go up to about 1989 --

14 A. Yes.

15 Q. -- but don't seem to have gone beyond 1989. Is that
16 because their function sort of fell by the wayside, as
17 it were, because of all of the other admissions?

18 A. Well, certainly we -- we made a recommendation, if
19 I remember, about the CET, because although they met
20 once a week, there was a diminishing amount of work for
21 them, because they weren't being asked to assess some of
22 the children being admitted to the home, and a number of
23 the children were being placed there on a short --
24 short-term basis.

25 Also I think, if I remember correctly, a lot of the

1 children were -- actually at the end of the day were
2 returned home. Up to half of the children who were
3 being discharged over a period we looked at were being
4 returned home afterwards.

5 Q. Well, I just wondered if after the '91 inspection that
6 we were -- there was a '91 inspection I should say into
7 Harberton as well, and that -- do you recall what, if
8 any, changes were wrought by the episodes of peer abuse
9 as regards the running of the home whenever you
10 inspected them in 1991, because this incident had
11 happened '89/'90?

12 A. Yes. Oh, there were changes all right. The whole staff
13 duty rosters had been changed, for example, and there
14 were more staff around at periods, for example, which
15 had maybe not had the same attention before, like the
16 early hours of the morning and coming home from school
17 when children were changing uniforms, this sort of
18 thing, where a number of the incidents had occurred.

19 Q. So --

20 A. So there would have been better cover, better provision
21 at those times.

22 Q. So, in fact, then --

23 A. That's one that springs to mind.

24 Q. So, in fact, then the concern that the Department had
25 that the Bunting report wasn't getting to the

1 nitty-gritty, as it were, of, you know, how this had
2 happened, certainly they took steps in light of the
3 Bunting review to change the rosters and to change the
4 complement of staff --

5 A. Yes.

6 Q. -- who were around at the risk periods, as it were?

7 A. I recently had read again some parts of the Bunting
8 report and in the body of the report there were
9 references to things like staff duty rotas and
10 management and so on, and most of them were described as
11 adequate, but then in the text may have well read some
12 I suppose implied criticism of the way the staffing had
13 been deployed.

14 Q. I will explore with Dr McCoy about the manner that the
15 Bunting report was being written --

16 A. Yes.

17 Q. -- but is it fair to say, Denis, that the Boards took
18 any recommendations that inspectors were making
19 seriously and sought to implement them, and where they
20 had an issue, they spoke to you about it? Would that be
21 a fair summary?

22 A. Yes, I think so. I think the thing that got --
23 something we discussed earlier, the resources issue
24 quite often came up, and also the staff who were
25 recruited in as qualified sometimes left the home and

1 went off to fieldwork posts, you know. So they were
2 maybe losing quality staff and having to recruit, you
3 know, new staff in who were perhaps not as well
4 qualified and go through that whole process again.

5 Q. Well, Denis, you will be glad that those are all the
6 questions I want to ask you about --

7 A. Okay.

8 Q. -- but if there's anything else that you feel we haven't
9 covered or that you'd like to say to the Inquiry about
10 specifically the two homes in Derry that we're looking
11 at at the moment, I'll give you the opportunity to do
12 so.

13 A. I think the only thing that concerned me was that the --
14 in relation to Fort James that some of the good work
15 that had been put into it had started to pull back,
16 recede at the time we went back to inspect it again and
17 there had been a change of management as well.

18 As far as Harberton was concerned, I think that
19 steps were taken maybe to reduce the number of intakes
20 made to it afterwards and that enabled them to maybe
21 roster the home better as well, but aside from that
22 I can't -- it is such a long time ago that I find it
23 difficult to recall specifically.

24 Q. I have alerted you to the fact, Denis, that we will
25 probably wish to hear from you again in our module in

1 the autumn, because of your career prior to joining the
2 Social Work Advisory Group.

3 A. Yes.

4 Q. So I apologise that we will not have concluded our work
5 with you probably.

6 A. Well, you will know probably also it was a case of
7 poacher turning gamekeeper in relation to training
8 schools.

9 Q. Yes, indeed. Thank you. Just stay there. The Panel
10 may have some questions.

11 A. Thank you very much.

12 Questions from THE PANEL

13 CHAIRMAN: Denis, if we could just bring up FJH40891,
14 please, and if we scroll down to the bottom of the page,
15 if I could just ask you two questions arising out of the
16 last paragraph.

17 A. Yes, of course, Chairman.

18 Q. The first is you say:

19 "While it was emphasised that Inspectors were not
20 engaged in a staff inspection ..."

21 Does that phrase "staff inspection" have
22 a particular connotation? I ask that because coming to
23 it as a lay person, one would have thought if you're
24 looking at a home, one of the things is that you do --

25 A. Yes.

1 Q. -- in some way assess the quality of the staff.

2 A. Yes.

3 Q. You may do it in a general way by saying, you know, "You
4 have only X people with this qualification, Y people
5 with that qualification" or "Everybody has been working
6 here for a long time and are very experienced or very
7 inexperienced", but does it go beyond that by assessing
8 each individual as to whether they're up to their job or
9 not?

10 A. Yes. I think "staff inspection" in this context implies
11 that individual members of staff would be inspected in
12 relation to their work. That would not have been our
13 approach. Our approach would have been the general
14 approach where we would have looked at staff in terms of
15 their qualifications, experience and perhaps in the work
16 they were doing while we were there, but we wouldn't
17 have actually looked at the staff themselves as
18 individuals.

19 Q. Yes. Then if I could turn to the next sentence:

20 "Children would not be interviewed, though
21 Inspectors would ensure that some of the children were
22 met informally ..."

23 Just to put this in context, this is -- we are
24 looking at a series of inspections running through right
25 up until the early 1990s --

1 A. Yes.

2 Q. -- as far as you're concerned. Certainly by the late
3 '80s and early '90s would it not have been the case
4 children were spoken to to find out what their feelings
5 were about the way the home was being run? The reason
6 I ask the question is if we look at the lessons from the
7 Hughes Inquiry --

8 A. Yes.

9 Q. -- it had drawn attention to the fact that in Belfast at
10 least there were children complaining from the mid/late
11 1960s onwards. People looked at what they had to say
12 and didn't believe them, but the voice that doesn't seem
13 to have been asked for very often is the child's voice.

14 A. Yes.

15 Q. You look at the physical surroundings. You look at the
16 quality of the staff, the provision of facilities, but
17 by this time in the late '90s were you not -- late
18 '80s/early '90s were you not making a point of trying to
19 get alone with the children and as best you could draw
20 out from them what they found the home to be like?

21 A. Every home I think that I have been in I would have had
22 some sort of interaction with the children who were
23 there. It was generally an informal thing where I would
24 have talked to children perhaps about homework they were
25 doing. I would have maybe been engaged in playing some

1 sort of a game with them or -- you know, in the evenings
2 and this sort of thing, but would not have sat down and
3 enquired of children, you know, if they were being
4 looked after well enough or, you know, asked them
5 specific questions about the reasons that they were in
6 the facility or anything like that. I really felt that
7 was the task of the field social workers who were
8 visiting the children and perhaps were responsible for
9 their admission to care.

10 Q. If we turn over the page, you say that:

11 "Records would have been scrutinised, as was
12 information held on individual files."

13 A. Yes.

14 Q. Would you take a sample of these files of children --

15 A. Yes, we would have taken a sample of the files, yes.

16 Q. -- and look at X's file and see what the social worker
17 said about them and so on?

18 A. Yes. That would have been part of our inspection
19 process. Now there are files that were held in the home
20 which we would have looked at. Fieldwork files were
21 more difficult to come by, because they would have been
22 held perhaps in an office somewhere else.

23 Q. Yes.

24 A. You know, one could have met children in a home in Derry
25 who were maybe from Cookstown or Strabane or somewhere

1 some miles away, and the fieldwork file would have been
2 held in that office. We did look at fieldwork files in
3 offices on other occasions -- on some occasions and, in
4 fact, one of the last inspections that I was involved in
5 was a foster care inspection where we looked at every
6 fieldwork file.

7 Q. Well, in somewhere like Fort James or in Harberton --

8 A. Yes.

9 Q. -- would the files that were held on the premises reveal
10 a great deal about, say, the regularity of visits by
11 their social worker at all?

12 A. Yes, yes. Visits by their social worker, visits by
13 parents and so on would have been recorded. There would
14 have been recordings made by the residential staff about
15 how they were performing in the home. There would have
16 been things like reports from school about the children,
17 both behavioural and academic. Those sorts of thing
18 would have been there, and it would have begun really by
19 the circumstances really about why they were admitted to
20 care.

21 Q. So if one may again look at it in a general way --

22 A. Uh-huh.

23 Q. -- if you want to have an absolutely complete picture of
24 the way an individual child is being looked after by the
25 Social Services system, you would have to have that part

1 of it that relates to their time in the home, because
2 that's where --

3 A. Yes.

4 Q. -- those records are, but they presumably would only to
5 a limited degree or perhaps not at all duplicate what is
6 in the fieldworker's social file, which may be
7 different.

8 A. Yes, I think to a limited degree would be how I would
9 describe it. It would have been the case quite often
10 that some of the material in the fieldwork file would
11 have been copied to the home and certainly the
12 children's home staff would have made fieldwork staff
13 aware of the behaviour of children in the home.

14 Q. Yes, but I suppose if one were to take a specific
15 example, if the child were going on visits to a parent
16 in the home --

17 A. Yes.

18 Q. -- and circumstances weren't very satisfactory on visits
19 --

20 A. Yes.

21 Q. -- that might be something to be recorded more in
22 the fieldwork social file than perhaps in the home file?

23 A. Yes. That is correct. It would have been.

24 Q. Not necessarily so, but that could be the case?

25 A. Yes, that could be the case, that it was recorded more

1 in the fieldwork file than in the file in the
2 children's -- children's home.

3 Q. Thank you.

4 A. Thank you very much.

5 MS DOHERTY: Thanks very much, Denis. Can I just ask from
6 your experience at that time inspecting other homes,
7 voluntary and statutory --

8 A. Yes.

9 Q. -- were you aware of other homes that were facing
10 challenges in relation to sexual exploration going down
11 the continuum to kind of peer abuse?

12 A. Not necessarily within the homes. The staff were
13 obviously facing challenges. A lot of them arose from
14 trying to, for example, let teenagers live as near as
15 possible to their normal life. That would have involved
16 them perhaps going out, maybe episodes of drinking,
17 episodes with boys or girls, depending on their sex,
18 outside of the home and so on, but the sort of incident
19 that occurred in Harberton where very young children
20 were engaged in sexual activity in the home, I think the
21 Harberton one is probably the only one with children of
22 that age anyway that I -- that I ever came across.

