
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, 8th June 2015

commencing at 10.00 am

(Day 122)

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

1 Monday, 8th June 2015

2 (10.00 am)

3 Opening remarks by CHAIRMAN

4 CHAIRMAN: Good morning, ladies and gentlemen. As always,
5 would you please ensure that mobile phones have been
6 either switched off or placed on "Silent"/"Vibrate" and
7 I also remind everyone that no photography is permitted
8 anywhere on the premises or within the perimeter fence.

9 Since we are about to embark upon a new module,
10 module number 5, I just want to remind those who may be
11 coming to the Inquiry's proceedings for the first time
12 that although it will be necessary on occasions to use
13 the names in this chamber of people who have been
14 granted anonymity, where someone has been granted
15 anonymity their name cannot be used outside the chamber,
16 nor can anything whatever be disclosed in any way that
17 might identify them, and, of course, that may well have
18 a bearing on documents which we bring up on the screen
19 from time to time, because the documents which we
20 ultimately place on our website will be redacted, but it
21 may not always be possible to have redacted documents at
22 this stage. So anything that is said or displayed in
23 relation to which there is in existence a designation
24 cannot in any way be published, nor can anything they
25 said that would reveal the individuals concerned.

1 Now I propose to invite Ms Smith to open Module 5,
2 which relates to two statutory homes in the Londonderry
3 area known as Fort James and Harberton House.

4 MS SMITH: Good morning, Chairman, Panel Members, ladies and
5 gentlemen. Just before I make my opening remarks
6 I believe that Mr O'Reilly for the Department wishes to
7 say something.

8 CHAIRMAN: Yes, Mr O'Reilly?

9 Application by MR O'REILLY

10 MR O'REILLY: Mr Chairman, as you are aware, I am instructed
11 on behalf of the Department of Health, Social Services
12 & Public Safety. I am addressing the Inquiry now as
13 a result of a rather disturbing e-mail that I received
14 on Saturday afternoon from my learned friend Ms Smith.
15 It was to the effect that if witness statements on
16 behalf of the Department were not with the Inquiry by
17 close of business on Sunday, then they wouldn't be
18 accepted and witnesses would not be called to give
19 evidence.

20 I would like briefly to address the circumstances in
21 which the Department finds itself to let you know, if
22 you weren't already aware, that the method by which my
23 instructing solicitors, the Department and myself
24 receive the evidence of the Inquiry is that usually
25 a phone call is made to indicate that a representative

1 of the Inquiry will call at my instructing solicitor's
2 office with an iron key, and my instructing solicitor,
3 Mrs McDevitt, and myself are notified by e-mail that the
4 iron key is there and to call and have it downloaded on
5 to our respective laptops.

6 We were aware, of course, from remarks that you
7 made, Mr Chairman, towards the end of the last watch
8 that this present module would be starting today and
9 that the final module would be in two weeks' time.

10 The Rule 9 request to the Department is dated
11 22nd May. We were notified that it was likely that the
12 Inquiry representative would call at my -- our
13 instructing solicitor's office, Mr O'Loan, on the same
14 date, Friday, 22nd May.

15 I waited in the Bar Library until 4.30 and checked
16 to find that the representative had not come at that
17 stage. It was the Friday before the Bank Holiday
18 weekend. I made my way home, arriving there about 5.10,
19 to find an e-mail from my instructing solicitor's
20 secretary to say that the material had arrived about
21 4.45. The office was closing at 5 o'clock. This meant
22 that it wasn't until the following Tuesday morning that
23 I was able to go and have my laptop updated, and the
24 same position for my instructing solicitor,
25 Mrs McDevitt, and I believe also for members of the

1 Department's team.

2 In section 2 at that stage there were some 18,000
3 pages. Section 1 was brief in that it contained only
4 the statements of three former residents of the homes
5 who claim to have been abused. The police material was
6 reasonably brief as well, as were the social work
7 papers.

8 A decision was taken that Mr O'Loan, Mrs McDevitt
9 and I would share the 18,000 pages to ascertain whether
10 or not particular former employees of the Department had
11 played any part in either of the two homes, with
12 a belief that they must have, because they were homes
13 that would have been subject to inspection.

14 We identified a number of potential witnesses,
15 including Dr Kevin McCoy, who has already testified,
16 Mr Dennis O'Brien, who has already testified, Miss
17 Marion Reynolds, who has testified as well, and two
18 other witnesses who we maybe regard as of less
19 significance but who also have testified, Mr Norman
20 Chambers and Mr Victor McElpatrick.

21 But apart from identifying them, we then had the
22 task of identifying the particular papers that were
23 relevant to each of those potential witnesses. Between
24 us we notified the Department as to the probability of
25 Dr McCoy, Mr O'Brien and Miss Reynolds in particular

1 being potential witnesses.

2 Attempts were then made by the Department to contact
3 all three. All three are no longer employees of the
4 Department. Dr McCoy has his own consultancy at this
5 moment in time. We learnt that both Dr McCoy and
6 Miss Reynolds were on holiday and wouldn't be back until
7 the following Sunday, and that the Department was
8 putting together such papers as had been identified for
9 their respective returns, and also for Mr O'Brien.

10 CHAIRMAN: What date is the Sunday you are referring to?

11 MR O'REILLY: The Sunday -- there were several Sundays. The
12 Sunday on which I received the e-mail from -- sorry.
13 The Sunday of relevance was Sunday gone by.

14 CHAIRMAN: The Sunday on which Dr McCoy and Mrs Reynolds --

15 MR O'REILLY: A week ago yesterday.

16 CHAIRMAN: Last Sunday. Yes.

17 MR O'REILLY: The position is that, having returned from
18 holidays, Dr McCoy is out of the jurisdiction for the
19 next ten days.

20 CHAIRMAN: Why? Where is he?

21 MR O'REILLY: I have no idea. I just know he is not
22 available in Northern Ireland.

23 In the background, as usual, Dr Hilary Harrison has
24 been going through such papers as she can and at 2.00 am
25 this morning she completed two draft statements, one in

1 respect of Fort James and one in respect of Harborton
2 House.

3 With the assistance of Mr O'Loan and Mrs McDevitt
4 I have identified to Miss Marion Reynolds issues which
5 I have no doubt she will be prepared to deal with, and
6 I think a similar task has been undertaken in respect of
7 Mr O'Brien.

8 It has proved impossible to have witness
9 statements -- witness statements prepared and provided
10 in the time line set out by my learned friend Ms Smith,
11 but the consequences --

12 CHAIRMAN: Just a moment. When did you discover that
13 Dr McCoy was out of the jurisdiction?

14 MR O'REILLY: I think towards the end of last week.

15 CHAIRMAN: Did anybody ask him where he was and why he
16 wouldn't be available?

17 MR O'REILLY: I don't know.

18 CHAIRMAN: I would have thought that was an elementary step
19 that would have been taken.

20 MR O'REILLY: He is no longer an employee of the Department,
21 Mr Chairman.

22 CHAIRMAN: I understand that, but, if necessary, we have
23 powers compelling people to attend, which I would not
24 wish to use, but if somebody is not available, I would
25 expect you to be able to tell me why they were not

1 available. Merely to be told that he is out of the
2 jurisdiction and you don't know where and you don't know
3 why is not to my mind very helpful.

4 MR O'REILLY: I did tell my learned friend Ms Smith that
5 both -- I did not identify, but I said that two of the
6 potential witnesses had been on holiday until the
7 previous Sunday. I was not -- I am not sure I was aware
8 at that stage Dr McCoy was not available because of his
9 own personal consultancy.

10 The position is that the Department would feel
11 somewhat aggrieved if, in fact, the time limit indicated
12 by Ms Smith was adhered to and was deprived of
13 submitting statements of witnesses who may be considered
14 appropriate in that both Mr O'Brien and Miss Reynolds
15 conduct inspections in relation to the two homes, make
16 recommendations in respect of each, and Mr O'Brien in
17 particular also sat on a review committee for one of the
18 homes, following one of the inspections he carried out.

19 CHAIRMAN: Well, when are you going to produce statements
20 from these witnesses?

21 MR O'REILLY: We would hope the statements from Dr Harrison
22 would be available tomorrow. Miss Reynolds has been
23 provided with what Mr O'Loan, Mrs McDevitt and I see as
24 the appropriate documentation.

25 CHAIRMAN: When did she receive it?

1 MR O'REILLY: I think the last of it yesterday.

2 CHAIRMAN: When is she going to produce her statement.

3 MR O'REILLY: I don't know.

4 CHAIRMAN: That just isn't good enough.

5 MR O'REILLY: Well, I cannot compel civilians, Mr Chairman,
6 to commit to --

7 CHAIRMAN: That is not the question I asked, Mr O'Reilly.

8 I asked "When?" Now does it mean that she can't do it
9 tomorrow; she can't do it until next week; she can't do
10 it until next month? When is --

11 MR O'REILLY: I haven't been in direct contact with this
12 witness, Mr Chairman.

13 CHAIRMAN: Well, when you are, I will hear again what you
14 have to say about her.

15 MR O'REILLY: I don't intend to get in contact with her,
16 Mr Chairman.

17 CHAIRMAN: Well, Mr O'Reilly, if somebody on your side --

18 MR O'REILLY: Yes.

19 CHAIRMAN: -- does so, I'll hear what you have to say, but
20 I should point out that applications of this nature,
21 whether well-founded or not, depend upon detailed
22 information being given to the Inquiry, and it simply
23 isn't good enough to say that it's not known. I would
24 like an answer before I decide this matter as to when
25 Miss Reynolds will be able to produce her statement.

1 MR O'REILLY: I understand.

2 CHAIRMAN: We do not have an infinite amount of time. We
3 are working to a very tight timetable. I appreciate
4 that this causes difficulties for everybody, ourselves
5 included.

6 MR O'REILLY: It's not helpful, Mr Chairman, when the
7 material upon which statements should be drafted and
8 formulated arrives just in the time frame that I set out
9 to you, the same day that the Rule 9 request notice
10 arrives. I was deprived of four days which I could have
11 spent usefully going through the material simply because
12 it arrived late on the Friday afternoon and I couldn't
13 get it until the Tuesday morning.

14 CHAIRMAN: Why couldn't you get it?

15 MR O'REILLY: Because I was at home at 5.10, having stayed
16 in town until 4.30 and having checked when I left that
17 the material had not arrived at my instructing
18 solicitor.

19 CHAIRMAN: Does that mean that nobody had thought to bring
20 it to you?

21 MR O'REILLY: It is in an iron key that's not allowed to
22 leave my instructing solicitor's offices, which is why I
23 have to attend there. That is one of the rules imposed
24 by the Inquiry.

25 That's my -- my application is that the time should

1 be extended. I will attempt to provide you with the
2 information you have sought, Mr Chairman.

3 CHAIRMAN: I will consider your application in due course.

4 MR O'REILLY: Thank you.

5 MS SMITH: Chairman, just one point in relation to the
6 e-mail that was sent to Mr O'Reilly by myself, just to
7 clarify that there was an error. When I said "close of
8 business tomorrow", tomorrow being Sunday, I had, of
9 course, meant Monday. Just -- I was not anticipating
10 that there would be anyone in the Department working on
11 a Sunday.

12 Opening remarks by MS SMITH

13 MS SMITH: If I can come to my opening remarks then, as you
14 have indicated, Chairman, we are dealing with two homes,
15 Fort James and Harberton House. As has been said many
16 times, this Inquiry in complying with its terms of
17 reference is looking at the issue of systemic failings
18 by institutions or the State in their duty towards those
19 children in their care.

20 Today we begin to look at two children's homes that
21 were run by the State. Both homes were operated by the
22 Western Health & Social Services Board, now the Western
23 Health & Social Care Trust, in the city of Derry, Fort
24 James and Harberton House.

25 Concerns about the operation of these two homes

1 arose during the evidence gathered and presented to the
2 Inquiry during Module 1. Three people who came to speak
3 to the Inquiry told us about the time they spent in
4 these two homes. Two of those people, HIA108 and
5 HIA233, gave evidence during Module 1 dealing with their
6 experiences. One spent time in Harberton House and the
7 other in both Harberton House and Fort James. The
8 Inquiry has considered their statements and the evidence
9 that they gave and does not consider it necessary to
10 recall them in this module.

11 You will be aware that, where it is possible to do
12 so, the Inquiry has sought to avoid asking witnesses to
13 give evidence more than once, as we are acutely aware of
14 how witnesses are affected by coming to speak to us. As
15 the allegations made by both witnesses were covered
16 fully previously, it would be wrong to ask them to
17 return to simply repeat what they have already told us.

18 I shall, however, briefly remind the Inquiry what
19 was said by the two witnesses in Module 1 and outline
20 where there have been developments since.

21 HIA233, who was resident in Harberton House between
22 24th July and 28th October 1992, claimed that a member
23 of staff in Harberton House beat her and that the
24 officer in charge did nothing about it. She thought the
25 staff member had taken early retirement due to the

1 number of complaints against him.

2 She gave evidence on Day 16, which was 4th March
3 2014, and part of the transcript of her evidence can be
4 found at FJH60000 to 60007. During her evidence she was
5 told that Social Services had checked the staff member's
6 file and indicated that there was nothing to show he had
7 received any complaints about his behaviour and there
8 were no disciplinary matters on his file.

9 Since then in a statement for the Board at FJH318
10 Ms~Hall has confirmed that documentation provided for
11 this module at FJH15777 to 15782 in fact discloses
12 a complaint of assault against the staff member by
13 another child in 1993. That complaint was investigated
14 by the Assistant Principal Social Worker, who did not
15 find evidence to support the complaint.

16 In other documentation which has come to light, and
17 can be seen at FJH347, an earlier complaint alleging
18 physical abuse was also made against this staff member
19 in 1989. An investigation by the Assistant Principal
20 Social Worker and Principal Social Worker at that time
21 determined that the complaint was not founded.

22 Another child complained that the staff member was
23 rude to her in 1994, but the officer in charge of
24 Harberton House found no breach of professional
25 practice.