23 Q. So it kind of stands out in that way because the
24 children were so young?

25 A. Yes.

1 Q. And in some senses there was quite an organised element
2 to it?

3 A. Yes. I think the one thing that occurred to me about
4 that was that there was knowledge to begin with. Some
5 of the children had sexualised experience outside of the
6 home and then there was the opportunity in the home for
7 them to, you know, continue with that.

8 Q. Can I ask -- I mean, in relation to the visiting social
9 worker, you actually talk about 102 visits in the year.

10 A. Yes.

11 Q. Is that the level of contact you would expect from
12 a visiting social worker?

13 A. No, that would have been excessive, but the thing about
14 it was the visiting -- the nominated visiting social
15 worker was also supervising the senior staff in the
16 home. So consequently the visits would have been split
17 perhaps between both of those things. He may well have
18 spent his time supervising senior staff on one occasion
19 and then on other occasions would have been there and
20 responsibility for the management issues in the home,
21 and it was difficult for us to see where the division
22 was. We could identify the number of visits but not
23 which visits were for supervision arrangements,
24 professional supervision of the senior staff in the
25 home, and which -- which were there to -- in relation to

1 the home itself, issues relating to admissions and
2 discharges and whatever.

3 Q. Do you think that joint task in some sense -- the fact
4 that the person was involved in managing the home, was
5 the senior manager to the officers in charge in any way
6 undermined the independence of the visiting social
7 worker, because in a sense this visiting social worker
8 was coming in to kind of visit in management
9 arrangements he was part of?

10 A. Yes. That may well have happened. I didn't seek to
11 separate the two reasons out. I was content to find
12 that someone who was outside the home, a manager outside
13 the home, was visiting there frequently and was, you
14 know, conversant with issues that were arising in the
15 home as well as being able to pursue staff development
16 with the senior staff in the home at the same time.

17 Q. Okay. Thanks very much, Denis.

18 A. Thank you.

19 MR LANE: It was put to you that Castle Priory was dated by
20 the time we get to the late '80s.

21 A. Yes.

22 Q. Did you have any other alternative models that were more
23 up to date?

24 A. Not at that time, though just towards the end of my
25 career we had -- we had reviewed that and there were

1 other standards available then.

2 Q. Were they produced by the Department, in fact?

3 A. Yes. I think there were -- there was another standard
4 produced by the Department following the Hughes Report.

5 Q. Okay. Thank you. Obviously people, including yourself,
6 managed to get promoted within the system on the State
7 side, being seconded and then getting more senior posts.

8 A. Uh-huh.

9 Q. Was the -- do you think that was similar also in the
10 voluntary side where one had either Sisters in some
11 cases or Brothers in others in the more senior posts?

12 A. Yes. I don't -- I think there weren't the same
13 opportunities in the voluntary sector for promotion as
14 there were in the State-side, as you refer to.

15 Q. Would that have affected recruitment, do you think?

16 A. It could have. There was a problem about -- with the
17 voluntary organisations about getting their staff
18 trained. They relied for financial support to do that
19 on the Department. There was also -- always a case
20 that -- well, two things. One was that once the staff
21 were trained they may well have left --

22 Q. Sure.

23 A. -- and gone on to a day job. So it was almost like, you
24 know, the wheel kept turning. Staff were trained.
25 Staff changed jobs. New staff had to be recruited in.

1 Training started all over again. Some would have stayed
2 on obviously because they enjoyed or liked or preferred
3 the work in residential care, but it was -- it was
4 a problem getting people. To be able to get on to
5 training courses was another issue at times as well.
6 They had to compete for places in it --

7 Q. Yes.

8 A. -- with the universities who were providing that
9 service.

10 Q. Am I right in thinking you described your course at
11 Bristol as being a social work course?

12 A. Yes.

13 Q. Leading to the CQSW or was it the Chris Bedell one?

14 A. No, no, it was the senior certificate, as it was known
15 as then.

16 Q. I thought so. You deem that to be a social work
17 training course?

18 A. Yes, very much so, yes. Uh-huh.

19 Q. Okay. Thank you.

20 A. Okay. Thank you.

21 CHAIRMAN: Well, Denis, thank you for coming back to speak
22 to us again, but as you have already been reminded, I am
23 afraid we will almost certainly be hearing from you
24 again when we turn to look at the training schools we
25 are looking at in the autumn, because in various

1 capacities you were in both St. Patrick's and Lisnevin.

2 A. Yes.

3 Q. So I think it is hard for us to promise you that you
4 will escape a third visit, but thank you for coming
5 today.

6 A. Thank you very much, Chairman. Thank you.

7 (Witness withdrew)

8 MS SMITH: Chairman, there is one other witness today.

9 That's Dr McCoy. Now I can, dependent on Dr McCoy --
10 I know he has been here from very early this morning.
11 He may wish to have some lunch before I speak to him or
12 I can speak to him --

13 CHAIRMAN: He's probably not the only one.

14 MS SMITH: -- and then --

15 CHAIRMAN: 2.15.

16 MS SMITH: 2.15 at the earliest.

17 (1.15 pm)

18 (Short break)

19 (3.50 pm)

20 DR KEVIN McCOY (called)

21 Questions from COUNSEL TO THE INQUIRY

22 MS SMITH: Good afternoon, Chairman, Panel Members.

23 Apologies that it has taken so long to get ready for our
24 next witness today, who is Dr Kevin McCoy. Kevin has
25 given evidence on a previous occasion. That was Day 117

1 of the -- that was earlier this year, 7th May, and his
2 previous statement in relation to that module can be
3 found at SNB-916 -- sorry -- 36. His statement in
4 relation to this module can be found at FJH40885 to
5 40887.

6 Now if we can perhaps pull up the statement, first
7 of all. Can I just ask, Kevin, if you would confirm
8 that this is the statement that you provided in respect
9 of Harberton House and Fort James and the matters that
10 the Inquiry is looking at and I think you signed it on
11 10th June. Is that correct?

12 A. That's correct.

13 Q. Now last time you came to speak to the Inquiry, Kevin,
14 you outlined your role -- the role of the Department,
15 formerly the Ministry of Home Affairs, with regard to
16 visits and inspections of children's homes. You
17 indicated that those had been somewhat informal until
18 after Kincora, when every home was inspected -- every
19 home then in operation in Northern Ireland was
20 inspected, and then annual inspections took place, which
21 we have heard became triennial inspections for State-run
22 homes. That was due to the fact that the Boards were
23 carrying out their own monitoring and internal
24 inspections of those homes at Board level.

25 A. That's right.

1 Q. You also spoke about the role of the Department about
2 voluntary homes and encouraging rather than using the
3 stick for failings by way of deregistration. I wondered
4 were the statutory homes in any different position with
5 regard to the Department? Was there a difference of
6 approach taken by the Department with regard to
7 Board-run homes at all?

8 A. No, the same standards would have applied during the
9 inspections of both sets of homes and in that sense
10 there would have been no difference in the approach
11 being adopted. There was a recognition, of course, that
12 the Boards had a much more elaborate infrastructure in
13 place and there were a number of professional staff who
14 would have had oversight responsibilities for the
15 statutory homes.

16 Q. I was asking our witness this morning, Denis O'Brien,
17 about whether, because of that, the -- there would have
18 been an expectation of a higher standard within the
19 Board-run homes than the voluntary homes?

20 A. Not a higher standard in terms of the provision of care
21 for the children in those homes. As I said, the
22 standards would have been the same, but I think there
23 would have been an expectation that the oversight of the
24 homes would have been of a higher standard.

25 Q. Well, in looking at the provision of childcare in the

1 North-West generally, how would that have been viewed
2 within the Department? Would it have been seen as any
3 worse or better than any other parts of the province?

4 A. I think broadly they were on a par with other parts of
5 the province. There may have been some differences, but
6 nothing that would have caused any major concerns or any
7 need for a detailed scrutiny of childcare services in
8 the round.

9 Q. I was asking -- and we can deal with this rather shortly
10 -- about the fact that you were in your role in the
11 Social Services Inspectorate in the mid -- early/mid
12 '80s. I was asking you about whether or not you were
13 aware of the incident that came to light in 1983
14 involving the officer in charge -- former officer in
15 charge of Fort James and the allegations that were made
16 against him. That's a man called FJ5. I wonder did you
17 know anything about that at the time that you were in
18 the Department in those early '80s?

19 A. No, I have no recollection of that coming to my
20 knowledge at that point in time. Only recently have
21 I seen papers which would have been prepared for the
22 Kincora Inquiry and his name featured in those papers.

23 Q. That was in relation I think -- what we were talking
24 about is a briefing document in case there were
25 questions asked in response to the statement that the

1 Secretary of State had made about the set-up of the
2 Kincora Inquiry, about the Hughes Inquiry?

3 A. That's right, and Fort James was on the list which might
4 have been included within that Inquiry, but eventually
5 it didn't feature.

6 Q. Ultimately it didn't feature --

7 A. No.

8 Q. -- because there was the only incident of which anyone
9 was aware and there had been an acquittal of that member
10 of staff. So therefore it didn't feature in that
11 Inquiry.

12 A. No, it didn't. Yes.

13 Q. If we can come on to the Harberton House peer abuse
14 matter, which you talk about in paragraphs 4 to 11 of
15 your statement, and you said that the -- I was asking
16 you when you first became aware of the incident itself
17 that you recall.

18 A. The first I recollect being informed about it was in
19 May 1990, when we formally received a notification from
20 the Board that the incident had happened. I think from
21 memory it was contained in a monitoring report from the
22 Board at that time.

23 Q. Well, I think certainly **SND 502** appears to have
24 written to the Department and included the untoward
25 incident report that was compiled after the matter came

1 to light in March of 1990 --

2 A. Uh-huh.

3 Q. -- but she has said -- and that was a letter to Denis
4 O'Brien, and in that letter she said, "Further to our
5 discussion ..." to the effect that she had obviously
6 informed him informally that she was writing formally to
7 tell him about it. You don't ever even remember being
8 aware between March '90 and May '90 of the fact that
9 there was some sort of incident?

10 A. No, I've no recollection of that. As I said, the first
11 incident -- intimation I had about the incident was in
12 May of 1990.

13 Q. We were discussing earlier that technically the Board
14 were not -- this was not a matter that was required to
15 be reported to the Department in terms of paragraph 7 of
16 the 1975 Direction, but my understanding is that they
17 would have reported this kind of serious incident as
18 a matter of practice.

19 Would that have been your recollection, that
20 certainly other serious matters or this would have been
21 reported to the Department by the Board?

22 A. Yes. It was a very untoward incident and I think one
23 would have expected that we would have been alerted to
24 it for a variety of reasons.

25 Q. I then wanted to go on to discover -- discuss the

1 Board -- the Department's, I should say, response and
2 the steps that were taken by the Department. You talk
3 here at paragraph 4(c) that -- well, first of all:

4 "Mr O'Brien continued to seek and receive updated
5 reports from the Western Health & Social Services
6 Board."

7 You yourself went to Derry and went to Fort James
8 and Harberton House to consider the situation with the
9 Board and staff from each of the homes.

10 I was wondering why you didn't go to Nazareth House.
11 It was another home that was being used by the Western
12 Board at the time --

13 A. Uh-huh.

14 Q. -- to place children, but you just went to the two
15 State-run ones. Is there any particular reason or can
16 you remember?

17 A. None that I remember, no, no. It would have been maybe
18 reasonable to go, seeing that the home was being used by
19 the Board extensively, but I didn't, no.

20 Q. The only reason I ask is that, you know, one would not
21 be surprised at you going to Harberton House, but you
22 also went to Fort James, and was that -- presumably that
23 was an attempt to see if they were having similar
24 problems?

25 A. Possibly, yes. I can't recall.

1 Q. Nazareth, the voluntary home, wasn't looked at?

2 A. No, not at that stage.

3 Q. Okay. Then you talk here about the minute -- memo of
4 29th June. In fact, there is -- if I can go to -- there
5 is a memo of Mr O'Brien to you of 21st June. That's
6 10268.

7 Now this is -- it is addressed to both yourself and
8 Mr McElfattrick. If I have got the line management
9 right, Mr McElfattrick was his immediate line manager and
10 then you were Mr McElfattrick's line manager?

11 A. Yes. Mr McElfattrick would have been the Assistant Chief
12 Inspector at that time.

13 Q. It is headed -- this memo is headed "The state of play
14 in Western Board children's homes". It's dated 27th --
15 I got the date wrong -- 27th June 1990.

16 "Recently you advised that at the suggestion of the
17 Acting Director of Social Services you would be visiting
18 Harberton House and Fort James on 26th June.

19 I understand that Mr McElfattrick spoke to you briefly
20 about correspondence which I received from **SND 502**
21 about childcare problems within the Foyle Unit of
22 Management. Briefly these refer to an increase in
23 admissions of children to care, necessitating going over
24 the established number of places in Harberton House and
25 Fort James, and to an unsavoury untoward incident in

1 Harberton House, where children were found to be abusing
2 each other. The purpose of this note is to bring you
3 up-to-date on the position in the facilities that you
4 will be visiting."

5 If we can just scroll down through that, he
6 addresses the issue of admissions to care and says:

7 "The Western Board admitted 58 children to care
8 between 1st January and 31st March '90, mainly because
9 of abuse and neglect. I have asked for a breakdown of
10 these figures in terms of family size, reasons for
11 admission, planned/unplanned admission, short/long-term
12 care, etc. I suspect that we will find four or five
13 large family groups account for almost half of these
14 children. Therefore, although this does not dilute the
15 Board's problem, it does diminish the possibility of
16 this level of admissions becoming a trend. The Western
17 Board staff suggest that their workload in all areas of
18 childcare has increased."

19 They gave a study on social work staffing levels
20 which had been undertaken by **SND 466**, who at that
21 stage was the Assistant Principal Social Worker.

22 "The impact on residential childcare."

23 It says:

24 "Initially all three children's homes within the
25 Foyle Community Unit of Management were holding children

1 in excess of the numbers which they are approved to
2 accommodate. Recently the situation has eased somewhat.
3 Harberton House is catering for", which had a capacity
4 of 25, "is catering for 26, one above its normal
5 complement, but the staff flat, which had been used for
6 four children, has been taken out of service."

7 So it would suggest that if the complement was 25,
8 there maybe were more than -- at the time the staff flat
9 was being used for four children in addition to the 25.
10 That would mean there were 29 in Harberton.

11 A. But four were taken -- the flat was taken out of
12 commission.

13 Q. In June?

14 A. I don't know. It doesn't say when the flat was taken
15 out of commission.

16 Q. But it says:

17 "The influx of children to residential homes has had
18 a consequential impact on the children and staff,
19 particularly in Harberton House."

20 It talks about the Board recruiting untrained
21 temporary workers to give assistance and so forth. I am
22 not going to go through this entire memo.

23 A. No.

24 Q. Essentially he is setting out to you what has been done.

25 We will see in paragraph 5 there that the RUC have

1 investigated the untoward incidents which are alleged to
2 have occurred. Children were interviewed, some
3 medically examined.

4 "The remedial action taken by management.

5 Restrictions were placed on the movement of children
6 within Harberton by locking some doors in the evenings
7 but without breaching existing health and safety
8 procedures. One staff was put on waking night duty for
9 a period and two boys, who were considered to be the
10 ring leaders, were temporarily removed. Inquiries have
11 been made about the feasibility of introducing an
12 electric -- electronic warning system to the facility,
13 one which would activate when certain doors were opened
14 at night-time. In addition, management and staff have
15 been making regular reviews of the situation in the home
16 to ensure early detection of any repetition of such
17 events."

18 So it certainly seems from that memo that the Board
19 had taken immediate steps to deal with the situation.

20 I know that in your memo then, if we can look at
21 that, to Mr Hunter at 11018 --

22 A. May I just sort of point out the side note on that memo
23 --

24 Q. Sorry.

25 A. -- at paragraph 5?

1 Q. Just scroll back up. Yes.

2 A. I have a note there saying -- questioning the Board
3 investigation.

4 Q. Is that your handwriting?

5 A. Yes, that's my handwriting.

6 Q. That's your handwriting. So at that stage when you read
7 this and before you went to see Harberton and Fort
8 James, you are saying, "Is the Board carrying out
9 an investigation?"

10 A. That's right, yes.

11 Q. "I know the police are doing it, but the Boards ought to
12 be doing something."

13 A. That's right.

14 Q. Then if we look at your memo then of 11018, this is
15 a memo which you talk about in your statement about
16 setting out your concerns to Mr Hunter. If we can just
17 scroll down that:

18 "My concerns about this report are ..."

19 I think -- sorry. Can we just scroll back up?

20 "The incident report" -- yes -- "points to worrying
21 developments on two fronts: the overt sexual activity of
22 pre-teenage children and the organised group activity in
23 a children's home.

24 My concerns about this report" -- that's the
25 untoward incident report -- "are that:

1 (a) The group activity went on for a sustained
2 period (three to four months) without being detected by
3 staff and was only revealed when one of the children
4 mentioned it in passing to a member of staff.

5 (b) The apparent absence of any full investigation
6 by the Board about how this could happen. **SND 466**
7 has now indicated that the matter was investigated by
8 the local Unit of Management and will send me copies of
9 this report."

10 I think it is true to say that the staff members
11 were spoken to by -- I can't remember which members --
12 whether it was **TL 4** and Gabriel Carey who spoke
13 to staff members about it, but:

14 "(c) The absence of any response by the Board to
15 provide psychiatric and psychological care and treatment
16 for children and support for staff in the face of a most
17 unusual incident.

18 (d) The prospect that this is a new phenomenon
19 which may not have occurred elsewhere but, given the
20 characteristics of children in residential care, may
21 possibly occur."

22 You wondered if:

23 "... everyone would consider what we might learn and
24 what action we should take from such an incident."

25 So this memo is setting out what you think -- sorry

1 -- outlining your concerns, and you rehearse those in
2 your statement to us at paragraph 4(c).

3 Paragraph 4(b) you say what you recall -- sorry --
4 that was in your statement -- what you recall about the
5 meeting with staff of Fort James and Harberton. We have
6 been told that morale was very low and there were
7 circumstances of staff shortages and excessive
8 admissions to homes around this time.

9 Can you recollect -- and I do appreciate it's a long
10 time ago -- but can you recollect getting that kind of
11 impression from the staff when you were speaking to them
12 in the two homes?

13 A. No. I can't recollect the visits to either of the homes
14 at that stage.

15 Q. So you only -- if I have understood you right, Kevin,
16 you really only remember you went to these homes because
17 it is recorded --

18 A. Exactly.

19 Q. -- that you did go, but you don't really remember
20 anything about the visits at all?

21 A. No, no, no, or who I met at that time.

22 Q. The Bob Bunting review team -- I mean, it is clear from
23 this that **SND 502** had felt the local Unit of
24 Management had carried out an investigation, but the
25 Department certainly didn't feel that -- whatever

1 investigation was carried out, you hadn't seen the
2 copies of any report of that investigation, and you felt
3 that there ought to be a higher level investigation.

4 A. I think the Unit of Management had produced a report.
5 They hadn't conducted an investigation. I think I would
6 make a distinction between the production of a report
7 and an investigation of the events.

8 Q. It is just in this memo you said:

9 **SND 502** has now indicated the matter was
10 investigated by the local Unit of Management and will
11 send me copies of this report."

12 A. Uh-huh, and then I go on to say:

13 "The absence of a full investigation by the Board
14 was a concern."

15 Q. So whatever she was telling you about what
16 investigations the Board had carried out, the Unit of
17 Management had carried out, you didn't feel that was
18 sufficient?

19 A. No.

20 Q. Now we know that the Bob Bunting review team was set up
21 you say at the Department's instigation. When we were
22 talking earlier, you were explaining to me that there
23 were various steps before that was arrived at, that
24 there was discussion back and forward between yourself
25 and the Board about the need for a more detailed

1 investigation, if I can put it that way?

2 A. Yes. Following my visit to the Western Board on the --
3 was it 26th June -- I then sort of had another meeting
4 within the Department on 29th June and expressed my
5 concerns about the absence of a full investigation of
6 the events that had occurred, and in the Department we
7 thought that there should be a full investigation by the
8 Board as to what had happened.

9 I subsequently spoke to **SND 502** I think it was
10 on 9th July and the -- that conversation is recorded by
11 Mr Carey in an internal --

12 Q. Yes. I will take a look at his memo.

13 A. Now both he and subsequently **SND 502** then replied to
14 me later you'll see.

15 Q. If we can look, first of all, at his memo, which is --

16 A. Yes. If we take a look at his and then we can look at
17 ...

18 Q. Yes. It is 10036. This is from him to the Assistant
19 Unit General Manager, Mr Haverty, saying:

20 "You had a telephone conversation with **SND 502**
21 before [he] went on leave. She indicated she had spoken
22 to you and you had spoken to her about the incidents in
23 Harberton House and you had posed three questions that
24 you wished answered:

25 "Had we done an investigation? **SND 502** had replied

1 in the affirmative and gave some details over the phone
2 but indicated that she would reply in further detail.
3 I referred to the report I had recently completed in
4 addition to an earlier report I undertook in relation to
5 the immediate action we took when this incident came to
6 our attention. I indicated to her that no doubt this
7 report would be passed on to her by you in due course."