1 Further, I have been advised that this member of
2 staff was subject to formal disciplinary proceedings in
3 2009. Obviously what occurred then is outside the
4 Inquiry's terms of reference, but may well have shed
5 some light on his earlier behaviour. I understand that
6 the Health & Social Care Board are currently preparing
7 a statement on the matter for the benefit of the
8 Inquiry.

9 HIA233 also alleged that another resident of the
10 home raped her. In evidence she said that she had
11 wanted to report the matter to police, but that had not
12 happened and she wasn't interviewed. Staff had, in
13 fact, reported the matter and the police papers can be
14 found at FJH30614 to 30638. HIA233 remembered telling
15 someone about the rape, but did not know that she had
16 spoken to the police and said that that conversation
17 wasn't in the police station. She accepted that the
18 complaint resulted in no prosecution and stated that
19 a lot of the documentation provided to the Inquiry was
20 not factual, as it was written by the same people that
21 were meant to care for them.

22 HIA108 told us that she had been sexually abused by
23 a priest before she was admitted to care, while she was
24 in Termonbacca, and that he had visited her in Fort
25 James, where staff forced her to see him and he

1 continued to abuse her while she was resident there two
2 or three times per week. She was in Fort James in
3 November 1980.

4 She described Fort James as badly run, with
5 an aggressive, noisy atmosphere. She also spent time in
6 Harberton House some six years later and described it as
7 a good institution.

8 When giving evidence on Day 12, 25th February 2014,
9 the transcript of which can be found at FJH60279, she
10 explained that she found Fort James chaotic; that there
11 were children of mixed ages going crazy; the furniture
12 was broken; there was roaring and shouting; it was
13 an explosion of kids; and a lot of older boys were
14 fighting and rolling about; that she was out of her
15 comfort zone.

16 She also said that the priest who abused her seemed
17 to be friendly with the people in Fort James, but she
18 could not say whether he had been a regular visitor
19 there before she came.

20 A third person, HIA60, also gave evidence in
21 Module~1, and he spent time in Fort James from
22 September 1980 until July 1981. As he did not speak at
23 the time he gave evidence in Module 1 about his
24 experiences of Fort James, the Inquiry hopes to hear
25 from him again next week.

1 From what I have said so far it will be obvious that
2 this module will not be dealing with the accounts of
3 time spent in the homes in the way that the modules up
4 until now have done. Instead we will hear from
5 witnesses who worked in both homes and from witnesses
6 who were employed by the Western Board at a management
7 level. We will hopefully also hear from witnesses for
8 the Department of Health, Social Services & Public
9 Safety about the role played by its predecessor in
10 respect of the two homes.

11 Over the course of today and tomorrow I will be
12 drawing material to the Inquiry's attention from the
13 bundle of documents, which currently exceeds
14 17500 pages.

15 I am now going to say something about the background
16 to each home, its purpose and how long it operated.
17 I will speak first about Fort James and then move on to
18 Harberton House.

19 Fort James was originally a private house situated
20 at Ardmore Road in Derry. It was acquired by the State
21 in 1973 and opened as a children's home run by the
22 Western Health & Social Services Board in 1974.

23 A document at FJH7254 is a letter from John Taylor
24 in 1971 to FB Simpson regarding the proposed purchase of
25 Fort James and indicates that half the cost for the new

1 children's home was to be borne by the Welfare Authority
2 and half by the Department.

3 A description of the home and its layout can be
4 found in the 1982 Social Work Advisory Group report,
5 which starts at FJH6613, and the description is at 6620
6 onwards. Another can be seen in the monitoring
7 statement of 1986 at FJH6591.

8 If we maybe just look at this stage at the report in
9 1982, which is at 6613, please, and if we scroll down,
10 we see that this is the Social Work Advisory Group and
11 the Department of Health & Social Services inspection
12 report. If we go to 6620, you will see here that the
13 description of the facility is given in paragraph 3. It
14 reads:

15 "Fort James is an adapted property which opened as
16 a children's home in 1973. Formerly it was a large
17 private house standing in its own wooded grounds with
18 an enclosed yard and stables to the rear of the
19 building. A modern two-bedroom bungalow situated in
20 close proximity to the main building is occupied by the
21 officer in charge.

22 The spacious hall and living rooms on the ground
23 floor of Fort James give the impression of a pleasant
24 homely environment. They have been tastefully decorated
25 because of the DIY enterprise of the staff and children.

1 The large windows and open coal fire add light and
2 warmth to the front of the building. However, this was
3 in sharp contrast to the upstairs where we found some of
4 the bedrooms to be in a very poor decorative state.

5 A combination of poor lighting, poor drab -- poor
6 quality furniture and water penetration made the rooms
7 drab, dreary and lacking in stimulation. Repairs to the
8 roof and chimney had commenced after a considerable
9 delay, but the condition of the sleeping accommodation
10 as we found it was completely unacceptable for
11 a children's home. Routine maintenance and decoration
12 should be carried out more frequently to avoid
13 dilapidation and to ensure that a comfortable
14 environment is provided for the children and staff."

15 It goes on to describe the fact that:

16 "The outbuildings have deteriorated over the years."

17 They are in a hazardous condition. The inspectorate
18 at that stage, SWAG, is recommending that they were made
19 safe or demolished.

20 There was evidence of repair work being carried out
21 in the ground floor living space, if we can scroll on
22 down, please, and it talks about the kitchen having been
23 recently modified; there being:

24 "... two bathrooms and a toilet situated at the
25 first flight of stairs, which were spacious with painted

1 walls and vinyl floor coverings, creating a cold
2 atmosphere. Bathrooms were used by both boys and girls
3 and their location and proximity to one another made it
4 difficult for staff to supervise the children in this
5 area at all times.

6 The bedroom accommodation for the majority of the
7 children was off the first and second landings on the
8 first floor. In two of the rooms three children were
9 sharing and the bed space provided fell short of the
10 minimum recommended in the Community Homes Design guide.

11 Further bedroom accommodation is located on the
12 second floor at the top of the final flight of stairs",
13 and there was a sleeping-in room used by senior
14 staff when providing night cover also on that floor.

15 There was a small flat used on a rota basis by some
16 of the older children and that was maintained in part of
17 the attic.

18 It goes on to say:

19 "The home is situated about a quarter of a mile from
20 the main Londonderry-Dungiven road and approximately
21 three miles from the centre of Londonderry city,
22 adjoining a housing executive estate, and relationships
23 between the children living in Fort James and the
24 neighbouring community have been uneasy with a number of
25 clashes of a sectarian nature."

1 It goes on to talk about the --

2 "It seems unlikely that this risk to children from
3 hostile encounters will abate completely. The long-term
4 location of the home together with any future
5 developments on this site should be reviewed."

6 Fort James initially catered for babies and infants,
7 but over a period of time the number of older children
8 increased until in 1980 there were no longer any babies
9 or infants in the home.

10 The home is operated as a 16-bed unit for children
11 aged from 5 to 17. In the mid-1980s the unit expanded
12 to 21 places after approval for the expansion was sought
13 from the Unit of Management by the Area Executive Team.
14 That can be seen at FJH6530. It would appear that this
15 increase included the introduction of independent living
16 accommodation for three young people.

17 We will see just there this is the letter from the
18 Chief Administrative Officer, Mr Tom Frawley, to the
19 Group Administrator of the Londonderry, Limavady and
20 Strabane Unit of Management dated 25th February 1985
21 requesting an increase in the number of places --
22 Mr Frawley is responding to the letter requesting
23 an increase in the number of places, and:

24 "... the Area Executive Team gave approval to the
25 increase at their meeting on 22nd February 1985.

1 The increase will become effective from this date
2 and records have been amended accordingly."

3 So at that stage in 1985 it was a 21-bed unit.

4 In 1986, however, the capacity was reduced to 19 in
5 total, which included the independent living
6 accommodation for three young people.

7 A further reduction took place in 1992, bringing the
8 home back to a 16-bed unit.

9 Fort James was designed as a long-stay unit, and
10 from 1980 children were generally placed there following
11 a period of assessment at Harberton House, that
12 assessment having determined that they were in need of
13 medium to long-term accommodation. In practice the home
14 also provided emergency accommodation when no other
15 option was available.

16 Between 1980 and its closure 316 children were
17 admitted to the home. There are no records before that
18 time to show how many were admitted between 1973 and
19 1980, and according to the Board's submission to the
20 Hughes Inquiry, which can be found at FJH5324, children
21 generally spent one to three years in Fort James.

22 The home closed on 31st March 1995 and since then
23 the property has not operated as a children's home.

24 Turning now to say something about Harberton House,
25 it opened in September 1980. It was a purpose-built

1 facility in its own grounds at Irish Street in Derry,
2 and plans and elevations for the site can be seen at
3 FJH18962 to 18970. We will maybe just look at those
4 briefly, please. 18962. You will see that there is
5 a location map of the Altnagelvin area. That's the
6 Altnagelvin Hospital to the right-hand side, and to the
7 left-hand side on the opposite side of that road you can
8 see what is effectively an H-shaped building, which
9 represents Harberton House.

10 If we can just scroll down, please, through the
11 maps, it is quite difficult to make out the writing
12 within the blocks, but you will see this was the main
13 block on the ground floor plan. If we can scroll on
14 down, these are the elevations. Just scroll on down
15 through these. It is quite difficult to see them on
16 this scale, and I am not sure whether the Department
17 actually have the originals or not in their possession,
18 but perhaps that could be checked and we could maybe
19 have a look at them in greater detail.

20 We will see here there is the Harberton Bungalow,
21 which will be referred to in the course of papers, and
22 Harberton Cottage, which also included bedrooms. Thank
23 you.

24 Harberton House was created in response to a need
25 recognised by the report of the Children and Young

1 Persons Review Group in December 1979 and the
2 recognition by the Western Health & Social Services
3 Board of the necessity for a professional assessment of
4 the needs of some children in order to select the most
5 appropriate form of care. We can see this from again
6 the Board's submission to Hughes at FJH5319.

7 Harberton House was planned as a Short Stay
8 Assessment Centre for 25 children. The idea was to
9 provide somewhere for a child whose needs could not
10 otherwise be assessed over a period of six to eight
11 weeks. It had a wide catchment area within the Western
12 Board, covering the Londonderry, Limavady & Strabane
13 District as well as the Omagh & Fermanagh District.

14 It also acted as a reception centre for emergency
15 care admissions. This caused problems with the mix of
16 children within the home, and following a review and
17 recommendations in 1984, the unit was formally divided
18 into an assessment centre for 13 children and a medium
19 stay facility for another 12 children, who could remain
20 there for up to 12 months.

21 The home was further developed in 198... -- '93 --
22 sorry -- when a small independent living unit was opened
23 to cater for three adolescents preparing to leave care.
24 It was known as "Chez Nous".

25 Between 1980 and July 1995 there had been 850

1 children admitted to the home and Harberton House
2 remained in operation until 2004.

3 During its investigations in Module 1 the Inquiry
4 received a body of material which indicated that there
5 had been a number of police investigations into things
6 that were alleged to have happened in one or other of
7 the two homes. While some investigations related to
8 events after 1995, a number occurred in years covered by
9 the Inquiry's terms of reference, namely between 1981
10 and the end of 1995. One investigation related to
11 an allegation of sexual abuse by a former member of
12 staff on a teenage boy. The other allegations related
13 to sexual activity between children in the homes, what
14 has been described as "peer abuse".

15 The Inquiry will consider all of the police material
16 and later I will summarise its contents. The issues for
17 the Inquiry to consider in relation to the allegation
18 against a staff member will be similar to those it has
19 looked at in respect of other allegations made in
20 respect of staff employed in the voluntary homes that we
21 have been looking at to date. The Inquiry will wish to
22 know:

23 What were the procedures for employing staff?

24 What checks were carried out in relation to staff
25 employed in childcare?

1 What investigations did the Board or Department
2 carry out into the matter?

3 What, if anything, was done as a consequence of any
4 investigations?

5 The Health & Social Care Board provided some
6 recently discovered material relevant to what was done
7 by the Western Health & Social Services Board when this
8 matter came to light. It was provided late on Friday
9 and has been added to the bundle and I will refer to it
10 in due course.

11 In relation to allegations of peer abuse the Inquiry
12 will hear in particular that there were a series of
13 incidents of peer abuse involving children resident in
14 Harberton House between December 1989 and March 1990.
15 This involved allegations of sexual activity between
16 children ranging in age from 7 to 13. Initially eight
17 children were identified as having been involved.
18 Another child was later identified, and subsequently
19 a further nine adolescents were implicated in sexual
20 activities. These activities took place over a period
21 of months and were only discovered as a result of
22 a chance conversation between a 9-year-old boy and
23 a staff member. I shall give more details of the matter
24 as I go through the material later today and tomorrow.

25 In relation to the issue of peer abuse the Inquiry

1 will seek to find answers to the following:

2 When did the Western Health & Social Services Board
3 first learn that such behaviour occurred in each home?

4 How did this come to be known?

5 Were there any practices or policies within either
6 home that permitted or facilitated such behaviour?

7 What was done in relation to this issue?

8 Were any management or operational changes made to
9 seek to prevent such behaviour?

10 Were any steps taken to inform other Area Boards of
11 the issue?

12 Was the Department informed of the issue? If so, by
13 whom and how, and what did the Department do in relation
14 to the issue?

15 An examination of the material will assist in
16 providing many of the answers to these questions and
17 a substantial part of the bundle relates to this matter.

18 The Inquiry will also hear evidence from those who
19 worked in the homes at the relevant time and from those
20 who had managerial responsibility at that time, who have
21 provided statements addressing both what they recall and
22 what the papers show. The Inquiry will then be able to
23 determine whether there is evidence of failings within
24 the systems under which these homes operated in respect
25 of both of the allegation relevant to the staff member

1 and to the incidents of peer abuse.

2 I wish now to say something about the record-keeping
3 in respect of both homes. As we examine the papers in
4 the bundle, it will become apparent that the volume of
5 records still existing for each home far surpass what
6 the Inquiry has seen to date in respect of the voluntary
7 homes it has looked at in the previous modules.