8 That's obviously the report to which she was
9 referring.

10 "Dr McCoy referred to the document 'Cooperating to
11 protect children' and in particular paragraph 4.15,
12 page 21, which indicates that Boards should consider
13 invoking the child protection procedure in instances
14 where cases of child abuse arise in residential units.

15 **SND 502** indicated to Dr McCoy that she made
16 a conscious decision not to invoke the child protection
17 procedures in this case, as she felt it would not be
18 appropriate. However, she did indicate to me that she
19 may well want to meet with you and **TL 4**
20 during my leave to develop a procedure in relation to
21 this aspect of the document in view of a similar
22 situation arising in future. I stressed to **SND 502**
23 my reservations about this particular matter and was
24 anxious to impress upon her the need to separate out
25 child protection procedures from disciplinary action,

1 where staff may either be guilty of abuse or may be
2 guilty of negligence that led to that abuse. There is
3 also an apparent contradiction in invoking child
4 protection" -- if we can scroll down, please --
5 "procedures in relation to children who are already in
6 our care. However, no doubt she will be in contact with
7 you about this matter in the near future.

8 Apparently Kevin McCoy wants a report on the overall
9 circumstances of the case that could be disseminated
10 broadly to the association of directors to alert other
11 Boards to the problem and so that they can learn from
12 our experience. Apparently it would also be used to
13 appraise the Department of the problems we are facing in
14 childcare with a view to making them more amenable to
15 requests for resources to cope with these problems.

16 **SND 502** indicated that she would be completing this
17 report herself but you would need the information that
18 I have supplied to you. **SND 502** may well speak to
19 you personally about these issues, but I felt that
20 I should notify you she should make contact -- should
21 she make contact ... whilst I am on leave."

22 Now that was obviously an internal memo, but those
23 are the issues that you had raised with **SND 502** .

24 A. Uh-huh, yes.

25 Q. Her letter to you then of 23rd July can be seen at

1 10139:

2 "Increase of child abuse referrals and implications
3 of this increase for our Board as a child protection
4 agency."

5 She's referring back to the letter to Denis O'Brien
6 and she said -- she is giving you -- she has appended
7 some statistical information with regard to the
8 admissions from January to April 1990:

9 "You will appreciate that these statistics alone do
10 not provide a complete picture of the child abuse
11 situation within Foyle Unit of Management. One must
12 also consider the number of children placed on the child
13 protection register and even more importantly the nature
14 of abuse which children are being subjected to. To
15 secure a total sense of the overall childcare situation
16 we require to look at the preventive and normal
17 childcare day-to-day work which by necessity receives
18 lower priority when staff have to divert their energies
19 towards the more horrific forms of abuse. I know you
20 fully appreciate that such action can result in
21 sustained child abuse going undetected."

22 So it suggests in conversation with you she has been
23 saying, "Look, our staff had -- because of these excess
24 numbers, our staff had to divert their attention from
25 the therapeutic aspect of working with these children to

1 giving their day-to-day needs priority". Can you recall
2 any such conversation with her along those lines?

3 A. No. I can't recollect the detail of the conversation
4 I had with her. That was on the visit to the Western
5 Board, yes.

6 Q. Well, she also says she has:

7 "... included appendix III, a typical child
8 protection case, which is on our child protection
9 register, and may I add that I simply selected this case
10 at random. I think it encapsulates for me the high
11 level of risk" -- sorry -- "the level of high risk being
12 carried -- risk-taking carried by our department as
13 a child protection agency. I believe this to be
14 an intolerable level.

15 Our childcare services are subjected to a strain
16 I haven't previously experienced and I know that the
17 traditional response such as the provision of additional
18 residential places is not the solution. We require to
19 offer an ever-increasingly more flexible service with a
20 greater range of options, as outlined in the paper in
21 appendix IV, which is known as our integrated approach
22 to childcare.

23 In the short-term there is an urgent need for:

24 A. Additional fieldworkers.

25 B. An extension of the role and function of many of

1 our existing pre-school group -- playgroups.

2 C. Further development of fostering.

3 I am delighted to say that our NSPCC colleagues in
4 Londonderry are planning to organise a child protection
5 service along the same lines as our integration policy.

6 There are qualified social workers within our area
7 looking for positions. I believe there ..."

8 CHAIRMAN: Perhaps we can scroll down to what she asks for
9 at the end.

10 MS SMITH: Yes. If we can scroll down through this, she's
11 outlining basically the difficulties. I think if we can
12 maybe go to page 10144, she then outlines I believe the
13 fact -- from:

14 "I am aware in recent DHSS guidelines ..."

15 she outlines what she sees as the problems that
16 commenced in December '99. She says:

17 "It was a combination of factors, which can be
18 summarised as below:

19 Shortage of residential and fostering places.

20 Staff time spent in coping with the sheer numbers of
21 children, so no individualised time.

22 No staff on waking night duty.

23 Residential staff were consumed with concern and
24 guilt regarding the untoward incidents and felt that
25 senior management didn't understand their impossible

1 situation."

2 If we can just scroll on down then. Sorry. Perhaps
3 I might just go back up. She said:

4 "For all these reasons I believed and still do
5 believe an investigation into the untoward incidents led
6 by me would have done nothing to improve staff morale
7 and enhance the care of our children. My senior
8 management are satisfied the above analysis of the
9 situation was correct."

10 So she is saying to you, "Look, I don't think if
11 I had carried out an investigation at my level it would
12 have made any difference to improving things for the
13 staff", but if I've understood you correctly, Kevin,
14 you're saying, "Well, it's not about improving the staff
15 morale. It's about getting to grips with what exactly
16 happened that allowed staff in Harberton House to miss
17 what was happening under their noses, as it were".

18 A. Exactly. This response which we got from **SND 502**
19 really was virtually avoiding the issue that had
20 happened in a sense. It was a long -- as you can see
21 from the letter, it doesn't even in its title mention
22 Harberton House, which was our main concern. The main
23 concern that we had was that these incidents had
24 happened among a group of very vulnerable young
25 children. They had gone undetected for a long period of

1 time and would not have been detected but for the chance
2 remark of one child to a member of staff.

3 Q. Or at least we don't know if it might have gone on
4 undetected for much longer, but we will never know that
5 obviously.

6 A. We don't know that. Therefore, I was saying, "Look,
7 you've got to learn from what happened and that is why
8 you need to have some form of investigation".

9 Q. Just scroll on down through 10145. It says:

10 "As you are aware from previous correspondence the
11 General Manager and senior management members of all
12 professions, including Board members, have listened with
13 sensitivity and understanding to the problems we are
14 currently facing and indeed responded with additional
15 manpower some weeks ago to address the day-to-day child
16 abuse difficulties.

17 I have to acknowledge that there are other equally
18 acute demands placed on this Board in addition to child
19 abuse and for this reason I feel that the
20 ever-increasing childcare difficulties should have been
21 looked at immediately with a view to the DHSS offering
22 additional revenue. I would suggest that if we could
23 secure additional social work practitioners, we could
24 proceed with the setting-up of childcare teams, child
25 protection teams and teams working with children in

1 care. I believe that this way forward seems to be the
2 right model for our Board. I know, of course, that any
3 extension of social work staffing in the whole area of
4 child abuse has implications for medical colleagues, RUC
5 CARE Unit, psychologists, health visitors, etc.

6 I reckon that an additional eight qualified social
7 workers would do much to address the situation within
8 our Board and would enable us to move down the road of
9 our integrated childcare plan."

10 So it is clear from this that in -- I think this
11 memo is in July 1990. **SND 502** is highlighting to
12 you that, "There are resource implications here for us
13 to address what we perceive to be the need" and
14 essentially asking for additional revenue.

15 Now I know that that's a feature that you feel was
16 -- if I can just go on then to look at just two more
17 details before we talk about this whole aspect more
18 generally, the whole resource aspect.

19 If we look at 10994, that's a memo of 27th July 1990
20 from John Hunter to Tom Frawley. In that he says:

21 "This morning I spoke to Mr Frawley.

22 We agreed that it was desirable that we should
23 explore the learning opportunities of the situation in
24 Harberton House. He appreciated the need for
25 an assessment of the training implications for Social

1 Services staff and other professionals in the province.

2 He undertook -- he undertook to discuss
3 an investigation with **SND 502** who would liaise with
4 you over who might undertake the investigation.

5 He readily agreed that the Western Board would
6 initiate the investigation and to do so in such a way as
7 to avoid the appearance of a witch-hunt and
8 recriminations."

9 Now that leads me -- I am going to come back to
10 that. You know where I am going from what we were
11 discussing earlier, but the next document that I want us
12 to look at is --

13 CHAIRMAN: What is the date of that?

14 MS SMITH: That memo is 27th July. I think this is maybe
15 your handwriting down below again, is it, Kevin, a note
16 to Mr Forde?

17 A. No, no, it isn't mine, no.

18 Q. It just says:

19 "You will be interested to see the latest papers re
20 the incidents in Harberton House."

21 A. If you go down, I might see the ...

22 Q. That's a --

23 A. No. I think that's , who was a member of
24 staff in the Department.

25 Q. So --

1 CHAIRMAN: Pause at that point. The Board didn't want to
2 have an investigation, but they had been persuaded it
3 was a good idea?

4 A. "Persuasion" would be one word to use, yes. Instructed
5 that it should happen.

6 CHAIRMAN: I was perhaps being more gentle to them than you
7 would have been.

8 A. Perhaps, but I think we needed to make the point to them
9 that there was learning to be had from the incident and
10 they should undertake the investigation.

11 MS SMITH: The Department was quite insistent upon that,
12 despite the reservations being expressed by **SND 502** ,
13 and ultimately it was agreed that, "Okay. We will do
14 it. We will take this investigation on then".

15 A. Yes. Once she wrote to me, then we discussed it within
16 the Department and we agreed that, in fact, there should
17 be an investigation, and Mr Hunter then phoned
18 Mr Frawley, who then agreed that that should happen.

19 Q. Then if we can just look at 10992, this is obviously
20 27th July. Then on 31st July you are taking matters
21 a step further and you write to **SND 502** , saying:

22 "During your visit to Dundonald House on Tuesday,
23 31st July we took the opportunity to consider the terms
24 of reference for the Board's inquiry into the activities
25 between children in this home during '89/'90.

1 I discussed these with Mr McElpatrick and we would offer
2 the following draft terms."

3 This was for the terms of reference of the review
4 team:

5 "To review the background to the incidents of sexual
6 activity between children in Harberton House during the
7 period '89 -- December '89 to March '90 and in
8 particular why the incidents were not detected earlier.

9 To examine the roles and professional activities of
10 individual staff, including key workers and management
11 staff with responsibility for supervision, during this
12 period.

13 To explore the lessons to be learned for residential
14 care of children.

15 To examine the training and experience of the staff
16 group in the home and review the training implications
17 for residential care.