8 It is, however, the position that we have not been
9 provided with material which predates 1980. It is
10 likely that this is because of the operation of
11 a destruction policy in relation to Board papers which
12 the Inquiry heard evidence about from SND500 in Module 1
13 on Day 28, 29th April 2014.

14 The Inquiry also heard from the same witness that
15 a quantity of documents that ought to have been
16 destroyed in accordance with that policy was found while
17 searches were carried out for Module 1 and the Inquiry
18 now has the benefit of seeing that material in this
19 module.

20 What the Inquiry may find striking as we examine
21 these documents is the extent of the records which were
22 kept in respect of each home in comparison to those
23 which were kept in respect of the voluntary homes it has
24 looked at so far.

25 As no records have been discovered before 1980, it

1 is not possible to ascertain whether Fort James fully
2 complied with the statutory requirements as set out in
3 the Children and Young Persons -- Young Person Welfare
4 Authorities Homes Regulations (Northern Ireland) 1952,
5 which can be found at HIA292. These regulations would
6 have applied for the first two years of the home's
7 operation until they were replaced by the Conduct of
8 Children's Homes Direction (Northern Ireland) 1975,
9 which is at HIA451. It is fair to say that the Inquiry
10 has no evidence to suppose that these earlier regulatory
11 requirements were not met.

12 The 1975 Direction essentially reenacted the 1952
13 Regulations except that the requirement that a member of
14 the Welfare Committee visit the home monthly was
15 replaced by a quarterly visiting duty imposed on
16 a member of the new Personal Social Services Committee.
17 The Direction and the letter which was sent to each
18 Health & Social Services Board Director in October 1975
19 can be seen at HIA460. If we could look at that,
20 please. As this is the first time that this Direction
21 has had direct relevance to the homes under
22 consideration, I will now open it to the Inquiry in
23 full. So if we could please go to 460, HIA460. We are
24 having difficulty calling that up. There is another
25 version of it I believe at HIA451. While we are trying

1 to pull that up on the screen, I have a hard copy and
2 I can refer to that in the meantime.

3 CHAIRMAN: Yes.

4 MS SMITH: On 27th October 1979 I think it was

5 Mr McElfattrick or someone Kirkpatrick -- it is difficult
6 to make out the signature -- from the Department of
7 Health & Social Services wrote to the Director of each
8 Health & Social Services Board, and the letter reads:

9 "Dear sir,

10 I am enclosing for your information copies of the
11 Conduct of Children's Homes Direction (Northern Ireland)
12 1975, which will come into operation on 1st December
13 1975. Your comments were, of course, sought and taken
14 into consideration in drafting the Direction.

15 The existing regulations governing children's homes,
16 the Children & Young Persons Welfare Authorities Homes
17 Regulations (Northern Ireland) 1952, became outmoded by
18 the recent reorganisation of central and local
19 government and the Department decided therefore to
20 revise and update them in the form of a Direction. The
21 1952 Regulations must under the Northern Ireland Act
22 1974 be repealed at Westminster and a copy of the
23 appropriate order will be issued to you in due course.

24 In addition to the responsibilities placed on you by
25 the Direction, I should be obliged if you would arrange

1 to notify the Department in advance of any proposed
2 alteration to the number of places available in each
3 home to allow for forward planning. An explanatory
4 memorandum on the Direction and a summary of the
5 differences between the 1952 Regulations and the
6 Direction are attached for your guidance."

7 I think we are still having difficulty with the
8 bundle. Yes. If we could go on to -- I think we had
9 better go to page -- the next page, please. That's the
10 letter that I have just read, and if we could just
11 scroll on down to the next page then, we should see the
12 actual Direction itself. Yes. It is unfortunately not
13 the best of photocopies, but you will see that it is the
14 1975 Directive -- Direction under the auspices of the
15 Health and Personal Social Services Order 1972.

16 "The Department of Health & Social Services in the
17 exercise of powers conferred by paragraph 1(c) of
18 Article 17 of the Health and Personal Social Services
19 (Northern Ireland) Order 1972 hereby directs as
20 follows."

21 If we can just scroll down to 3, it says:

22 "(1) A Health & Social Services Board shall ensure
23 that each home in its charge is conducted in such
24 a manner and on such principles as will further the
25 well-being of the children in the home.

1 3.(2) A Board shall arrange for a member of its
2 Personal Social Services Committee to visit the home at
3 least once in every quarter."

4 In due course, when I come to look at the bundle,
5 I will be referring to the reports that were made by
6 those members of that committee:

7 "The member visiting the home shall satisfy himself
8 whether the home is conducted in the interests of the
9 well-being of the children and shall report to the
10 committee upon the visit and shall enter in the records
11 referred to in paragraph 15 his name and date of his
12 visit."

13 Further at 3(3):

14 "A Board shall arrange for a social worker to visit
15 the home at least once in every month. The social
16 worker visiting the home shall satisfy himself whether
17 the home is conducted in the interests of the well-being
18 of the children and shall report in writing through the
19 Direct" -- sorry -- "District Social Services Officer to
20 the Director of Social Services, who shall bring any
21 matters of concern or interest to the attention of the
22 Personal Social Services Committee. The social worker
23 shall enter in the records referred to in paragraph 15
24 his name and the date of his visit."

25 Again we have a bundle of material which will show

1 the reports of that visiting social worker.

2 Paragraph 4 of the Direction refers to the
3 appointment of the person in charge:

4 "Any person in charge of a home immediately before
5 this Direction comes into operation shall be deemed to
6 have been appointed to be in charge of the home under
7 sub-paragraph (1)."

8 Paragraph 5 deals with medical care and hygiene.

9 Paragraph 6 deals with dental care.

10 Paragraph 6 (sic) deals with the notification of any
11 death, illness or accident. In the bundle of material
12 that we have received we have -- there is some evidence
13 of such reporting being given to the Department, for
14 example, of a child who was involved in a car accident
15 while on holiday.

16 If we can scroll on down, please, then 8 deals with
17 precautions against fire and accident.

18 Paragraph 9 deals with religious observance.

19 Paragraph 10, visits by parents and guardians.

20 Control is in paragraph 11 and it reads that:

21 "The person in charge of the home shall ensure that
22 order is maintained so far as possible by the personal
23 influence and understanding of the staff and resort to
24 corporal punishment shall be avoided as far as possible.

25 Where correction is needed for minor acts of

1 misbehaviour the punishment shall take the form of
2 forfeiture of rewards or privileges or temporary loss of
3 recreation provided that a light tap of the hand may
4 occasionally be applied to the hand of a child with the
5 object of indicating urgent disapproval rather than that
6 of inflicting pain."

7 It goes on to describe other types of corporal
8 punishment and the particulars of the administration of
9 corporal punishment being recorded in a record book.

10 Now just before I move on from that paragraph, in
11 its written submission to the Commission of Inquiry into
12 Children's Homes and Hostels, now more usually known as
13 The Hughes Inquiry, the Western Health & Social Service
14 Board stated that section 11 of the Direction had been
15 deleted and that corporal punishment had not been
16 permitted in the Board's homes since August 1978. I am
17 not going to call it up, but that can be found at
18 FJH5316.

19 If we can scroll on down then, there are directions
20 with regard to the accommodation of children, and the
21 Department could require the Health & Social Services
22 Board to furnish returns of the children in the home in
23 such form as the Department may direct. You will see,
24 when we come to look at the bundle of material, that
25 there is evidence of statistics being reported to the

1 Department.

2 There is further provisions as to hostels in
3 paragraph 13.

4 Paragraph 14 deals with special circumstances.

5 Then paragraph 15 deals with the records that had to
6 be kept in respect of each home. As I go through the
7 bundle later, I will refer to some of these records so
8 that the Inquiry can see the form that they took, but
9 essentially they included:

10 Administration and discharge records;

11 Record of events of importance connected with the
12 home;

13 Record of fire practice and drill;

14 Menus of the meals provided; as well as untoward
15 incident reports that were also being kept in the homes.

16 Shortly I will start to go through the bundle of
17 material as it relates to each home and I will start
18 with that material relating to Fort James before going
19 on to that relating to Harberton House, but there will,
20 of course, be material which is relevant to both homes.

21 To some extent I will refer to material in the order
22 in which it appears in the index to the bundle. That
23 will, of course, mean that some material is presented
24 out of sequence in terms of when documents were created
25 and for what purposes. I have, however, tried to

1 prepare that material relevant to inspections and
2 finance, the two matters of particular concern to the
3 Inquiry, in a chronological order so that the narrative
4 that the papers disclose can be followed.

5 Consideration of the bundle shows that throughout
6 the operation of these homes there were recurring issues
7 of staff shortage, concern about occupancy levels and
8 about the behaviour of and type of children being
9 admitted to care. It is notable the Inquiry may feel
10 that many of the problems experienced by the voluntary
11 homes it has heard about, such as challenging behaviour
12 of children, adequacy and quality of staff, and issues
13 of financial resources, which were also a feature of
14 these -- which we have heard about in respect of the
15 voluntary homes, were also a feature of these two
16 state-run homes.

17 The Inquiry will wish to consider whether there were
18 any differences of approach taken in respect of
19 State-run homes in comparison to those voluntary homes
20 about which it has heard by those with ultimate
21 responsibility for the provision of childcare and what,
22 if any, such differences made to the running of those
23 homes and to the care of children placed there.

24 Before concluding these opening remarks and moving
25 on to look at what the bundle of documents discloses

1 I would like to express my thanks once more to all the
2 members of the Inquiry legal team and administrative
3 staff, who have worked many long hours behind the scenes
4 in preparation for this module and who are busy
5 preparing for the months ahead.

6 Chairman, Panel Members, ladies and gentlemen, that
7 concludes my opening remarks to set a little bit in
8 context what I am going to open in terms of the
9 documents that we have in the bundle about these two
10 homes, but if we take a short break, then I shall be
11 ready to proceed with opening documentation to the
12 Inquiry.

13 CHAIRMAN: Very well. We will rise for a short time.

14 (11.00 am)

15 (Short break)

16 (11.10 am)

17 MS SMITH: Morning, Chairman, Panel Members. For the rest
18 of our time today and part of tomorrow I am going to
19 just refer to various documents that are in the bundle
20 of documents and for a variety of purposes, some of
21 which may not appear to be immediately relevant -- some
22 may not be at all relevant it has to be said -- but
23 generally they are indicative of material that we have
24 received from -- by way of discovery from the Health &
25 Social Care Board largely and by way of our own

1 investigations.

2 If I may just simply refer to the index that has
3 been provided for the bundle, and the first section of
4 that index, as in the case of all of our bundles, deals
5 with the statements that we have been provided with or
6 have obtained in respect of this module. I obviously
7 don't propose to open those at this point, because, as
8 I have already said this morning, we will be hearing
9 from some of those witnesses, but there will be
10 a witness who is giving evidence on behalf of the Health
11 & Social Care Board next week and that is Mr Ciaran
12 Downey. He has provided very helpful general statements
13 in respect of both homes. That in respect of Fort James
14 can be found at FJH447, and while I am not going to open
15 this until Mr Downey comes to speak to us, but he sets
16 out quite helpfully a roadmap, if I can put it that way,
17 through the bundle of material in respect of Fort James
18 in that statement. He has also provided another one in
19 respect of Harberton House, which is at FJH771.

20 Now the next section of the index in respect of Fort
21 James is headed "General" and the first documents that
22 we see in that are at 1000 through to 1003. This is
23 what I mean by the fact that there are documents in no
24 particular sequence, because these are described as
25 objectives from 1984, 1986. Please can we just look at

1 page 1000? You will see these are headed out as the
2 "Objectives for the Children's Home for 1984":

3 1. Development and monitoring of independent living
4 units.

5 2. Development of new staffing structure.

6 3. Induction training of staff.

7 4. Establishment of a system of formal supervision.

8 5. Assessment of the training needs of staff and
9 consequential use.

10 6. Development of Fort James."

11 That's signed by the acting officer in charge. So
12 clearly within the home there was a degree of planning
13 that went on each year for the needs of the home, as it
14 were. You will see here that one of the things they
15 were looking at in 1984 was the possibility of the
16 development of Fort James as a facility for student
17 practice placements and investigating the use of
18 volunteers.

19 There is -- just scroll on down the next couple of
20 pages, please. You will see that on 20th May 1986 --
21 I should say that a lot of the documents that are kind
22 of general internal documents nonetheless seem to have
23 been put on to headed paper. So the relevance of the
24 heading is really -- there is no real relevance, but
25 again these are objectives in 1986.

1 One of the objectives was to adopt a systematic
2 approach to the staff training and development by
3 identifying the training needs of staff, seeking
4 appropriate training courses, seven hours, etc, for them
5 to participate in and ensuring that all staff get
6 an opportunity to participate in something appropriate
7 to their needs, keeping a record of all the courses
8 attended.

9 If we can just scroll on down, again that is signed
10 by the officer in charge of the home. The date I think
11 was at the top of that. I think it was May 1986. Yes.

12 1004, page 1004, we see reference to strategic
13 plans. This is in 1991. There is a strategic plan
14 review, subject 1992 to '97. So this is a memo from
15 , who was then Acting Programme Manager,
16 to Childcare Programme Managers within the Board area,
17 enclosing an extract in relation to childcare services
18 from the above document and asking that be shared with
19 staff and there would be feedback.

20 So it is clear that the staff are being involved in
21 the strategic plans for the Area Board in 1991 and the
22 planning was a five-year plan it would appear to have
23 been. I just checked with Miss Hall for the Board and
24 the strategic plan would obviously have not just covered
25 residential care but the plan for the entire -- for the

1 community unit, childcare within that. So it wouldn't
2 have been just residential care, but if we can scroll on
3 down, you will see here that there is a strategic plan
4 for childcare services in 1997 -- sorry -- '92 to '97.

5 I am not going to open it, but there is
6 an introduction. If we can just scroll on down through
7 it, the overall aims are:

8 To meet the identified needs of the programme;

9 To develop preventative measures;

10 Improve procedures and practices;

11 Training and development of staff;

12 Develop collaborative working arrangements with
13 education, probation and voluntary bodies and a range of
14 organisations concerned with child protection."