18 To explore the multi-disciplinary nature of the care
19 and treatment requirements of the children involved."

20 You go on to say:

21 "You may wish to amend these in discussion with your
22 General Manager and colleagues and I would be grateful
23 if you would let me have a note of the agreed terms of
24 reference, the composition of the inquiry team and the
25 likely timescale for the completion of the exercise."

1 When we were talking earlier, Kevin, I was asking
2 if -- well, one of the things you say, that you and the
3 Social Services Inspectorate are available to assist and
4 guide her with any help that she might need.

5 "Please don't hesitate to contact us."

6 I was wondering that -- John Hunter is agreeing with
7 Tom Frawley, "Okay. We are going to have
8 an investigation, but it is not going to be a witch-hunt
9 and there is not going to be recriminations". Yet these
10 terms of reference are concentrating in the way that you
11 have on why incidents weren't detected, examining roles
12 and the professional activities of individual staff,
13 etc. Might that be seen by staff as some sort of
14 witch-hunt against them? Is that maybe why there was
15 a movement away from your suggested terms of reference?

16 A. I don't think Mr Hunter used the term a "witch-hunt" to
17 Mr Frawley. I don't --

18 Q. No. I think -- well, we can go back and look at the --
19 that memo. It is about the avoidance of a witch-hunt.
20 10994. Scroll down the next page. Yes. It said:

21 "You readily agreed that the Western Board would
22 initiate the investigation and to do so in such a way as
23 to avoid the appearance of a witch-hunt and
24 recriminations."

25 A. Yes. Well, Mr Hunter wasn't referring to a witch-hunt,

1 but Mr Frawley was.

2 Q. Well, whoever was --

3 A. Well, yes.

4 Q. -- was referring to it --

5 A. The draft terms of reference which we provided for

6 SND 502 gave no indication that there would be any
7 form of witch-hunt. What we were at pains to point out
8 was that there should be learning from the incidents
9 which occurred, and that they should be a reflection on
10 what happened and the lessons learned from it should be
11 made available.

12 Q. I accept entirely what you are saying. What I am
13 suggesting is that in amending the terms of reference as
14 you suggested them to what we will go on to look at
15 later, might that have been done in order to avoid any
16 appearance of a witch-hunt or recriminations against the
17 Harberton House staff? Might the Board have taken the
18 view that, "We need to ensure that this isn't
19 a witch-hunt. We need to ensure there aren't
20 recriminations against individual staff members and the
21 way we do it is by devising our terms of reference in
22 ..." the terms that they ultimately did?

23 A. No. I would -- sorry. I wouldn't agree with that in
24 the sense that I repeat it was important that lessons
25 are learned from what happened. A group of children,

1 very young children, engaged in sexual activity with
2 clearly abusive behaviour by some of those older
3 children, even though they were children themselves. It
4 went on for a long period of time. What we needed to
5 know was why it went on and how was it that it wasn't
6 detected by the group of staff who were in the home at
7 the time.

8 Now asking staff about what happened and why it
9 happened is not a witch-hunt. It's simply exploring the
10 issue. Now I think the term "witch-hunt" is a bit
11 unfortunate. There was never any intention there should
12 be a witch-hunt.

13 Q. Well, you appreciate it wasn't my terminology.

14 A. I appreciate that, yes, yes.

15 Q. It came from this memo, but in your statement then to
16 the Inquiry you talk about the fact that -- well, there
17 was certainly -- if we can just maybe check. We were
18 talking about the issue of -- the resource issue and,
19 I mean, certainly there is a memo -- and I haven't got
20 the actual page reference. I will get it now. I mean,
21 you're unhappy... -- ultimately when the terms of
22 reference for the Bunting review come through to the
23 Department, you express your unhappiness with those
24 terms of reference, because in your view they do two
25 things that are incorrect. The first thing is that they

1 are not getting to the nub of the issue, as it were, and
2 the second thing is that they are widening it out and
3 using this as an opportunity to talk about resources.

4 Now we were talking about this earlier and you were
5 saying that even before the review was set up the
6 resources were an issue.

7 A. That's correct, yes.

8 Q. You didn't feel that that was appropriate, because you
9 felt that it was only after the review had concluded its
10 work that the issue of resources should come into play.

11 A. Well, had the review sort of completed its work and
12 decided that there was a major issue around the
13 resourcing of Harberton House or other childcare
14 services, then yes, it would have been appropriate for
15 that sort of result to be used by the Board to indicate
16 that they had a resource problem, but when the -- my
17 concern was that when the review was being submitted to
18 the Board for its approval, there was a statement made
19 that it would have wide implications for resources.
20 That was before the review even started.

21 Q. If I can just look, that memo was 10986. One of the
22 things, though -- we were looking at the earlier memo
23 where you are setting out the terms of reference in
24 writing to **SND 502** or maybe it was -- I can't
25 remember which memo we were just looking at shortly, but

1 you said that, in fact, such an investigation could be
2 used to make the Department more amenable to providing
3 resources. Might that have been taken as a green light
4 by the Board to include the whole issue of resources in
5 their investigation?

6 A. It may have done, yes. They may have used that as, you
7 know, an opportunity to include that in the terms of
8 reference, but I think, as the screen is now showing in
9 paragraph 5, my concern was that the issues of
10 supervision and management in Harberton House wouldn't
11 get the scrutiny that they deserved, and that was my
12 major concern.

13 Q. And you -- I mean, as we discussed earlier, you felt
14 that any investigation should really be concentrating on
15 this aspect of it. Why did these -- why were these
16 children able to do this for so long?

17 A. Yes. What happened, why it happened and how did it go
18 on for so long?

19 Q. Now I was explaining to you that when Dominic Burke was
20 giving his evidence to the Inquiry, I had asked him,
21 referring to this memo that's on the screen -- and
22 I don't think we need to go into it -- but what I said
23 to Dominic Burke was:

24 "So the Department are concerned not only that these
25 terms of reference aren't getting to what they see to be

1 the nub of the issue but also, 'It's going to
2 concentrate on resource issues which we don't think they
3 should be looking at'."

4 That's a fair summation of what's in those two
5 paragraphs. Is that fair?

6 A. Not that they shouldn't be looking at resource issues,
7 but the -- you know, you do the investigation first and
8 then look at the resource consequences of your findings.
9 I think there's a logic to that which wasn't being
10 followed.

11 Q. Well, just to be clear, what he said was:

12 "Right. I think if we can attempt to divide this
13 into two, the first thing is that there were
14 circumstances that enabled this behaviour to go on for
15 the period of time that it did. It was important to get
16 an understanding of that. Once you begin to look at the
17 detail, the number of children coming into care, the
18 background of those children, and while initially we
19 were aware that two of the children had been sexualised,
20 it became clear, in fact, that many more -- I think
21 an additional five -- had been sexualised before coming
22 into care, so there was a need to find out how the
23 behaviour could have gone on and not been identified.

24 Then when you begin to look at what were the
25 circumstances within the home, both in relation to staff

1 on the ground and senior staff within the home as well
2 as the manager and deputy manager, it becomes clear
3 resources are a very significant part of how do you
4 manage effectively a children's home with children
5 having so many complex and why behaviour is so
6 disruptive.

7 So it became clear I think that if you were going to
8 do a review, you had to look at what were the resource
9 implications that led to this being allowed to happen
10 and it was in that context that we were asking the
11 review team to look at that."

12 So he is saying, "You can't look at this in
13 isolation. You can't look at it in isolation and then
14 come back and say, 'Well, you know, these are our
15 findings. There are resource implications'". In fact,
16 when we look at the fact that there has been a Unit of
17 Management investigation, clearly they know there are
18 resource implications already, that they are saying it
19 is an appropriate matter for the review team to have
20 regard to and to look at. This seemed to be contrary to
21 what your view was from this memo, Kevin.

22 A. As I said, my emphasis was on learning from what had
23 happened. It is I think important to bear in mind that
24 in relation to Harberton the number of children that the
25 home could accommodate was only exceeded by two, that

1 the home was staffed to the prevailing norms at the
2 time, and most of the staff were very experienced. Some
3 sixteen out of the twenty staff had two and more years'
4 experience and quite a lot of them had five or more
5 years' experience as well. So to my mind that wasn't
6 a resource issue within Harberton House, and had the
7 Board been concerned about the staffing levels within
8 the home at that time, they could have deployed
9 additional staff, as they did subsequently.

10 Q. Well --

11 A. The other thing maybe to bear in mind is that in her
12 submission to me in late July when **SND 502** was
13 saying they didn't want to do an investigation, she had
14 already set out the requirement was for eight additional
15 social workers. Is it a coincidence that the review
16 report which was conducted also came up with the same
17 figure?

18 Q. Bear with me, Kevin. Are you suggesting in some way the
19 review team was not sufficiently independent of the
20 Board?

21 A. I don't know.

22 Q. Well, the issue of resources generally, if I can explore
23 that a little bit, was that the Western Board were
24 always seeking to increase the allocation from the
25 Department. Is that correct?

1 A. That's right.

2 Q. Dominic Burke told us about the fact that this Board, as
3 they perceived it, was historically underfunded.

4 I wondered whether, first of all, you accepted that
5 premise?

6 A. The Board was funded on the basis of the Power formula,
7 which applied to all of the Boards. The Department
8 received its block grant from the Department of Finance
9 within the Northern Ireland Government and then
10 allocated the money to Boards for health and social care
11 services based on this Power formula, which was
12 a weighted population formula.

13 Q. The reason I ask you that is because here in paragraph 6
14 of the document that's on the screen you say that:

15 "The presentation of the review by the General
16 Manager to the meeting of the Community Care Committee
17 would appear to confirm that the Board will use the
18 review to emphasise their inadequate revenue base."

19 So I am wondering if you're accepting that they did
20 have an inadequate revenue base at this point in time,
21 which was 1990?

22 A. It was their stated position that they had an inadequate
23 revenue base, though it is worth pointing out that two
24 years earlier the outgoing Chairman of the Board said
25 that they had managed to convince the Department that

1 the Power formula was inadequate for the funding of the
2 Western Board and that additional funding was now
3 forthcoming.

4 Q. We know that from -- I don't pretend to understand this.
5 We were discussing this earlier, and I know that the --
6 as I understand it, and maybe I am over-simplifying it,
7 but the years that the Inquiry is looking at from 1922
8 up until the welfare authorities are dissolved
9 effectively and taken into the Department of Health and
10 Social Services, overtake -- take over, I should say,
11 the responsibility for the administration and so forth
12 and the funding of childcare, up until that time the
13 funds for residential homes would have been based on the
14 rates of a given area, what rate of revenue there was
15 and that's how the local councils funded their childcare
16 services, together with any grant that they got from
17 central government.