15 So clearly it is dealing with the wider aspect of
16 childcare, not just residential care.

17 If we can scroll on down, please, this strategic
18 plan covers the pages -- covers -- sorry -- the years
19 1992 to '97, but if we go to 1011, the reference to what
20 the plan was for residential care, that and the next
21 couple of pages. No. Sorry. That should be 1011.

22 Yes. This is again part of that strategic plan. If we
23 scroll on down, residential care then is dealt with.

24 The background.

25 "Residential places.

1 The objective is to move to a position where there
2 are no more than 15% of the children in the Board's care
3 are in residential facilities by 1997.

4 In September '91 the Board had 91 (approximately
5 18%) of the 506 children in care accommodated in
6 residential facilities."

7 They wanted to reduce that to a maximum of 58
8 places.

9 If you scroll on down, you will see here the homes
10 at this stage were Harberton House, Fort James and
11 Coneywarren in Omagh, which -- again the Board area
12 covered the Omagh/Fermanagh area.

13 If we can scroll on down, they talk about the
14 provision of specialist residential facilities, because:

15 "While fewer children are now admitted to
16 residential care, those who are tend to be older and are
17 often among the most disadvantaged. There is
18 an increasing tendency for children's homes to be used
19 for children and young people with particular problems
20 and needs, the severely disturbed, aggressive
21 adolescents, those who have been psychologically damaged
22 by abuse or those who have experienced breakdown in
23 fostering."

24 I highlight that simply to say that this is
25 consistent with what we heard certainly in respect of

1 the last module, the voluntary homes in Belfast, where
2 as we moved into the '90s, the children who were in
3 residential care were presenting greater and more
4 challenging behaviours for the staff who had to care for
5 them.

6 If we can scroll on down through that, please, then
7 to -- there is -- the providers of the care would need:

8 "... to carry out analysis of existing residential
9 places and needs;

10 Develop programmes to manage the changes;

11 Undertake staff preparation;

12 Move to new system;

13 Review effects."

14 If we look at page 1014, the strategic plan also
15 covered plans for children leaving care and it said
16 that:

17 "The needs of young people leaving care differ
18 widely and include advice, information, counselling,
19 assistance in cash or kind, education, training and
20 accommodation."

21 It talks about preparation for independent living.
22 It said:

23 "The Board's homes at Fort James and Coneywarren
24 have separate flats where young people can be prepared
25 for leaving care. Providers are asked to develop

1 arrangements to prepare young people for leaving care
2 and for aftercare services."

3 Then the conclusion is there about:

4 "Strategic implementation of the Board's strategy
5 will result in major shifts within the programme."

6 If we can just scroll on down then, please, it says:

7 "Residential care will become more specialised with
8 smaller units, more intensive working and an overall
9 decrease in the number of residential places.

10 Preparation for leaving care will be improved and
11 expanded with greater levels of support being provided."

12 Now there -- that is an example of the kind of
13 planning that the Board was doing certainly in 1991 for
14 the years ahead. Obviously these plans would have been
15 turned on their head in 1995 with the introduction of
16 the Children's Order (Northern Ireland). I am sure
17 there would have been a further strategic plan then
18 around that time.

19 There are some general records, and if we look at
20 1045, you see that this is a document, a guideline
21 document, which was for children and staff. It is not
22 clear what year this was, but it relates obviously to
23 Fort James, and it says:

24 "The following pages are intended to be a guideline
25 for both children and staff at Fort James. They give

1 some background to the development of the home since it
2 opened in 1973. They clarify the aims and objectives of
3 the home and finally they spell out the philosophy and
4 policy of the home in relation to various aspects of
5 daily living. It is hoped that these guidelines will be
6 of benefit to all children and staff, but particularly
7 those who have recently come to live or work here."

8 It then goes on to describe the home and its
9 background and history. You will see there that:

10 "The caring for babies occupied a large proportion
11 of staff time in the early years. However, over the
12 next ten years ..."

13 So it is clearly a guide that was 1983 or beyond:

14 "... many changes and developments took place to
15 alter all this. Few babies were being admitted to care.
16 The opening of Harberton House as an assessment
17 reception centre and the closure of Termonbacca as
18 a children's home meant that there were many more older
19 children being referred to the home. Many of these
20 children had complex personal, social and emotional
21 problems and no longer felt able to live with their own
22 families."

23 They talk about:

24 "Four self-contained flats were built adjacent to
25 the home with a view to helping these young people cope

1 with living independently in the community once they had
2 left care. Staffing ratio also improved and the home is
3 now regarded as catering mainly for children of teenage
4 years."

5 The document goes on to talk about the service
6 provided by Fort James and some of the children that it
7 would care for on a short, medium or long-term basis,
8 and the different age groups that that care would have
9 been provided for. It also provided emergency care,
10 respite care, preparation for foster care, preparation
11 for independent living, preparation for a planned return
12 to the care of parents/family, aftercare and care for
13 children with a wide range of personal, social,
14 emotional, psychological and behavioural problems.

15 As it says here in the guide:

16 "At first sight this appears like a mammoth, almost
17 impossible, task for any one home to undertake."

18 They said it is the reality that the home had to
19 accept and the challenge they had to respond to.

20 There is then a statement of the aims and objectives
21 of the home. If we can just scroll on down, please.
22 I am not going to read these, but I am just sort of
23 highlighting the kind of -- you see here "Referrals to
24 the home":

25 "Children are normally referred to the home by field

1 social workers in consultation with the Assistant
2 Principal Social Worker for childcare, who coordinates
3 all admissions. Frequently a child will have spent some
4 time at Harberton House for assessment prior to being
5 referred to Fort James. Once the referral has been
6 made, the officer in charge of Fort James convenes
7 a referral meeting to include the child's social worker
8 and the residential worker from Harberton House. If the
9 referral is accepted, arrangements for the transfer are
10 made at the meeting."

11 Then it talks about the preparation for admission
12 and a review meeting taking place once the child has
13 been in the home for a month.

14 Then it goes on to speak about the daily routine in
15 the home:

16 "During the school term children rise at 7.00 am
17 approximately, wash themselves, dress and tidy their
18 rooms before coming down for breakfast. Normally they
19 use public transport to get to school.

20 After school the children have a light snack in the
21 dining room before settling down to do their homework.
22 Staff make themselves available during this time to help
23 anybody having difficulty with their work.

24 Staff and children have dinner together at 5.30 pm.
25 Afterwards children are encouraged to attend their

1 various clubs or take part in individual or group
2 recreational activities. There is also a time for
3 children to bathe, do their ironing -- do their laundry,
4 ironing, etc, or to spend time with their primary
5 worker.

6 From 8.00 pm on, according to their age group,
7 children have their supper. Insofar as possible the
8 children are responsible for preparing this for
9 themselves and for tidying up afterwards.

10 From 9.00 pm, according to their age group, children
11 start preparing for bed. Staff on duty try and ensure
12 that each child gets some individual staff time during
13 this part of the day. All children should be settled in
14 their rooms by 11.00 pm.

15 Young people not attending school or work should be
16 up not later than 10.00 am for breakfast."

17 This would include at the weekends and at holiday
18 time:

19 "They are expected to help with household chores for
20 at least part of the morning. They have their lunch
21 along with the staff on duty at 1.00 pm.

22 At weekends and holiday time children may lie on
23 until 11.00 am at the latest. All children are
24 encouraged to attend their local church on Sundays.
25 Occasionally services are arranged in the home itself."

1 I pause to say that this may be of relevance to the
2 evidence of HIA108 about clergy visiting and there is
3 a document -- another entry in a document where the home
4 was invited to encourage or expected to encourage
5 participation by local clergy in the operation of the
6 home.

7 It says:

8 "Apart from breakfast meal times at weekends are
9 unchanged. Bedtimes at weekends are extended according
10 to the age group and normally this should not be later
11 than 1.00 am."

12 Now there are other documents there which I am not
13 going to go to, but if we go to 1052, please, this is
14 just an example of some of the type of problem that was
15 existing in the home in November 1989, which will be
16 a relevant date when we come to look at the issue of
17 peer abuse. It says:

18 "For the attention of all staff and children.

19 Recently it has come to my notice that a number of
20 young people have been misusing various solvents and
21 household aerosols in the grounds of Fort James. As you
22 all know, these are a serious health hazard to the
23 people who misuse them. They also constitute a serious
24 fire hazard for everybody living or working in the home.

25 For these reasons young people resident in the home

1 or in the flats are not allowed to purchase or bring
2 these substances into the home. There are plenty of
3 safe deodorants and hairsprays which can be used without
4 any risk and these are the only ones allowed into the
5 home. Anyone who does not adhere to this rule will have
6 the offending items confiscated and not replaced.
7 Similarly anyone who misuses toiletries money to
8 purchase them will in future have their toiletries
9 purchased by staff."

10 That's 9th November 1989.

11 Now two things arise from that: the kind of
12 behaviours that were occurring around that time, but
13 also it is clear from this that children were being
14 given their own money to purchase their own toiletries.
15 So they were being afforded a degree of independence in
16 that respect.

17 At 1054 this is a general document from the Western
18 Health & Social Services Board relating to the granting
19 of permission for absences of children in care. It
20 dates back to 1985. This will -- this is a document
21 that may well have arisen as a result of the incident
22 that we will look at later probably when I am looking at
23 the police material of the staff officer who was accused
24 of having a sexual relationship with a child who was
25 aged 15 or 16 in the home. One of the allegations

1 surrounding that was about him leaving to travel to --
2 out of the jurisdiction with that staff officer. So
3 I think this is -- this comes in 1985, which postdated
4 that investigation, and I think this is as a result of
5 that. It says:

6 "The following policy applies to all children in
7 care and to all absences of at least one night's
8 duration, whether within or outside Northern Ireland.

9 Authority for granting permission.

10 The basic principle is that the regular review of
11 every child in care should set the framework within
12 which future proposed absences (including holidays)
13 should be considered. In setting this framework,
14 account must be taken of any particular legal and
15 professional risk factors in the individual situation,
16 such as possible difficulties arising from the child
17 leaving the jurisdiction. Additionally this could
18 involve the seeking of the permission of the High Court,
19 for example, wardship cases. Once the framework has
20 been defined, the authority for granting permission for
21 future absences is dependent upon the length of the
22 absence in the following way."

23 So if a child is to be away from a night to three
24 nights, those absences needed to be approved by the
25 child's social worker; from four to fourteen nights they

1 had to be approved by the Senior Social Worker or Team
2 Leader; and over fourteen nights had to be approved by
3 the relevant Assistant Principal Social Worker.
4 Obviously an individual couldn't grant permission for
5 himself or herself to take a child on holiday.

6 Now this, as I've indicated, will become of
7 relevance when we look at the material relating to the
8 allegations against the staff member, because it would
9 appear from that material that the suggestion was that
10 people assumed that, because of his position within the
11 home, that any approval for the removal of the child
12 from the jurisdiction was given by himself to himself.

13 The guidelines for approving individual
14 absences/holidays are set out there, the kind of things
15 that would be taken into account:

16 Whose care would the child be in?

17 Who else was going?

18 Whether there was appropriate care and supervision.

19 Are the proposed accommodation arrangements
20 acceptable?

21 Any particular danger in the location?

22 Any new risk factors emerged since the framework was
23 set?

24 Certain situations were to be referred to the
25 Assistant Director of Social Services for the group.

1 There were exceptional circumstances which may arise,
2 and it wouldn't be possible for a case review to take
3 place before a particular holiday, but absences of any
4 length had to be referred to the Assistant Principal
5 Social Workers in Fieldwork, who had the authority to
6 grant permission.

7 That document is dated 16th April 1985.

8 If we look at 1057 through to 1065, this is the
9 daily routine for children at Fort James. Now the
10 guideline indicated some of this and I am not going to
11 go through this in detail, but you see this is slightly
12 more detailed than the guideline. If we can scroll on
13 down, please. Just there. Again it said -- the weekend
14 and bedtimes are set out.

15 "Teenagers are allowed to watch TV at weekends until
16 1 o'clock.

17 Visitors.

18 Parents and relatives are encouraged to visit as
19 frequently as possible except in cases where
20 restrictions have been imposed at a case review.

21 Normally friends are allowed to visit and have use of
22 the visitors' room from 7.00 to 9.00 pm, provided prior
23 permission has been sought from the Senior Houseparent
24 on duty. However, this facility has been suspended
25 following a series of recent serious incidents of

1 conflict between visitors and residents. At present
2 friends are not allowed to visit or use the visitors'
3 room."

4 There is talk of respect for people, to deal with
5 the issues of bullying.

6 "The practice of smoking is discouraged. However,
7 recognising that many young people are heavily addicted
8 and smoke with their parents' consent or acquiescence,
9 the practice is tolerated in the home within
10 limitations. It is not allowed in the kitchen at any
11 time or the dining room and generally should be confined
12 to the teenagers' TV room. Smoking upstairs is not
13 allowed."

14 School attendance; clothing; respect for property.

15 "Key workers should build up a good relationship
16 with the local schools, visit or check on pupils'
17 progress. Key workers should be aware if homework is
18 given or not."

19 They talk about how to prevent vandalism.

20 Then discos. The venues normally attended by the
21 children, transport to and from the discos. Then about
22 visitors, holidays and so on.

23 Now "Complaints" there at 1063 (sic):

24 "Complaints made by parents should be immediately
25 brought to the attention of the officer in charge or

1 deputy officer in charge for investigation. This
2 applies to generalised complaints, complaints against
3 members of staff or complaints against other children in
4 the home. These are recorded in a complaints book along
5 with an account of the investigation and action taken to
6 resolve them."

7 I am going to shortly look at some of the
8 complaints. At 1066 we see an example -- this is from
9 January 1988 -- of fire precautions:

10 "Everybody living and working within the home has
11 a responsibility for fire prevention."

12 There is details set out there about fire drills
13 being held at least every three months and staff and
14 children being familiar with the procedure, which is
15 outlined in that document, if we can just scroll on
16 down, please.