18 A. The welfare authorities would have been -- for the
19 totality of the services, not just residential homes,
20 would have been reliant on rates, plus any subventions
21 from what would have been the Ministry of Health and
22 local government at that time.

23 Q. Then in -- I think Power was set up I think you told me
24 in 1978. Is that correct?

25 A. That's correct, yes.

1 Q. It was based on a formula in England.

2 A. Based on two formulae in England. The first one was
3 that it was based on the allocation of funds to regional
4 health authorities and the revenue support allocation
5 that was calculated for personal social services
6 expenditure in local authorities.

7 Q. And --

8 A. Those two formulae were combined to produce one single
9 weighted formula for Northern Ireland.

10 Q. That single weighted formula for Northern Ireland was
11 then divided among the four Boards?

12 A. It was used to allocate money to the four Boards.

13 Q. To the four Boards, and even with that formula, which
14 you say had taken account of such things as the
15 socio-economic factors within each individual Board, the
16 Western Board nonetheless continued to complain that
17 they weren't getting enough of the pie?

18 A. That's correct, as most Boards do.

19 Q. That's what one of the questions I was going on to ask
20 you was. Were they the only ones who were clamouring
21 for more money?

22 A. No. All Boards were always saying they didn't have
23 enough money to run their services.

24 Q. And the other question I wanted to ask: were they
25 shouting louder or more frequently than the other

1 Boards?

2 A. Not necessarily. I think it was an annual event. When
3 it came to the allocation of resources, each of the
4 Boards in turn would have said, "We need more".

5 Q. I wondered just -- I think we have already dealt with
6 this, but in consideration of what had happened in
7 Harberton House was it not essential that any
8 consideration of what took place looked at resource
9 implications as a matter -- as part of its remit rather
10 than at the end of its work?

11 A. Yes. I have no doubt it would have been appropriate for
12 it to look at resources, but I keep returning to my
13 central theme on this, and that is the need to learn
14 from what happened in Harberton House.

15 Q. That leads me on to my next question, which was: did the
16 Department accept the findings and recommendations of
17 the Bunting report or did you find it to be lacking in
18 some way?

19 A. By and large it was accepted as a -- you know, as a very
20 balanced report. We had one or two reservations about
21 it, but on the whole it was okay.

22 Q. One of the comments that you made in your statement was
23 that it was seen as -- you felt it was opportunistic of
24 the Board to use the Bunting review to try to seek
25 resource implications. I am just going to show a memo

1 here that we were talking about. That's 10979. This is
2 a memo which I think reflects what you are saying. It
3 is 13th February 1991 to Mr Hunter, who is the Chief
4 Executive of the Department. It is from Tom Frawley
5 I think. If I can just scroll down to the -- a little
6 bit, please. Yes, it is from the Area General Manager
7 of the Western Board, Mr Frawley. He is saying:

8 "The reason I write relates to the discussion at the
9 Community Care Committee meeting in February that
10 members felt that because of the sort of investments
11 that are now becoming necessary and also in relation to
12 the level of funding available to the Western Board
13 compared to other Boards, particularly the Eastern
14 Board, I should write asking if the Department would
15 consider a separate allocation to address this very
16 worrying problem. The Board appreciates the very
17 difficult financial scenario, particularly in the coming
18 year, but feels that an issue of this complexity and
19 public concern does not need -- does need urgent
20 attention."

21 So in a sense this is what you are saying is, "Look,
22 the Board are using this opportunity to try to get more
23 money off the Department", and the question I posed to
24 you was: was that not -- was it not appropriate for Tom
25 Frawley to do this, I mean, to seek to use this incident

1 in Harberton House as a form of leverage, because it was
2 a major problem, it was a serious incident, and would it
3 not be appropriate for him to use that to seek to
4 redress what he perceived to be the unfair funding of
5 the Western Board?

6 A. I think one might argue that, yes, he was fulfilling his
7 responsibilities to the Board in doing so. I simply say
8 that our perspectives were different. I was concerned
9 about what happened to the children, what happened
10 actually within Harberton House, and not the wider issue
11 of resources for childcare within the Western Board.
12 I would have to say that I would have no problem
13 supporting a well-argued case for additional resources
14 in the Western Board, had such a case been made.

15 Q. In fact, you seem to have been encouraging them
16 previously by saying, "This might make the Department
17 more amenable to your cause"?

18 A. Yes.

19 Q. I am moving on then to just ask generally -- and I think
20 you address this -- what action the Department took to
21 ensure that other Boards and providers of residential
22 care were alerted to the risk of peer sexual abuse,
23 because if we look at 10459, it was clearly recognised
24 in December of 1990 -- this is a memo of Dr Harbison to
25 you. He says:

1 "Having received the Bunting review", he says,
2 "I found the report a carefully documented,
3 comprehensive record of the incident, which is most
4 valuable. While it is provided for the Western Board,
5 it I believe raises a number of fairly fundamental
6 questions, which must be considered at regional level.
7 I retain concern that in a home which has got adequate
8 (in terms of departmental guidelines)" -- and I am going
9 to come back to that in a moment -- "staffing, good
10 physical resources, staff who have experienced in the
11 main appropriate training to sensitise them to the
12 difficulties of sexually abused children, good staff
13 relationships and communication, generally good
14 professional practice, reasonable support, etc, the
15 staff still did not detect the extensive abnormal
16 behaviours over such a considerable length of time.
17 Should this ring alarm bells with us?"

18 That was your concern in a nutshell.

19 A. That's correct, yes.

20 Q. He said:

21 "The report is written from a Social Services'
22 perspective, but the wider implications of the findings
23 sound an ominous note. We must also highlight the
24 significant fact of the numbers of children and
25 adolescents experiencing difficult and complex problems

1 who are now coming into care or contact with childcare
2 programme of care in both the statutory and voluntary
3 services. This more general point is not picked up in
4 the conclusions or recommendations but must have
5 considerable ramifications for childcare provision in
6 all four Boards.

7 On the basis of the above points, and particularly
8 the closing lines of section 10, the wider implications
9 of the conclusion that, 'There are clear indications
10 that the present situation represents a high level of
11 risk for both children and staff in the Unit of
12 Management' must be considered. Such a conclusion may
13 not be limited to this Unit of Management and could have
14 implications across Northern Ireland for current
15 provision and resource considerations.

16 I believe we should meet to discuss its implications
17 and potential further action."

18 I think there's a memo then in January of 1991 at
19 10453 and this is from Victor McElfattrick to Denis
20 O'Brien. It is handwritten, so it is quite difficult to
21 make out, but it just says:

22 "Copies of the comments by the departmental
23 recipients of the review team's report ..."

24 I should say I have just looked at Mr Harbison's
25 comment on the Bunting report and his comment to you,

1 but, in fact, all of those people who were listed and
2 being copied into had also given their responses. Isn't
3 that correct?

4 A. That's correct, yes.

5 Q. They are in the bundle of papers in and around the same
6 area, but:

7 "You should also have a copy of my memo to Dr McCoy,
8 which was drawn up in consultation with you. You will
9 note that the Chief Executive has asked if we would take
10 the lead in considering what management follow-up is
11 required in respect of the report and its
12 recommendations."

13 So this is obviously after you have that meeting
14 that's suggested by Mr Harbison:

15 "I would be grateful if you would consider the
16 responses and advise what management action is
17 appropriate. You should also give thought to what steps
18 we may need to take to alert other Boards to potential
19 risks and to advise of steps which they might take to
20 avert such problems arising elsewhere."

21 If I can just scroll down through that, he is asking
22 him to compile details of what's happening I think in
23 other Board areas to try to ascertain the extent of the
24 problem and to get an indication of the staffing
25 situation in respect of other Boards and so forth.

1 Then if we look at -- that was in January,
2 7th January. On 23rd January Mr O'Brien responds to him
3 at 10456. This, as you see:

4 "Your note of 7th January refers. You have asked
5 for advice on what management follow-up is required in
6 respect of the report and its recommendations. I have
7 assumed that you are referring to follow-up by the
8 Management Executive, as the Western Board should be
9 planning to take action on foot of the review group's
10 report, providing, of course, that it accepts the
11 recommendations made in Chapter 11.

12 In my view action should be taken at regional level
13 in the following areas:

14 (a) A review of the standard used by the Department
15 and Boards (based on the Castle Priory report) for
16 minimum staffing levels in children's homes."

17 I was asking, Kevin, whether or not any such review
18 of the Castle Priory baseline took place to your memory?

19 A. Not that I can recall. I think it was around that time
20 that the Warner Committee was looking at staffing of
21 children's homes in England and it may have been sort of
22 brought together with consideration of that report, but
23 I can't remember.

24 Q. But certainly as far as you're aware the Department
25 itself didn't take any steps to review the Castle Priory

1 guidelines?

2 A. No.

3 Q. "(b) Measures to arrest the flow of professionally
4 qualified social workers from residential childcare to
5 fieldwork posts."

6 We know that this was a recommendation -- it was
7 a recommendation for parity arising out of the Hughes
8 Inquiry, which was -- steps were being taken to
9 implement that in the early '90s. Isn't that correct?

10 A. Yes. The agreement on that was only arrived at in 1991
11 and the Department was in a long and protracted
12 negotiation with the unions on that. Then the
13 Department allocated sums to the various Boards in 1991
14 for the implementation of recommendation 6 of the Hughes
15 Report. The Western Board got something in the order of
16 £170,000 as their share of that.

17 Q. Sorry. What was the total figure? You thought the
18 Western Board --

19 A. The Western Board got --

20 Q. -- got 170,000, but the total figure that was allocated
21 for Hughes 6?

22 A. I don't have that figure.

23 Q. I'm just wondering what proportion went to the Western
24 Board. You don't recollect?

25 A. I don't know with the basis of the allocation was, yes.

1 Q. "(c) The development of guidelines for the deployment
2 of staff engaged in residential childcare and a review
3 of their roles and functions."

4 Do you remember whether that was done?

5 A. No, no.

6 Q. "(d) A review of manpower guidelines for the personal
7 social services with a view to setting minimum levels of
8 field social workers for family and childcare."

9 A. No, I can't remember.

10 Q. You're saying "No", but can you remember?

11 A. No, I can't remember, no. Yes. No, I can't remember.

12 Q. "(e) Support for training at Board level on
13 assignment/action planning, perhaps on
14 an interdisciplinary basis, but based on the Department
15 of Health publication protecting children.

16 2. Concern has been expressed by several
17 respondents to Dr McCoy's minute about the amount of
18 time which elapsed before staff detected the episodes of
19 maladaptive behaviour between the children residing in
20 Harberton House. A unique feature of this situation
21 found there was the involvement of young children in
22 deviant sexual activity. This may have been the main
23 reason why their behaviour was not discovered earlier.
24 There is a general agreement that the lessons from
25 Harberton House should be shared with all staff working

1 in the field of residential childcare. I suggest that
2 the Chief Inspector's meeting with the directors should
3 be the starting point for the dissemination of such
4 information. In so doing we should strive to protect
5 Harberton House from exposure to criticism from others
6 in the same work and also avoid alerting the general
7 public."