17 Sorry. Then if we go to 1081, this is -- as
18 I indicated, some of this is out of sequence, but you
19 see this is 29th July 1986 from Mr Tom Haverty, who was
20 the Assistant Director of Social Services. It was sent
21 to the Members of the Unit of Management Team, Members
22 of Social Services Management Group and officers in
23 charge of children's homes. In this case that was

24 **BR 7** who was in charge at that time in Fort James.

25 It says:

1 "Please find enclosed a copy of the Board's response
2 to the Committee of Inquiry (Hughes report).

3 I think it would be helpful to discuss this at one
4 of our meetings in the autumn."

5 If we can just scroll on down, you will see there
6 that -- it is quite difficult to make out, but he refers
7 to the letter of April 1986 seeking ...

8 "Comments prepared by the Board's officers which
9 will be presented to the Personal Social Services
10 Committee in September. Implementation of the Hughes
11 Inquiry will have major financial and training
12 implications for the Board."

13 That I think was sent to the Department of Health &
14 Social Services by I believe, if we can just
15 scroll on down. No. Sorry. Yes. Signed for
16 Mr Frawley, who was the General Manager at the time of
17 the Board.

18 In due course I will look a little bit more about
19 the Hughes Inquiry and some of the implications that the
20 recommendations of that Inquiry had for the homes and
21 particularly for the financial planning implications.

22 At 1091 through to 10... -- sorry -- 1091 to 1150 we
23 see various complaints book. I am not quite sure what
24 date they are from, but they certainly go up to 1990.
25 They show children recording complaints and what action

1 was taken by staff as well as staff recording incidents
2 which they witness.

3 If we just look at one at 1105, please, by way of
4 example, this is of 27th August 1987. It is an incident
5 report. It names a child there and it says:

6 "Approximately at 6.00 pm ..."

7 I should -- sorry -- just as you did earlier,
8 Chairman, remind people that although these documents
9 are clearly showing children's names, those names are
10 not to be repeated outside of the Inquiry chamber. It
11 says:

12 "At approximately 6.00 pm on the evening of 24th
13 August 1987 was involved in an accident where he
14 took bike and would not get off it at her
15 request. She complained to staff about this and he got
16 off when challenged. He became very abusive towards
17 , who had got on the bike. He proceeded to lean
18 against her, preventing her from moving. At this stage
19 the bike moved and the pedals clipped him on the ankle.
20 He in turn kicked on the buttocks quite
21 severely. She jumped off the bike and ran into the
22 house in a very distressed state. I followed her into
23 the house and calmed her down.

24 After speaking to her, I asked to come into the
25 office. I told him it was unacceptable to kick an

1 11-year-old girl, regardless of his reasons for doing
2 so. He appeared quite dismissive, feeling he was
3 justified in kicking her. I again reinforced the
4 unacceptability of his actions and informed him that it
5 could be to his detriment if he continued to abuse
6 younger children.

7 Later on in the evening at around 8.00 pm I was
8 walking with seven of the children along the banks of
9 the River Faughan. and another boy waded into the
10 water while the younger children threw stones into the
11 river. began threatening another boy and then
12 threw a stone at him, which bounced off the fence,
13 hitting him on the lower lip. This boy became quite
14 hysterical and ran off into the fields. I followed him
15 and calmed him down.

16 On route back to Fort James Liam caught up with us.
17 He alleged that the other child had busted his own lip
18 and had been throwing stones at him. The other boys in
19 the child's company disproved this. tried to
20 justify himself again in a forceful and aggressive
21 manner. I again reiterated what I had said previously
22 and told him I would discuss with him at home."

23 Then there are statements taken from the child
24 and from the boy by a police officer and a case
25 conference was held on 27th August. It was decided that

1 both boys would be removed to St. Patrick's Training
2 School on a Place of Safety Order.

3 Then if we look at 1145, this is another example of
4 entries in the complaints book, and it has to
5 actually -- I am afraid we will have to go backwards to
6 see the entire statement. This is on 24th July 1991.

7 "I spoke to about the attached complaints
8 which he had made against a boy The complaints
9 related to:

10 Playing with his hair.

11 Asking him if he was queer.

12 Following him around the unit.

13 Entering his room without invitation.

14 stated that he had initially brought these
15 complaints to staff on duty at the time and that the
16 qualified residential social worker had addressed the
17 areas of complaint with . Since then
18 stated that he had no further difficulties with
19 but felt that reason for following him around,
20 etc, was because he was fairly new in the unit
21 and that wanted him to be his friend.
22 stated he now enjoyed playing football and badminton
23 with and had not encountered any further
24 problems.

25 I followed his complaint up by discussing the matter

1 with . didn't deny any of the complaints
2 but reasoned that some of his behaviours towards
3 were attempts on his part to annoy him. I was not fully
4 in acceptance of his reasons and went on to pursue with
5 him the appropriateness of touching in this way
6 and other issues around being queer, etc. I reminded
7 of home rules in respect" -- sorry -- "in
8 relation to respecting each other's privacy and not
9 entering other children's bedrooms. gave me
10 a commitment that there would be no further incident of
11 such complaints.

12 Further to this, in light of concern for
13 own ability to manage behaviours regarding sexual
14 matters, I addressed the matter with his key worker in
15 the unit. The latter, in keeping with his review
16 recommendation, is pursuing a programme of work and
17 sexuality and issues of this nature with the clinical
18 psychologist with a view to helping address this
19 aspect of development.

20 was informed by me of current complaints
21 procedure and advised of procedures in the event that he
22 wanted to address any of the -- address any areas of
23 concern that he might have."

24 The dates of birth of the children are given there.

25 Now I think we need to actually go backwards to

1 14... -- 1144. Yes. This is another complaint then.

2 It says:

3 "On Sunday I was in the TV room. The others asked
4 me to close the shutters. I went over to close them and
5 lifted me up between the legs. I went out of the
6 room because I was wrecked. After a while I came back
7 in and watched the end of the video. got up to
8 leave and he went behind my settee and started to touch
9 my breasts and I told him to pack it in. He then pulled
10 up my chin. told to 'Leave her alone'
11 and told to 'Fuck up'. Then came in
12 and left the room. I went -- I went out -- I went
13 out of the room."

14 CHAIRMAN: "... out then for ..."

15 MS SMITH: Sorry. I have lost my place. I beg your pardon.

16 CHAIRMAN: "I went out then for ..."

17 MS SMITH: Yes.

18 "I went out then for to tell her",
19 and it is signed by the child and dated
20 21st May 1991.

21 If we go then to 1143:

22 "The incidents that I have been accused of by a few
23 people are not true. You will notice that it is her
24 friends that are going along with story.

25 Umpteen times during horseplay I have been hit in the

1 groin, but I have never made a complaint, but I think
2 now is the appropriate time to do so. The girls in this
3 house think that it is okay for them to hit the boys in
4 private places. During the incident in the living room
5 I never once touched [redacted] in her personal parts
6 (knowingly)."

7 That's signed by the child

8 Then if we scroll back up to 1142, this is:

9 "Also on Sunday after teatime I went to the sitting
10 room. Only [redacted] and [redacted] were in. I sat down on
11 the pink sofa. [redacted] came in behind me and he said, 'Do
12 you want to see my dick?' I told him not to be so
13 dirty. I looked around and he had the bottoms of his
14 trousers open. I turned round quickly and told him to
15 'Fuck off'. He then put his finger on my head. He must
16 have been letting on that it was his private. I got up
17 out of the chair and walked out. He has not touched me
18 since.

19 Signed ...",

20 [redacted] and that's another child who signed that on
21 22nd May.

22 Then if we scroll up to the preceding page. Sorry.
23 This is -- I should have started at this. It is:

24 "On Sunday afternoon we were all sitting ... a video
25 on the pink sofa. There was [redacted] y, and

1 I was just sitting down. A little while after
2 just before the video went on kept touching my
3 chest. I told him to stop it, but he wouldn't listen.
4 He kept on doing it until I told him to 'Fuck off'.
5 Then he stopped. I then asked to get up and close
6 the shutters. got up to do so. When she was
7 closing the shutters, got up from his seat and
8 lifted up by between her legs. told to
9 'Fuck off' and walked out -- over and sat down again.

10 During this he stood behind the sofa and started to
11 feel breasts."

12 This child is corroborating what had
13 complained about.

14 Then if we scroll up to the preceding page, we see
15 how -- I think the page before that, 1139 -- we see how
16 staff dealt with the matter. It says:

17 "Attached are two complaints received from two
18 residents, and ... -- re
19 , who allegedly behaved in a sexually inappropriate
20 way towards these two residents. Additionally there is
21 a written statement from clarifying from his point
22 of view the incident.

23 I spoke to both and on 20th May
24 regarding their complaints. Both residents confirmed
25 verbally their written accounts of the incident.

1 was particularly upset by the incident. This was
2 understandable in view of the fact that she was
3 currently involved in disclosure work about earlier
4 sexual abuse experiences.

5 was spoken to by myself regarding the incident
6 and his statement. He was not forthcoming in accepting
7 his alleged behaviour and hence was not accepting any
8 responsibility for his actions. was informed that
9 in spite of his resistance/inability to take this on
10 board there were a number of other children who,
11 although were not involved in the incident, witnessed
12 the incident and, in fact, corroborated what Wendy and
13 had stated. was informed of the serious
14 nature of such behaviour and that those allegations
15 would be addressed further with him at his formal review
16 on 24th May.

17 Following review on 24th May where the
18 allegations were again addressed with him, was
19 informed of:

20 1. The serious nature of the allegations which
21 verged on sexual assault.

22 2. That the young people's respective social
23 workers would be informed of the nature -- of the same
24 by ..." -- this is the residential worker -- "... with
25 a view to referring the allegations to the CARE Unit."

1 That would have been the Child Abuse and Rape
2 Enquiry Unit of the RUC.

3 "Further to this I met with , the social worker
4 -- two social workers on 30th May to fully inform them
5 of the situation. Respective social workers agreed to
6 pursue the matter further with a view to meeting the
7 young people concerned. Residential staff on the basis
8 of this decision would then be made aware", I think that
9 should be, "as to whether the information should be
10 passed on to the CARE Unit.

11 In respect of the matter was referred to the
12 CARE Unit where made a statement to the police.

13 In respect of she refused to pursue the
14 incident any further and the CARE Unit were informed of
15 this.

16 A number of other residents made statements with
17 regard to the same.

18 Further to this was formally spoken to by
19 myself, social worker and ..." -- that's a social
20 worker -- the next name is a social worker in the home
21 -- "re pressurising in relation to pursuing the
22 allegation. was clearly reminded of his overall
23 position within the unit and advised about the
24 inappropriateness of such behaviours.

25 Again on July 22nd a formal review was convened on

1 in respect of further threats and intimidation on
2 s part towards In view of his recent
3 behaviour, the impact that this was having on and
4 the poor progress that was managing to date within
5 the unit, it was agreed that should move out of
6 Fort James pending allocation of Housing Executive
7 accommodation. Board and lodgings accommodation would
8 be pursued on his behalf with continued support from
9 residential and fieldwork staff. There was a general
10 ..."

11 CHAIRMAN: "... concern ..."

12 MS SMITH: "... concern that such behaviour on part",
13 something, "as too great -- presented as too great
14 a risk to other children in the unit who were victims of
15 sexual abuse themselves. Given inability to
16 alter his behaviour in the face of this or to tune in
17 more sensitively to the need of these young people, it
18 was agreed that the -- that -- in own
19 interests he should be moved out of your ..."

20 I'm not quite sure what the last word is.

21 "Update. has been interviewed by the CARE Unit
22 re the allegations. He denied the allegations. At
23 present the CARE Unit are still pursuing the matter."

24 The dates of birth of the children are all given
25 there.

1 So I have opened that in full to give an example of
2 again some of the challenging behaviours that care staff
3 were faced with, but also how they were dealt with
4 within the home when children did complain to them. You
5 can see from this incident that certainly in 1991 staff
6 were prepared to elevate it to reporting the matter to
7 police where the child wished that done -- in fact, not
8 even where the child wished it done, but whether the
9 child did or not. One child wished to pursue it with
10 the police and the other did not.

11 If we look at 1151, this is an example of night duty
12 log book entry. This is the night duty log book.
13 That's from January 1993 to June 1993. If we can just
14 scroll down through that, please, for a moment. It says
15 on the first page what the night duty log book should
16 contain, which is:

17 "A record of the number of children present in the
18 unit when the night duty staff take over from day staff
19 at 12 midnight during the week or at 1.30 at weekends.
20 If any young people are missing from the unit at this
21 time, it should be noted in the log book also. If
22 missing children return to the unit during the night or
23 are brought back by the RUC, waking night staff should
24 notify sleeping duty staff. Waking night staff should
25 not undertake to deal with this themselves. Similarly

1 waking night staff should notify and seek the additional
2 support of sleeping duty staff in any situations where
3 young people are particularly restless or causing
4 disturbance or disruption. This is to ensure the
5 protection of all staff and young people.

6 Before going off duty night staff should complete
7 a night duty report, which should comment generally on
8 how settled or otherwise young people have been during
9 the night and (2) specifically on any significant
10 events. Waking night staff should sign the log book and
11 this should be countersigned by senior staff on duty.

12 Waking night staff should note ..."

13 I am just going to pause here before going on. You
14 will hear as I go through other documentation that
15 waking night staff were introduced to the home as
16 a result of the events of 1989/1991. They were then
17 removed and there was some suggestion that they be
18 reintroduced at a later date. It would appear that that
19 certainly appears to have taken place in 1993 because of
20 this log book:

21 "Regular checks at 15 minute intervals should be
22 carried out on all young people.

23 Waking night duty staff should not sleep.

24 Waking night duty staff should not attempt to deal
25 alone with any situation of which they are unsure or

1 which may leave them exposed or vulnerable.

2 Young people are not permitted to be sitting up with
3 waking night staff at any time during the night."

4 Then just using the first example:

5 "At 1.30 am numbers present were 11. One reported
6 missing. One was at the toilet at 2.30 am. One is
7 brought home at 4.00 am by a woman in a white car."

8 I think must have been a member of staff:

9 "... was woke" -- he might have been a sleeping in
10 staff member -- "and then went to the hospital at 4.25
11 am with and got back from
12 hospital at 5.05 am. was okay."