8 He will be pleased to discuss the note.

9 Now I think -- and correct me if I am wrong -- but
10 certainly this second aspect of his -- second paragraph
11 of his note led to the set-up of the symposium that we
12 have heard about on peer sexual abuse. Is that correct?

13 A. There were a number of things happened on foot of
14 receipt of the report. The first one was that I had
15 asked for other Boards to be interviewed about the
16 prevalence of peer abuse within their services, and
17 took the lead in relation to the Eastern and
18 Northern Board.

19 Q. If you can just pause there, I mean, we can see that at
20 16358 you asked Victor McElfattrick to get information on
21 the extent of the problem. That was on
22 25th January 1991.

23 A. Yes, and two members of staff engaged with the Boards,
24 Mr Walker in the Eastern and Northern Board and
25 Miss Beagon with the Southern Board.

1 Q. In fact, if we can look at 10404, this is Mr Walker's
2 report to Mr McElfatrick --

3 A. That's correct.

4 Q. -- having carried out this exercise, and you will see:

5 "I made enquiries in the Northern and Eastern Boards
6 on this topic and Felicity Beagon has been in contact
7 with the Southern Board staff. Altogether I had three
8 meetings with Bob Bunting and met with principal social
9 workers and all Units of Management in the Northern
10 Board. In spite of the amount of time involved the
11 information available is sketchy and does not really
12 enable any comparisons to be made. Further information
13 that I have been promised has not been sent, but if it
14 does arrive, I will let you have it."

15 He goes on to use -- he tried to ascertain the
16 information by using these five headings --

17 A. Uh-huh.

18 Q. -- that were:

19 "Known incidence."

20 If we can scroll on down:

21 "The extent of existing treatment facilities.

22 The management of the care investigation.

23 Appropriate forms of intervention to change and/or
24 modify behaviour.

25 Appropriate management processes."

1 CHAIRMAN: Just scroll down rather than reading it out,
2 please.

3 MS SMITH: Sorry. Yes. If we can just scroll on down
4 through that. Essentially what Mr Walker, having tried
5 to ascertain the extent of the problem across the
6 province, is saying is, "Look, it is not that
7 straightforward".

8 A. That's correct.

9 Q. "I can't actually come up with any definitive answers.
10 All I can give you is a couple of examples that are
11 recorded in the Board's papers in the North and Eastern
12 Boards" and he cites --

13 A. Yes. If you look at the -- if you look at his final
14 comment, you will see that he describes it as:

15 "... indicates the quality and quantity of
16 information is very variable, but overall where senior
17 staff have taken the trouble to find out about it, then
18 it's a considerable worry."

19 Q. Yes, and --

20 A. The Southern Board, the thrust of their response was
21 similar.

22 Q. "So essentially we can't be definitive about what the
23 extent of the problem is, but what we are seeing in the
24 case files that we have suggests that it could be quite
25 extensive." Is that a fair comment?

1 A. It was an emerging problem, put it that way, which
2 resonated with the -- what was happening in England,
3 because Mr White's group had been set up by the National
4 Children's Home to look at the question of children and
5 young people who abuse other children, and at that time
6 he was holding what were called sort of I think
7 listening days throughout England. We alerted the
8 Boards to this and suggested that they might send people
9 to these events.

10 Q. In order to increase their awareness of the issue and
11 the difficulty?

12 A. Become familiar, yes. Increase their awareness of the
13 issue. That's right.

14 Q. Then there was this symposium then that you and I think
15 Dominic Burke worked together to --

16 A. That's right, yes, in February 1992, yes.

17 Q. -- to create. That I think took place in February '92.
18 Then just for completeness there's a -- at 10373 we see
19 a letter to you from Dominic Burke outlining what steps
20 the Board have taken to put into effect the
21 recommendations that took place in the Bunting report.
22 I am not going to go through this. The Inquiry has
23 looked at this, but at 10371 you in May of 1992, even
24 after having received this letter from Dominic Burke,
25 you are expressing the fact that you have continuing

1 concerns nonetheless. If we could look at that, please.
2 It is 10371. I think this is you writing to him and
3 saying:

4 "May I identify a few matters of continuing concern
5 of which I am no doubt you are all too well aware.

6 The proportion of unqualified staff employed at
7 Harberton Children's Home was low and at the time of the
8 last inspection, which was then February '91.

9 I understand that the Board continues to experience
10 difficulty in recruiting qualified staff and that it has
11 been necessary to consider appointing unqualified staff
12 to permanent posts.

13 (b) The review group recommended the appointment of
14 four additional team leaders and eight social workers.

15 Only three social work posts have been created.

16 (c) The span of control of the Assistant Principal
17 Social Worker unchanged. Need to appoint a Senior
18 Social Worker to relieve him of some of his duties."

19 If you can scroll on down:

20 "I am sure that you will share the view that team
21 leaders in residential childcare need high quality
22 support and you may wish to consider whether the
23 proposed restructuring of children's homes will create
24 increased demands for management support and
25 professional consultation."

1 Then you are suggesting greater priority be given to
2 reducing the span of responsibility sooner rather than
3 later -- that's of the Assistant Principal Social Worker
4 -- but you are grateful for his comprehensive account.

5 So it is clear that the Board are taking on the
6 recommendations of Bob Bunting and they are doing what
7 they can to try to implement those.

8 A. Uh-huh.

9 Q. We know from another document -- I am not going to call
10 it up, but it is at 20097 -- that even as late as 11th
11 January 1995 the Board were still trying to address the
12 matters that had been raised by the review and in that
13 document it still talks about resources being
14 a difficulty for them in meeting the recommendations of
15 the review.

16 A. I think it is important -- you know, in the midst of all
17 of this in 1991 the Department made a bid, a public
18 expenditure survey bid for child protection work, and
19 subsequently in '93/'94 each of the Boards received
20 200,000 for child protection work. So the Board --
21 Western Board would have had its share of that money as
22 well. How they deployed it I don't know. I can't
23 answer for that. I think they are the only ones who
24 could answer that.

25 Q. So if I have understood, what you are saying is that

1 where a case was made to the Department for extra
2 funding, it was given, and how that funding -- and we
3 talked about this earlier. You were talking about the
4 stewardship and accountability, and while we know today
5 we talk about openness and transparency in terms of
6 accountability nowadays, but back in the 1970s, 1980s,
7 1990s there was not the same degree of accountability.
8 Is that --

9 A. No. There was -- it was very difficult to ascertain how
10 the Boards actually spent their money. We don't -- we
11 wouldn't have had good information about when they
12 received their block grant, how it was allocated between
13 Health Services and Personal Social Services, and even
14 within that within the various programmes of care within
15 Social Services, whether it be childcare, mental health
16 or whatever.

17 Q. Can I just ask did the Department ever ask, "How do you
18 spend your money?"

19 A. There were probably accountability reviews, but it was
20 very high level in a sense, and I know that in some
21 allocation letters to the Boards in relation to the
22 additional money, which was given for the implementation
23 of Hughes and child protection, that the Boards were
24 instructed that if they used this for any other purpose,
25 they had to seek the approval of the Department.

1 Now that suggested to me that, in fact, monies which
2 had been allocated for social services were being
3 diverted to other services.

4 Q. Do you ever recollect anybody seeking permission --

5 A. I can't give you an example, no.

6 Q. -- to divert funds at all?

7 A. No, no, no.

8 Q. Dominic Burke, when he spoke to us, said that he felt
9 relationships -- relations between the Board and the
10 Department were generally good. Is that your view?

11 A. Yes, yes.

12 Q. And he certainly -- there was the issue -- apart from
13 the fact that there was a 1991 inspection at Fort James,
14 which I discussed with Denis O'Brien this morning, which
15 the Board certainly took issue with, but by and large
16 the relationship between the Western Board and the
17 Department was one of cooperation and --

18 A. Oh, very much. The same with all the other Boards as
19 well. There was no difference in that regard.

20 Q. Kevin, you will be glad to know that that's all the
21 matters I wanted to explore with you, but the Panel
22 Members may have some more questions for you.

23 A. Fine. Thank you.

24 Questions from THE PANEL

25 CHAIRMAN: If I could just take you back to this question of

1 the time at which the Department, meaning essentially
2 your section of it as being the section that deals with
3 inspections and so on, became aware of the existence of
4 this problem in Harberton that had emerged in
5 February/March 1990. You said that you would have
6 expected that the Department would have been alerted, as
7 it was an untoward incident, and the first written
8 notification is that letter which was received I think
9 on 8th March.

10 A. Uh-huh.

11 Q. But was there not an earlier in the current cliché
12 heads-up by way of a phone call from someone to
13 Mr O'Brien, for example, very soon after the event? He
14 seemed to think there had been a telephone call from

15 **SND 502**

16 A. I -- as I said, I did not receive any information until
17 I had seen the written submission in May. Whether there
18 was a call or not I don't know.

19 Q. But if we work on the premises there probably was
20 a call, because that seems to be his recollection, would
21 you have expected him to refer it up to you?

22 A. Yes. I think he was -- he would have been very diligent
23 in that regard and would have sent me a note to indicate
24 that he had received this information.

25 Q. Because in a -- in a broader sense there was a dark

1 cloud out there that was coming fairly rapidly. The
2 earlier you know about it, the better you are in
3 a position to cope with the accompanying storm.

4 A. Absolutely, yes.

5 Q. Yes. I quite understand the point you make that

6 **SND 502** very long letter on one reading was more
7 an apologia rather than perhaps standing back and seeing
8 where possible things could be improved, but so far as
9 the Bunting review was concerned, if we may come to the
10 end of the story, as it were, or that part of the story,
11 you said that by and large it was accepted as a very
12 balanced report, but there were one or two reservations.
13 What were those reservations on your part or the
14 Department's part? Can you recall?

15 A. One of the -- one of the reservations we had, that the
16 question of why the episodes of sexual activity among
17 the residents were able to carry on for so long and
18 undetected, you know, and the fact that residential
19 social workers were not interviewed. Eleven of the
20 primary workers made written statements, but they were
21 never spoken to about their statements or about their
22 recollection of events. Now it strikes me that if
23 you're trying to learn from a particular incident, major
24 incident like that, which happened, then you really
25 ought to explore it in every way that you can, and to

1 not engage in any conversation with the primary workers
2 who were on duty during the period that this happened,
3 I just -- I don't understand the approach.

4 Q. Yes, because it is one thing to look at a document, but
5 unless the document runs to the length of a full-size
6 novel, it may not cover everything, whereas
7 a conversation can elicit by focusing on the points of
8 concern?