13 So those -- if we can just scroll on down, there are
14 many examples in that book of the kind of entries that
15 are reported there. You will see that there is one
16 child was missing.

17 Again night report 16th January:

18 "Number of children in main home at handover.
19 Children missing: none. General comments: one child is
20 very unsettled (see management book). One child woke at
21 3.40. Still awake at 4.55 pm. Tonight was a very good
22 learning experience for me."

23 That is signed and countersigned.

24 Now I am not going to go through those, but those
25 continue on. That 1993 book is there.

1 If we look at 1167, now this -- it is not very clear
2 from that, but if you can just about make out that it
3 says "Daybook 31st July 1989 until February 1990". Now
4 there is a large bundle of daybooks in the bundle of
5 material. They go from 1167 through to 4617 and they
6 cover the period 1989 right through to 1995. They show
7 there is an entry in respect of each child or general
8 observations or morning observations. You will see as
9 you go through them there are different styles of
10 recording.

11 If we can just scroll on down, please, and maybe
12 just pick a page at random, which I will read. For
13 example just this. On Monday, 31st July 1989 it records
14 who was in the home and where they were. For example,
15 one child was recorded as being -- this is July.
16 Unsurprisingly most of them are actually on holiday in
17 various places.

18 "One is in Falcarragh in County Donegal. One is in
19 America. One returned from her weekend visit at home
20 and her -- while out somebody got his hair cut. Someone
21 stayed indoors because of the bad weather. Was well
22 behaved throughout the day. Another child is at a bit
23 of a loose end without the company of her friends.
24 Stayed in the unit all day doing little except chores"
25 -- sorry -- "extra chores to pass the day."

1 Then there are other children. The two friends are
2 on holiday. That's why she is missing them. That's
3 signed by a member of staff.

4 If you can just scroll on down quickly through
5 these. I'm not going to open them, but you will see
6 that these daybooks are being kept with a note about
7 what each child is doing. You will see that this
8 daybook -- these entries are being kept by one
9 particular staff member. That's the manner in which he
10 recorded. There does not seem to have been a complete
11 consistency of approach. I can't -- I should actually
12 have and I will later get an example from the bundle and
13 refer to someone else's style, but as you go through
14 those pages, you can see that there are different styles
15 of reporting and recording events according to which
16 member of staff is involved in the recording.

17 If I can move on then to 4618, now this is
18 a document of 4th July 1980 and it is the circular from
19 the Western Health & Social Services Board which is
20 dealing with the notification of untoward events or
21 unusual occurrences to Board headquarters:

22 "This circular defines the procedure to be adopted
23 when an incident occurs. It covers the following
24 categories:

25 Untoward events relating to the mentally handicapped

1 and mentally ill in the care of the Board.

2 Untoward events and unusual occurrences in Board
3 facilities in respect of officers or Board business."

4 We can scroll down through that. You will see the
5 procedure is set out there for how matters should be
6 reported and to whom they should be reported, and you
7 will see that death or serious injury ought to be
8 reported in a detailed incident report. Absconding
9 patients -- that's in relation to mental health patients
10 -- and accidents.

11 Then section 2 deals with the untoward events and
12 unusual occurrences in Board facilities in respect of
13 officers and Board business. It covers a wide range of
14 incidents, which include the following headings.

15 1 is civil disturbances, which would have been
16 particularly relevant at this time period in the life of
17 Northern Ireland.

18 "Injury to staff/patients/visitors.

19 Damage to Board property.

20 Damage to staff property.

21 Criminal acts.

22 Accidents.

23 Any incident which may create concern for the
24 health, safety or welfare of patients, residents, staff
25 or the general public."

1 There is a procedure for reporting minor incidents.

2 There are various submitted standard forms for that.

3 "Major incidents, which would be considered to
4 involve:

5 "Death or serious injury.

6 Significant damage to property.

7 A depletion in the running of the service.

8 The police or security forces.

9 Publicity.

10 The Chief Administrative Officer is to be notified,
11 who would alert the relevant senior officer."

12 Initial information is to include the things set out
13 at (a) to (i) there.

14 "The verbal report shall be followed by a written
15 report to the Chief Administrative Officer for the
16 information of the Area Executive Team, the Board and,
17 if applicable, the Department of Health & Social
18 Services and Central Services Agency."

19 That circular, obviously there was an earlier one in
20 1976.

21 So that was the procedure for reporting untoward
22 incidents as it stood in 1980.

23 If we look at 4622, this is just the notification of
24 accidents to children and the pro forma that was to be
25 used in respect of that. You will see here that there's

1 a surname of a child who is given there and her date of
2 birth. She was resident at the time of the incident at
3 Fort James Children's Home. It says that:

4 "On Monday, 8th August at 10.35 pm in the teenagers'
5 TV room at Fort James she received a severe bruising
6 and swelling to the nose, causing it to bleed. The
7 cause of that injury was a 14-year-old male resident
8 hitting her on the nose."

9 The names of the witnesses, who were other residents
10 in Fort James, are recorded.

11 "She was taken to the Altnagelvin Casualty
12 Department. She was not detained in hospital but was
13 recalled later for surgery. It would appear that
14 annoyed the other male resident by a remark she made to
15 him and he was in a tired mood anyway and he hit her."

16 That was on 8th August 1988.

17 There is records of non-accidental injuries and
18 verbal abuse to staff. If we look at 4633, please, you
19 will see that this is a record of non-accidental injury
20 to staff and verbal abuse to staff by a particular
21 child. There seems to be a date of 3rd March '88 and
22 then 19th August '90. It says:

23 returned to the unit at 9.30 pm. While in
24 the hallway horseplaying with another boy a member of
25 staff asked him to stop. He then made sexual gestures

1 to the staff member with his middle finger and said
2 'Fuck you'. He then said, 'Open the laundry or else
3 I'll smash somebody's fucking face in'. Staff felt at
4 this point should have to be physically removed
5 from the unit, but this could not be carried out because
6 of lack of manpower. This could not be done.
7 then proceeded to go to the dining room, kicked over the
8 bin, knocked over two tables and five chairs. He then
9 on his way out of the unit called -- I think
10 that's "lone".

11 " returned to the unit shortly after this and
12 went into the TV room" -- that's the teenagers' TV room
13 -- "and point blank refused to move. He proceeded to
14 smash a lamp by kicking it over. Again he was verbally
15 abusive to staff and called 'a fucking lone'.
16 was then refused his 11 o'clock cuppa. Because
17 refused to leave the unit, he disrupted all
18 teenagers' evening, because they couldn't get watching
19 their video. All teenagers went to bed and was
20 left alone in the sitting room. At 11 o'clock he left
21 the unit and went to his own flat. While and
22 ", the staff members, "were checking the flats
23 proceeded to make a V sign out of the window with his
24 two fingers."

25 Then there is entry of another child telling --

1 being abusive towards another child and being later
2 abusive to staff members.

3 If we look at -- just there on that, 4634, you will
4 see:

5 "She dug her nails into a staff member's arm, having
6 kicked the houseparent on the left leg when requested to
7 take her medication, causing bruising. No treatment
8 necessary."

9 If we look then at 6... -- sorry -- 4622. I think
10 we have looked at that. I beg your pardon. 4643.
11 Between 4643 and 4747 we have clothing records, which
12 indicate between -- this year is 1992, and certainly
13 around this time these records show what was bought for
14 whom and when. There was clothing bought for Christmas.
15 It seems to be that each child had an amount of credit,
16 a clothing allowance.

17 We see that there were five weeks in 1982 when this
18 child -- '92 -- sorry -- when this child was in the
19 home. The clothing allowance was £7.85 per week. That
20 amounted to credit of £39.25. Clothing for Christmas
21 then seemed to cost £50.00. So there seems to have been
22 a debit in respect of that particular child.

23 If we just scroll on down through some of these,
24 please. That's the form, pro forma, that was obviously
25 used. There is another child. You will see there in

1 March 1991 a travel bag, tracksuit, socks, underwear and
2 sleeping bag were purchased and then jeans in May, shoes
3 in July, a jacket and top in July, jeans, jacket and
4 jumper in October, and you will see each item is
5 being -- money is being spent on. There was PE gear
6 obviously for school in November '91; a handbag in
7 February 1992; a dressing gown, nightie, slippers,
8 school jumper, school shoes, tee-shirt in March '93.
9 The total for that was £100.

10 Those were the kind of records that were being kept
11 in respect of the children who were resident in the home
12 at that time.

13 If we look then -- just in respect of this purchase
14 of clothing if we look at 4696, this is a memorandum of
15 30th July 1981 from the Departmental Finance Officer to
16 the Director, Social Services, Mr Haverty, about the
17 purchase of clothing for children in care, and it says:

18 "As discussed, I enclose a copy of the procedure
19 which it is proposed to implement to meet the
20 requirements of Harberton and Fort James.

21 In this connection requests for funds should be made
22 to the Invoice Department or the Finance Department.

23 I feel that this arrangement should work
24 satisfactorily, but if there are any problems, please
25 don't hesitate to let me know.

1 As I know you understand, approval to this new
2 procedure is given on the understanding that expenditure
3 levels on clothing will in no way be affected."

4 It is clear that the Board are trying to have some
5 means of releasing funds perhaps more expeditiously than
6 might otherwise have been in order to enable the
7 purchase of children's clothing.

8 There is a large bundle of material also in the
9 bundle from 4748 through to 4851 and these are the
10 weekly menus for the -- for Fort James. You will see
11 here by way of example the breakfast, dinner, dessert
12 and tea and supper are all -- sorry -- I think lunch is
13 the last column -- are set out there in detail. Each
14 day breakfast comprises cereal, eggs, tea and toast.
15 Dinner can be a variety of things and there is always
16 a dessert with dinner, and then lunch is also recorded
17 there. Presumably -- you will see there there is
18 an asterisk:

19 "Cook freeze product.

20 Frozen product to be used."

21 We can just scroll down through the -- there is
22 a vast number of these menus, which -- just keep on
23 scrolling, please. You don't need to stop at them. If
24 you just stop there on 29th November 1984 about
25 vegetarians:

1 "To cater for some of the young people who do not
2 eat meat ..."

3 It gives a child's name:

4 "... please try and have some alternative dish
5 available. The following are some of the things which
6 he does like."

7 That's being sent out by the officer in charge of
8 the home to the kitchen staff.

9 If we can scroll on down, you will see then that the
10 menus then take the form of in October 1984 "Menu
11 commencing week 1". Just I pause there to note that the
12 officer in charge has signed the menu and it is also
13 countersigned on two dates, February '85 and April '85
14 by the Assistant Principal Social Worker at that time.
15 That would have been him in the course of his visits to
16 the home. As I have indicated, we will see many of his
17 reports about what he looked at in the home, but you
18 will see that he is signing those memory -- sorry --
19 menu cards.

20 If we can just scroll on down, again signatures are
21 at the bottom, and this is a different format obviously
22 and is typewritten with "Sunday", "Monday" across the
23 top of the page rather than down the side, as it
24 originally was. I don't propose to go through these in
25 any detail other than to say there is clear menu

1 planning in the homes and records were being kept.

2 If we just look there, there is week 2, which is
3 a handwritten one, at 4755. That's signed by -- it is
4 described as "matron", but I think she was the deputy
5 officer in charge at that stage in the home. May not
6 have been. I think she was, but I am not quite clear.
7 But that's in 1982. So clearly that's a much earlier
8 type of menu.

9 As I say, they're -- you can -- the Panel can look
10 at those if they wish, but those are just a few examples
11 of what's contained in that section of the bundle.

12 There is a curious document that came in the bundle
13 which I think may have absolutely no relevance to the
14 work of the Inquiry, but just at 4813 this is Western
15 Health & Social Services Board in contract with Gardner
16 Merchant. It's a staff dining room price list
17 introduced in February 1991. I don't believe this is
18 anything to do with suggesting there is a staff dining
19 room in either of these two homes. I think this is just
20 a general Board document from -- more likely to do with
21 hospitals than, in fact, any residential home, but that
22 continues through to 4826.

23 What I will ask you to look at now is 4852. Now
24 this is the register of admissions and discharges for
25 Fort James. It goes through to 5067 and it records the

1 admissions and discharges from 1980 to 1995. If we can
2 scroll down there, please, to the next page, you will
3 see "Notes for use":

4 "Entries should normally be made by the officer in
5 charge or his/her deputy.

6 Short-term absences from the unit should not be
7 recorded as discharges, nor should transfers to training
8 schools on a Place of Safety Order until a Training
9 School Order is obtained, if appropriate.

10 Legal status refers to either section 103, Fit
11 Person Order" -- I think that -- "PRO section 99 or
12 wardship.

13 Reason for admission should record the
14 classification code."

15 Now the classification code is this next document
16 here. This is the reason for admission. You will see
17 when we come to look at it that these codes are used
18 in -- by the field social worker who refers the child to
19 the residential unit.

20 "A. The reason for admission is the child is beyond
21 the control of its parent or guardian.

22 B. Neglect.

23 C. Suspected/actual physical abuse.

24 D. Suspected/actual sexual abuse.

25 E. Parents incapable due to alcohol/drug abuse.

- 1 F. Hospitalisation of parent.
- 2 G. Respite scare" -- sorry -- "care.
- 3 H. Transfer from another residential unit.
- 4 I. Transfer from fostering placement.
- 5 J. Other."

6 If J is being used, then a reason for the admission
7 needs to be given.

8 Now I am just going to look at a couple of examples
9 of the register entries and that's at 4855, which is
10 just the next page. You will see here that the name and
11 address of the child is given, the child's date of
12 birth, the child's religion, the date of admission, the
13 legal status. Just in respect of the first one that was
14 a Fit Person Order, and the reason for admission here
15 was H, which you will recall was transfer -- just scroll
16 back up just to make sure I have got this right -- yes,
17 H is the transfer from another residential unit. If you
18 could scroll back down, please, that residential unit in
19 the case of this child was Nazareth House.

20 You will see there that at 180, child reference
21 number 180 there:

22 "Was put in overnight accommodation pending return
23 to Training School tomorrow."