9 A. Quite right and, as I emphasised before, this was not,
10 to use the term, a witch-hunt. It was to try and learn
11 from whatever happened and to use that as a learning
12 opportunity.

13 Q. What was the other reservation?

14 A. Well, there was a very great emphasis placed on the
15 behaviour of children really in the team's attempt to
16 assess the reasons for deficient care. So that was
17 a bit of a concern for us as well.

18 We also had a concern that a home that was staffed
19 at the prevailing norms and just operating above maximum
20 capacity with on the whole experienced staff wasn't able
21 to pick up any clues as to what was going on for such
22 a long period of time. It just struck me as being odd
23 that for almost a three-month period this group of
24 experienced staff did not pick up any of the clues as to
25 the behaviours of the children, and it was only a chance

1 remark by one child to a member of staff that really
2 opened up the situation.

3 Q. But the picture that emerged appeared to indicate that
4 the abuse was happening in two particular time zones,
5 one very early in the morning when at 5 o'clock one of
6 the children was waking the other children up and then
7 they were engaging in this behaviour, and the other was
8 when they were coming home from school in the presumably
9 mid/late afternoon, and because of other demands on
10 staff, the children were not supervised or weren't in
11 contact with adults in the same way as would be
12 considered desirable. So there was -- whether you
13 accept it or not, at least there were two explanations
14 or an explanation in two parts before it.

15 A. Yes. Just to pick up a very minor point, you know, the
16 children stole an alarm clock from the staff room to use
17 to waken them up in the middle of the night. Why was
18 there not some assessment --

19 Q. Nobody noticed it?

20 A. Nobody noticed that the alarm clock had gone.

21 Q. Yes. Then if we come to this vexed issue of resources,
22 I quite appreciate the point you are making about I take
23 it in effect there was a risk when you -- at the time
24 you wrote the memorandum, there was a risk that, however
25 it came about, the key point that needed to be addressed

1 was the risk of moving off centre stage.

2 A. Yes.

3 Q. But to look at it from the other point of view, surely
4 if a review is to be comprehensive, it cannot at least
5 in its terms of reference ignore the possibility that
6 inadequate resources -- I know you didn't accept there
7 appeared to be -- but if there were inadequate resources
8 for whatever reason, then that's something that had to
9 be looked at.

10 A. True. If it was seen that the home was grossly
11 under-resourced, then that should have featured in the
12 report, but I don't think that was the starting position
13 for the review.

14 Q. Another point is that presumably if the Departmental
15 standards were the appropriate standards -- that's
16 an equally vexed issue -- if they were, then if the home
17 was properly staffed and the necessary resources were
18 made available in terms of money, then the problem may
19 have been created simply by a not very satisfactory use
20 of the resources that were there; in other words, if
21 they had been deployed in a different way, there
22 wouldn't have been a resource issue, because the
23 resources were there; they just weren't deployed
24 correctly.

25 A. Uh-huh.

1 Q. I take it that was a concern behind your writing of that
2 memorandum that it was drifting away from what it should
3 look at, which was what did or did not happen with the
4 children on the day in question or the days in question?

5 A. That's correct, yes. I am not denying that there were
6 -- there could have been resource -- there were resource
7 issues in that Unit of Management. That said, in
8 a sense I think those matters could have been addressed
9 quite separately and the two things could have been
10 separated out. If the Board had wished to make
11 a well-argued case for resources for their childcare
12 services, they already knew that those services were
13 under-resourced before they became alert to these
14 incidents. My contention would be that the two should
15 have been separated out and there should be a very clear
16 focus on the events that happened in Harberton House.
17 If one is going to learn from the incident that has
18 happened, then the focus has to be on that incident.

19 Q. Well, would it be fair then to say that your approach
20 would require a two-stage approach? First of all, you
21 determine what the staff did or did not do, what they
22 failed to see. That's stage one. Then stage two is how
23 do you prevent that happening in future? At that stage
24 would you regard it as more appropriate to examine
25 things like staffing, resources necessary to provide the

1 staffing --

2 A. Yes.

3 Q. -- the level of qualification of the staff and
4 consequently salary levels and so on?

5 A. Yes, yes.

6 Q. Your concern was, was it, that the Board, in fact, were
7 pre-determining the second question and rolling it in
8 with the first one?

9 A. Yes. I think they were more or less putting the cart
10 before the horse.

11 Q. Yes. Thank you.

12 MS DOHERTY: Thanks very much. I am afraid we are still
13 keeping in finance here. Can I just ask in relation to
14 a well-argued case, had there been any well-argued case
15 made, you know, around this time in relation to
16 childcare resources in the North-West? Had they put any
17 formal request in to yourselves?

18 A. No. I don't think -- I have seen one or two documents
19 which had been produced internally in the Western Board
20 making comparisons between themselves and other Boards
21 and so on, but I hadn't seen that as a costed exercise
22 which would have been used to make a bid for additional
23 resources.

24 Q. So there wasn't a time where they took it on themselves
25 to formally write in to the Department and say, "We are

1 very under-resourced here and services are at risk"?

2 A. No, nor did we get any indication, as I said earlier,
3 about, you know, how the Board had divided up the
4 resources and whether, in fact, the statutory duties
5 that they had in relation to children were being
6 properly resourced. I think one would have expected
7 that when the Board received their allocation, one of
8 the first things would be to make sure that their
9 statutory duties were resourced properly and were
10 capable of discharging those statutory duties.

11 Q. I mean, it is interesting, because some of the witnesses
12 we have talked to would suggest that healthcare and
13 acute healthcare often was the priority as opposed to
14 childcare. I mean, you referred to Mr Loan as the Chair
15 of the Board actually saying that one of his
16 achievements had been to get an acknowledgment that the
17 system to use allocating finances was unfair, but his
18 statement actually talks about healthcare, finances for
19 healthcare, and I read that as meaning healthcare, acute
20 healthcare or whatever, as opposed to social care.

21 I wonder did you have a view about that? Do you
22 have a view that the integration of health and social
23 care created some risk for, you know, the resources
24 going to social care?

25 A. There were advantages and risks in a sense in relation

1 to, for example, adult programmes, care of the elderly,
2 mental health, learning disabilities, and then if there
3 was a shift away from hospital provision in those areas,
4 then Social Services and Community Health Services would
5 benefit. I think it would be a reasonable statement to
6 make that childcare was a bit of a Cinderella within the
7 integrated services that we had.

8 Q. So that was in itself a bit of a risk?

9 A. It was a risk for childcare services and the funding of
10 childcare services, yes.

11 Q. Can I just clarify when you say that 200,000 went to the
12 Boards, was that 200,000 each?

13 A. Yes.

14 Q. So it wasn't based on population. It wasn't based -- it
15 was just a flat payment of 200,000 went to each Board?

16 A. Yes. It was probably -- it was mainly I think for the
17 implementation of the 1989 guidance on cooperating to
18 protect children.

19 Q. In that you were concerned about the focus of the review
20 and after the review came out were still concerned that
21 actually the main issues hadn't been considered, was
22 there ever any discussion within the Department about
23 taking some action yourself to consider what happened in
24 Harberton, actually going in and saying, "Well, okay.
25 You have had the chance to do your own review. We're

1 not totally satisfied that it got to the heart of what
2 needs to be looked at"? Was there any consideration of
3 going in to, you know?

4 A. No. I think that would be a bit of double jeopardy in
5 the sense of going back in to reinvestigate something
6 which had already been investigated. I think that
7 wouldn't have been un... -- that would have been unfair
8 to the staff and to others involved.

9 Q. Finally, I mean, one of the things that you offered at
10 one stage or was offered by the Department was some of
11 the Inspectorate being involved in the review. Was that
12 just ignored by the Board or was there ever a discussion
13 about somebody being involved from your ...?

14 A. They just chose the team themselves and, you know -- but
15 they didn't come to us. The offer was made. We
16 couldn't force them to take any of us on board to help
17 with it.

18 Q. Okay. Thank you.

19 MR LANE: You mentioned the concern you had about it taking
20 so long to identify that the peer abuse was going on.
21 Did you ever feel that you had a satisfactory
22 explanation about that?

23 A. No.

24 Q. If not, couldn't it have been taken up in a subsequent
25 inspection?

1 A. It is possible, but by the time we had another
2 inspection that was -- it would have been later in 1991.
3 Yes. It's possible we could have taken that up, but we
4 didn't.

5 Q. Right.

6 A. Yes.

7 Q. I get the impression that you weren't unduly concerned
8 about the over-occupancy. Is that the case?

9 A. Yes. A couple of extra residents in a 25-bed unit
10 wasn't excessive. It wasn't as if they were sleeping in
11 the corridors or anything like that.

12 Q. So when that did happen in other homes as well, it was
13 not a matter of great concern anyway?

14 A. No. There would have been the odd ebbs and flows in
15 terms of admissions and discharges and the occupancy
16 rates, you know, would have varied a little bit. Had it
17 been much more substantial, then I think there would
18 have been concerns.

19 Q. Right. Now I am aware that with the voluntary homes
20 being registered your final big stick that you could use
21 was deregistration. What was the situation with
22 statutory homes?

23 A. We didn't have any powers to enforce our recommendations
24 or serve notices on them to do certain things.

25 Q. You could not insist on closure or anything like that?

1 A. I suppose it might have been an ultimate sanction to
2 call a Board in and say, you know, "The home is so bad
3 that it has to close", but we never got to that stage.

4 Q. Yes. I am not suggesting incidentally that was the case
5 in --

6 A. No, no, I appreciate that. Yes.

7 Q. Okay. Thank you.

8 A. Thank you.

9 CHAIRMAN: Well, thank you very much indeed for coming to
10 speak to us yet again --

11 A. Thank you.

12 Q. -- and at a time that I'm sure was not personally
13 convenient to you, but we are very grateful to you for
14 doing so --

15 A. Thank you.

16 Q. -- and throwing some more light on some of these
17 remarkably arcane subjects, such as funding. Whether
18 we'll need to hear from you again or not I wouldn't like
19 to say.

20 MS SMITH: I don't think we're going to give any guarantees
21 that we won't, but ...

22 A. Fair 100. Okay.

23 Q. Thank you very much.

24 A. Thank you.

25 (Witness withdrew)

1 Q. That concludes today's evidence, Chairman.

2 CHAIRMAN: Thank you. Usual time tomorrow.

3 (5.12 pm)

4 (Inquiry adjourned until 10 o'clock tomorrow morning)

5 --ooOoo--

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WITNESS HIA60 (called)2
 Questions from COUNSEL TO THE INQUIRY2
 Questions from THE PANEL30

MR DENIS O'BRIEN (called)34
 Questions from COUNSEL TO THE INQUIRY34
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DR KEVIN McCOY (called)84
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