24 The next page is actually -- this is quite clearly
25 a large ledger and this is what would be the

1 continuation of that large ledger, so that presumably it
2 would have been in a landscape type situation. So the
3 length of stay for the first child whom I made reference
4 to was nine months. Her date of discharge is recorded
5 there. The last entry on that page, the child was taken
6 to St. Joseph's Training School as agreed and she was in
7 Fort James for one day.

8 There are many -- as I said, the registers continue
9 through to page 5067, but if we look at 4979, we will be
10 looking here at how the records were kept in 1980. This
11 is an example of the register in 1980. Those earlier
12 examples I was giving were of a later date, but this is
13 1980.

14 If we can just scroll on down, please, you see that
15 this -- the child's name, date of birth, religion and
16 discharge to and comment are recorded on this page. So
17 the coding is not being used at this point in time.
18 I think if we can scroll on down, we might see --
19 I think this is just the discharge book. I am not sure
20 if there was -- just scroll on down through it, please.
21 Yes. This is actually just a discharge book. You
22 recall when we were looking at the voluntary homes that
23 the Congregation of the Sisters of Nazareth, for
24 example, kept a separate admissions book and discharge
25 books. That seems to have been what was happening in

1 1982 in respect of Fort James, but the later records
2 that we looked at were more formalised and had all
3 admissions and discharges on the one register. So it is
4 an example of how record-keeping changed in the course
5 of the operation of the home, a bit more standardised
6 procedure by the late '80s.

7 Now at 5068 this is an example of individual card
8 details in respect of children that were also kept in
9 the home. You will see the name of the child here is
10 given. He is there on a Fit Person Order. Special
11 person. Date of birth. Date of admission: 1993.
12 Parents' address is given. Foster parents' address.
13 Family GP and school attended.

14 There are a number of these individual child detail
15 cards. You will see it continues "Other relevant
16 information regarding the child", which contains other
17 relatives' telephone numbers and details and addresses.

18 Scroll on down, please. This is a different child.
19 Again there are doctor -- the doctor's details, parents'
20 details, school details, including the form teacher's
21 name is recorded on this card. Then if we can scroll on
22 down, "Other contact details", a grandmother and
23 a friend of the family presumably.

24 Scroll on down, please. There is another detail
25 which records details about this particular child and

1 details in relation to family visits. It says:

2 "Mum and siblings visit on a regular basis once
3 every three weeks at Fort James. These are pre-arranged
4 by the key worker and social worker and supervised by
5 them (minimal supervision). The visit takes three
6 stages (see file).

7 Dad is also invited to these visits but seldom
8 avails of them and tends to come at his own times on a
9 more irregular basis."

10 Then there is details of outings and visitors.

11 "Friend may visit here any day after school provided
12 this is pre-arranged" -- sorry -- "may visit her at Fort
13 James provided this is pre-arranged. Fort James to
14 transport."

15 Then this particular child about whom this card is
16 she is allowed to go to visit Harberton House but no
17 more than once per fortnight. She is also allowed to
18 have an outing with a social worker whose name may be
19 familiar to you from Module 1 and she is allowed to go
20 out with that social worker once per month. That is
21 someone who previously was employed in Termonbacca and
22 then moved after her qualifications to work as
23 a qualified social worker in Fort James.

24 "She is not allowed to ..."

25 I think that might be -- "Currynevin" it looks like,

1 but:

2 "... unless accompanied" --

3 CHAIRMAN: "Currynierin".

4 MS SMITH: "... Currynierin unless accompanied by a staff
5 member."

6 So clearly the details -- and this is again this
7 same child's card. We can scroll on down through this.

8 "Visits home at the moment. She avails of once
9 weekly visit home to spend time alone with her mum.
10 Visit takes place each week alternately on
11 Saturday/Sunday according to diary."

12 Then they had been resumed --

13 "Resumed as joint visits on a Saturday with her
14 sister", I think that was.

15 You see that the sister's card is then the next card
16 in this bundle.

17 So clearly there is documentation there which is
18 available to staff, and there will be evidence before
19 the Inquiry as to just what records were available to
20 staff, which if they need to know whether a child is
21 allowed to do something or not, they can simply go to
22 these individual cards and see what is recorded there
23 about what is or is not allowable.

24 Those individual card details go through to 1... --
25 sorry -- 5104 in the bundle.

1 Then at 5105 these are a daily record of resident
2 days or records of occupancy. You will see this is in
3 February 1991. On each day of the month is recorded the
4 number of beds occupied in the unit. You will see that
5 there was one person discharged on 8th February. So
6 therefore on 9th February there are only 18 beds
7 occupied. If we can scroll on down through that,
8 please. Total -- again somebody else is discharged on
9 19th February. So on 20th February there are only 17,
10 and the total discharges for the month of February are
11 2. You can see there is a weekly list of residents
12 also. The names of the children are given there at the
13 side, their date of admission, date of birth, their
14 legal status and their placement and where they are
15 placed.

16 These would have been records that would have been
17 kept for the benefit of the Boards, in order for them to
18 compile statistics -- or to compile statistics, I should
19 say, for planning purposes apart from anything else.
20 Those records above you can see run through to page 5234
21 and they go up from 1991 to 1993.

22 CHAIRMAN: If we just take that page as an example,
23 Ms Smith, you see, for example, "Section 103" and then
24 "FPO", Fit Person Order, then "Wardship". All of these
25 children it would seem on this page at least are there

1 under some form of court-approved position.

2 MS SMITH: Yes. That is the position, but by this stage
3 obviously the children who would have been in
4 residential care probably were in the care of the Board
5 --

6 CHAIRMAN: Yes.

7 MS SMITH: -- and whether they had originally -- I can't say
8 in respect of any of these names whether -- you saw that
9 there were some children who transferred from Nazareth
10 House. Whether they had already been in the care of the
11 Board before that transfer or not I can't assist the
12 court with -- sorry -- the Inquiry with, but yes,
13 certainly the children who were resident in Fort James
14 and Harberton were there either on foot of court orders.

15 You will see -- you recall when I was looking at one
16 of the earlier documents there was a suggestion that
17 while they might be taken into care on an emergency
18 basis, then a training -- or the transfer I should say
19 to a Training School Order, then a Training School Order
20 would be sought before they were actually recorded as
21 discharged from the home.

22 The next document, Chairman, is the Health & Social
23 Care Board -- sorry -- Western Health & Social Services
24 Board's submission to the Hughes Inquiry. That amounts
25 to some 300 pages, but it might bear some going through

1 in a little time. So I am just wondering is now an
2 appropriate time to take a break before commencing with
3 that.

4 CHAIRMAN: Yes. We will sit again at 1.45.

5 (12.45 pm)

6 (Lunch break)

7 (1.45 pm)

8 MS SMITH: Good afternoon, Chairman, Panel Members, ladies
9 and gentlemen. Just before we broke for lunch
10 I mentioned that the Western Health & Social Services
11 Board's submission to the Hughes Inquiry can be found in
12 the bundle at 5310. There is another copy of it also at
13 16607.

14 Now if we can just scroll on down through this.
15 I am not going to go through this obviously. It is
16 300 pages long, but this was the submission to the
17 Inquiry.

18 If I could just deal with the contents page there,
19 you will see that it sets out:

20 "The authority for the provision of residential care
21 for children and young persons.

22 Responsibility for the provision.

23 Regulations regarding the operation of children's
24 homes.

25 The original scale of provision for residential

1 care.

2 Developments in residential care.

3 The present service.

4 General policies and procedures.

5 General considerations.

6 Monitoring, complaints and procedure for recording
7 untoward incidents.

8 Recruitment and training of residential care staff.

9 The list of officials and members with
10 responsibility for residential care for children and
11 young persons.

12 The index of files and papers relating to
13 residential care for children and young persons."

14 Then there is a list here of the appendices to the
15 submission. You will see that there is quite a large
16 list, including:

17 "Information for staff for Harberton House.

18 The supervisory staff of residential accommodation
19 children's homes circular in 1979.

20 The monitoring of residential childcare services.

21 The complaints procedure for children and their
22 parents.

23 The notification of untoward events", that I looked
24 at earlier.

25 "Selection and appointment procedures for staff in

1 the Health & Social Services Board."

2 Now I pause there to say that that will, of course,
3 be relevant when we come again to look at the issue of
4 the staff member who was alleged to have abused a child.

5 "The recruitment of staff.

6 The DHSS circular.

7 A sample of in-service training involving
8 residential care staff.

9 Examples of external short courses attended by
10 residential care staff.

11 The composition and functions of the Personal Social
12 Services Committee."

13 Then the submission starts there on page 5314. Now
14 the submission runs to over 300 pages, including
15 appendices. So I don't propose to go through it in any
16 detail. It is at those pages in the bundle. It may be
17 that when it comes to dealing with witnesses and their
18 evidence that I might refer to certain parts of it at
19 that time.

20 Just going through the index to the bundle again,
21 there was guidance -- there was a departmental material
22 on the need to give Boards guidance on the reporting of
23 untoward incidents, because it would appear that very
24 minor incidents were being reported to the Department
25 and they didn't appreciate that. That's at 5681 to

1 5685. Then the "Definition and procedure re untoward
2 incidents" was devised as a result of that at 8... --
3 5846.

4 Now again I am racing through some of the contents
5 of the bundle just to make you familiar with what
6 material we do have, but I will not be opening all of
7 them.

8 There are Fort James staff lists to be found at 6163
9 to 6166 and those record the qualifications of staff.

10 At 6167 to 6171 we have a list of residents who were
11 present in the home on 30th January 1986.

12 From 6172 to 6496 there are minutes of meetings.
13 Now the bulk of these are staff meetings and rough notes
14 in preparation for staff meetings. I don't propose
15 again to open those, but they are there to be seen in
16 the bundle. There is also more staff meetings at Fort
17 James on pages 17394 to 17499.

18 There is -- yes, there is some -- there is evidence
19 -- material relevant to a multi-disciplinary meeting
20 that was held in 1991 in the bundle at 6505 to 6529, and
21 at 6530 we see the increase in places at Fort James from
22 16 to 21 on 25th February 1985.

23 I am going to turn now to look at some of the
24 material that is in the bundle in respect of inspections
25 of Fort James. Now inspections took place not just by

1 the Department in the sense of the annual or less
2 regular inspection reports that were carried out into
3 homes in Northern Ireland, but there were also
4 inspections of the homes by the Board themselves.

5 Now if we can look, first of all, at 5242, now this
6 is a document that is essentially a checklist for the
7 inspection of the home. This was referred to in Module
8 1 by witnesses but wasn't then available. I am
9 wondering is this the document that was referred to. It
10 is a standardised document which sets out effectively
11 a checklist for what inspectors should be checking in
12 the homes. That goes through to 5262.

13 At 56... -- 5263 to 5272 there are miscellaneous
14 documents about inspections between 1982 and 1984. If
15 we can just maybe go to that first page, please. That's
16 5263.

17 CHAIRMAN: Can I just ask before we leave that page -- if we
18 go back to it.

19 MS SMITH: Yes. It is 5242, please. 5242.

20 CHAIRMAN: This is a Departmental document --

21 MS SMITH: Yes.

22 CHAIRMAN: -- not a Board document?

23 MS SMITH: No. It's a Departmental. You see it's
24 "SWAG/July '86" at the top right-hand corner.

25 CHAIRMAN: Sorry. I didn't see it.

1 MS SMITH: If you actually -- if we can scroll down through
2 it, you will see that this is essentially the format
3 that those SWAG reports that we've seen in respect of
4 homes have taken. So it is essentially the template, as
5 it were, for the reports.

6 CHAIRMAN: Thank you.

7 MS SMITH: As I pause there just on that page there you will
8 see that the visit -- they are checking whether the
9 monitoring as required by the Conduct of Children's Home
10 Reg... -- Directions -- sorry -- has been complied with,
11 and this is the kind of documents that they would expect
12 to see when they're carrying out the inspection.

13 For example, the visit by the Personal Social
14 Services Committee member, which was to be every three
15 months, they would expect to see production of a report
16 covering the names of all the staff, seen records,
17 inspected physical condition of the home, its
18 furnishings, equipment, impression of the operation of
19 the home and complaints by staff or children. That's
20 what would be expected to be recorded in those reports
21 of the PSSC Committee member. So in carrying out the
22 inspection the Department would be checking that those
23 reports had been compiled correctly.

24 Just scroll on down. You can just see how they were
25 actually to carry out the inspection, about the role and

1 functioning of the unit was by discussion, examination
2 of the statement, a written statement in the unit
3 outlining its role and function, that the unit should be
4 functioning in accordance with the policies in the
5 statement, that inspection was by observation,
6 examination of records and discussion with staff.

7 CHAIRMAN: I am sorry I interrupted you in the first place.
8 You were going to take us on to another document.

9 MS SMITH: Yes. No. I just -- I mean, it is worthwhile
10 checking through the checklist, because what it does do
11 is not only explain how the inspections were conducted,
12 but also what was expected of each home that they were
13 inspecting in terms of the legislative requirements or,
14 for example, this example here of legislation, circulars
15 and procedure guide being available and wanting to
16 examine the guide.

17 Yes. I was just indicating that there were various
18 miscellaneous documents about inspections of Fort James
19 from 1982 to 1984 in the bundle at 5263. This is just
20 comments on recommendations of the report on Fort James
21 Home about the inspection that took place in
22 October 1982 and was received in October '83. So this
23 would have been the SWAG report at that time.

24 There's a monitoring statement of 1985 which is
25 a Western Health & Social Services Board overview of

1 residential childcare services at 5273. As I say, this
2 is the area overview of the residential childcare
3 service, not just dealing with residential homes but the
4 whole aspect of childcare within the Board area.

5 If we can scroll on down through that, it's
6 a general monitoring statement, as it were, of what the
7 state of play was in 1985.

8 If we can pause there, you will see that that
9 included the management structure for Londonderry,
10 Limavady and District -- Strabane District. The
11 management structure was the group was headed up by the
12 Assistant Director of Social Services. There was
13 a Principal Social Worker for Residential and Daycare
14 and then a Senior Social Worker for Childcare underneath
15 him. The two homes that are relevant to this module are
16 Fort James and Harberton. You will see there that each
17 home had an officer in charge, a deputy officer in
18 charge, a senior houseparent and houseparents. The
19 Senior Social Worker for Childcare also supervised the
20 officer in charge in each home. Now for most of the
21 period that we are looking at that Senior Social Worker
22 was, in fact, I think TL 4 and the Principal Social
23 Worker was

24 Then the same management structure for Omagh Unit of
25 Management where there was one children's home,

1 Coneywarren.

2 At 5291 we see here a letter from the Department to
3 Mr Frawley of 19th -- sorry -- 15th October 1990 talking
4 about the inspection of children's homes in the Western
5 Health & Social Services Board and it says:

6 "During the 1980s the Social Services Inspectorate",
7 or its predecessor, SWAG, "instituted a programme of
8 annual inspections of all Board and voluntary children's
9 homes. However, by 1987 it was apparent that in the
10 case of statutory homes the Board's own monitoring
11 procedures were sufficiently well developed to render
12 such frequent visits unnecessary and the Minister agreed
13 to their replacement with a system of inspections for
14 each Board's overall residential services for children
15 at three-yearly intervals."

16 This is from the Social Services Inspector,

17 . He goes on to say:

18 "The Inspectorate's work programme for 1990/'91
19 includes an inspection of the residential childcare
20 services in your Board, which I shall be committing --
21 conducting over the next four months. To complete the
22 picture I intend also to carry out an annual inspection
23 of Nazareth House Voluntary Children's Home during this
24 period. I enclose for your information a copy of the
25 letter that I have sent to each unit General Manager

1 together with the brief for the inspection."

2 So it is clear that from 1987 the Department were
3 only carrying out an inspection of the statutory homes
4 every three years but at that time were continuing
5 annual inspections of the voluntary homes.

6 If we might just scroll down to the next page,
7 please, I think it is the same letter and you will see
8 that it is being sent -- yes. This is the letter which
9 says, therefore, that he proposes -- this is the letter
10 saying that he proposes to inspect Fort James during the
11 week of 15th January '91 and Harberton House during the
12 week of 11th February '91 and sets out in this letter
13 what details he wants in advance of the inspection. You
14 will see:

15 "Copies of reports made on the home during the last
16 12 months by the members of the Personal Social Services
17 Committee, the Managing Social Worker, the home's
18 Medical Officer, the Health & Safety Inspectorate and
19 the Board's own fire prevention staff."

20 He also asked for a copy of the last annual
21 monitoring report on the home and any other papers or
22 reports.

23 So in advance of this three-yearly inspection by the
24 Department they were seeking the inspection reports that
25 had already been compiled by the Board under their

1 monitoring regime.

2 Now at -- the documentation on that goes through to
3 5309, but at 6555 there is a memo -- if we look at that,
4 this is a memo from the Director of Social Services, who
5 at that stage was Mr Carroll, of 1st April 1981 writing
6 with regard to his -- sorry. It is addressed to
7 Mr Haverty, the Director of Social Services -- District
8 Social Services Officer, to give him his full detail:

9 "I write with regard to my recent visit of
10 inspection to the above facility. The purpose of my
11 visit was to examine the professional functioning within
12 the home with particular regard to the keeping of
13 personal records, standards of cleanliness and hygiene
14 and staff attitudes.

15 During the course of the visit it was identified
16 that two students from the home are taking part in the
17 CSS training programme. It has been my clear
18 understanding to date that such an arrangement
19 contravenes the policy that operates around CSS
20 training, that is to say, it is inappropriate that two
21 students should be taken from a single facility. It may
22 be that this is a matter you would wish to raise at
23 senior management group for further discussion, but
24 clearly I have reservations about such a practice and
25 would ask you to ensure that it does not occur at other

1 facilities in the future."

2 He goes on to discuss problems that were identified
3 with regard to the functioning of Fort James:

4 "... which included the wide variation of ages and
5 the length of stay, both of which affect the programmes
6 of care that can be planned and put into operation in
7 the home. The need identified was for a medium term
8 location, that is to say a situation that would offer
9 care for less than six months. It was made clear that
10 the staff at Fort James would like to concentrate on
11 offering care for a period ranging from six months to
12 three years and for older age groups than they can
13 currently cater for. To achieve such a goal there would
14 be a need to determine emergency fostering plans, to
15 increase the number of short stay foster homes/places."

16 He goes on to ask that the Board undertake a review
17 of the current foster parent resources.

18 "Certainly it is considered opinion that pre-school
19 age children should not be in residential care."

20 Also this is the order book for purchasing clothing
21 that indicated there was some sort of change in the
22 process of how that was done.

23 "I would ask you to investigate the possibilities of
24 establishing a cash availability to the staff in charge
25 of the children's homes in order that they can take

1 children shopping in a normal way without an order
2 book."

3 There were meetings between staff and children were
4 taking place each week in 1981.

5 "It is clear in looking at the records that are
6 maintained in the home that there is considerable social
7 work involvement and the links between residential and
8 field staff are good.

9 We discussed the viability on the residential home
10 becoming a resource centre for foster parents.

11 With regard to the physical features of the home
12 I must say that I found it to be depressing and in
13 remarkably poor state of decorative upkeep.

14 I appreciated the fact that its physical condition
15 undoubtedly allowed children to feel free enough to
16 express themselves, but from my own knowledge of
17 childcare practice I am convinced that a good standard
18 in decorative upkeep of a home goes a long way towards
19 encouraging children in care to strive for improvement
20 in their lifestyle. The paintwork and general decor is
21 abysmal and I wonder if there is anything that can be
22 done to improve the situation. Perhaps we could discuss
23 the matter more fully.

24 In conclusion let me say that I was impressed with
25 the work that is being carried out in Fort James.

1 I thought that the right attitude was being adopted by
2 the staff and I feel certain that the children are being
3 encouraged to face the realities of life in
4 a non-punitive way."

5 There is a response to that of 20th August at 6557,
6 please. Sorry. Just there. Yes. This is to
7 Mr Haverty and it is about the Director's visit and
8 report and the comments regarding the visit:

9 "The visit by the Director was welcomed by myself
10 and the staff of Fort James. We felt it important that
11 no special preparations were made since as a team the
12 importance of everybody seeing Fort James exactly as it
13 is is acknowledged. As expressed prior to the visit,
14 I feel that the timing was not appropriate. I fully
15 understand the value of seeing the establishment as it
16 is in full operation, but we normally do not allow any
17 outsiders to arrive at the time of the children's return
18 from school."

19 It goes on to deal with the points raised. He
20 complains that the Director spent no time with the staff
21 and therefore unable to judge their feelings,
22 motivations or opinions. Deals with the points raised
23 about the students and comments regarding the
24 functioning of the home and about the approach to
25 fostering, the question of order books for children, and

1 he essentially says that the -- if we can just scroll on
2 down now.

3 "With regard to the physical appearance I agree
4 totally with what was written. Since this visit I have
5 had visits from various members of the Board who are
6 responsible for maintenance and units administration.
7 Each officer has made a similar comment, but to date no
8 work has been carried out by the Board. The staff and
9 children have redecorated the office and both children's
10 sitting rooms. This has made a big difference to their
11 appearance. On their own initiative the children have
12 redecorated the bathrooms.

13 Finally, it goes without saying that we hope to see
14 the Director as often as he can find the time to visit.
15 I respectfully suggest that the next visit should be
16 spent at a staff meeting either with or without myself
17 present so that the staff may have the opportunity to
18 discuss issues with the person they see as being
19 ultimately in control of the Board's policy."

20 I am assuming that that officer in charge at that
21 time would have been **FJ5** and I am assuming that
22 this response came from him.

23 If we look at the next page, which is 6558 I think
24 -- no. Sorry. If we just scroll up to the preceding
25 page at 6558, one comment that he makes in the body of

1 this is that the -- yes -- that Fort James is severely
2 understaffed, and he talks about the staff being not
3 spoken to, but he makes the comment about the home being
4 understaffed and that was in 1981.

5 There is a memo of a visit in June 1982 from the
6 Director of District Social -- sorry. Can we look at
7 7699? Yes. Again it's from Mr Carroll to Mr Frawley.
8 It is again following a recent visit, which is obviously
9 a year later:

10 "A number of items were raised which are of mutual
11 interest to us and so I thought I would share them with
12 you with a view to attempting to get a better service
13 for the children who are in care in the home."

14 Talks about transport, the contracts for buying,
15 things have to go out for tender, the redecoration, the
16 staffing.

17 "A reduction of catering and domestic staff would
18 allow additional caring staff to be funded. This would
19 also reduce the overtime that is currently being worked
20 by many staff and could be facilitating to the
21 employment of a senior houseparent, which is badly
22 needed. The increase in caring staff is also required
23 to cater for the increase in holiday entitlement, the
24 likely reduction in the working week for residential
25 staff and the increased demand of in-service training,

1 all of which are essential and have to be catered for."

2 The requirement for clerical support and the system
3 for purchasing is also discussed there in that.

4 "The roof of the outbuildings to the rear are
5 dangerous. Falling slates are a constant hazard."

6 So he is asking Mr Haverty to consider the points
7 that he has raised in that.

8 If we look at 7701, this is a memo from Mr Newman,
9 who was Acting -- sorry -- Assistant Director of Social
10 Services to Mr Haverty from September of '82. He is
11 attaching a letter from Mr Armstrong, who is then Deputy
12 Chief Social Work Adviser, about the intention to carry
13 out an inspection of Fort James in October 1982.

14 It says that there was a preliminary meeting to be
15 held followed by an introductory meeting with staff in
16 the home about the inspection. So the fact that they
17 are being given notice about the inspection means they
18 are effectively gearing up for that inspection by
19 preparing meetings at Board level.

20 One of the -- I talked about the Personal Social
21 Services Committee members' reports. You can see one of
22 these at 6561. Now this is dating back to 1982 and it
23 is a report of a Mr McAleer in December of 1982, and it
24 says that he:

25 "... visited Fort James. Met by senior houseparent.

1 Informed there were 16 children resident in the home.
2 The older children are allowed to leave the building in
3 the evening provided they return by 11.00.

4 While inspecting the building there was a flue
5 lining and plasterwork being carried out to the ground
6 floor. I was refused access to the bedrooms as the
7 houseparent regarded such an inspection as an invasion
8 of privacy of the children.

9 The installation of a shower and an alternative
10 approach to the laundry have not yet been provided,
11 although these were promised in September of '81.

12 There continues to be a severe shortage of staff and
13 appears to be a lot of red tape regarding requests for
14 the supply of essential items.

15 The home requires a replacement twin tub washing
16 machine for the use of the children and a new washing
17 machine in the top floor flat.

18 In general I considered the home to be clean and
19 well kept."

20 I am drawing your attention to this to simply
21 highlight the fact that this is the kind of report this
22 particular Board member felt was appropriate to provide.
23 When I look at some others, you will see that they were
24 -- there was a pro forma effectively provided for those
25 visits by -- those quarterly visits. That was in

1 December 1982.

2 If we look at 6562, which is 16th April '83, this is
3 his next quarter's report and he said he was met by
4 **FJ7**

5 "At present there are only seven girls and five
6 boys. I must state that all credit should be given to
7 the staff for their work, as there is a severe staff
8 shortage and they desperately need an additional two
9 senior and two care staff."

10 The twin tub washing machine is still awaited three
11 months later.

12 At 6613 this is the 1982 SWAG report on the home.
13 I think we may have actually looked at this, but if we
14 can just scroll down through the report, it speaks at
15 page 6631 -- at paragraph 5.12 there it says -- it talks
16 about recording and said:

17 "It is the practice in Fort James to compile a daily
18 record on each resident."

19 This at this stage seems to be a unique system of a
20 daily recording in respect of the residents. I am sure
21 some of the witnesses will be able to talk to us about
22 why and how that was introduced. It says:

23 "The system is commendable in that it provides
24 a continuous record of events and demonstrates a healthy
25 openness of communication between staff and children.

1 However, the comments tend to be repetitious and
2 frequently refer to the children's mood on a given day.
3 Perhaps less frequent but more selective and pertinent
4 entries would improve this unique system."

5 At 6646 at paragraph 15 it talks about the staffing
6 in the home and how it is falling below the Castle
7 Priory recommendation. That's at 6649.

8 Paragraph 17 sets out the recommendations for the
9 home and says:

10 "The frequent use of the home for emergency
11 admissions should be reviewed urgently.

12 Routine maintenance should be carried out more
13 frequently.

14 The outbuildings should be made safe or demolished.

15 The long-term location of the home together with any
16 future developments on this site should be reviewed.

17 A separate record ... of fire drills.

18 Inspection of the premises by the Northern Ireland
19 Fire Authority.

20 All review decisions should be fully implemented
21 unless extenuating circumstances prevent staff from
22 carrying them out.

23 The district should review the amount of money
24 provided for holidays and outings at Fort James and
25 staff should be notified of the allocation in time for

1 advance planning.

2 The Board should take steps to introduce weekly
3 charges where they are relevant to the young persons
4 living in Fort James in accordance with departmental
5 circular 12/74.

6 Priority should be given to the employment of male
7 staff when the opportunity arises."

8 Then there are various appendices about the children
9 in the home and so forth.

10 Comments on this inspection report can be seen at
11 6564. Now this was an inspection that was carried out
12 in October 1982. We have looked at this earlier, but
13 the report was received in October 1983. One wonders
14 why it took so long.

15 At 6576 there is a minute of the Personal Social
16 Services Committee meeting. It is a report of
17 inspection. Yes. The report itself and the comments on
18 the recommendations were circulated to the members of
19 the committee and the recommendations and so forth were
20 outlined.

21 "He explained that because of management issues
22 which had been ongoing since 1983 it would have been
23 inadvisable to present the report earlier."

24 Now this seems to be a meeting of 5th October 1984.
25 So the Personal Social Services Committee are only

1 becoming aware of the content of the 1982 report,
2 inspection report, in October 1984, some two years
3 later.

4 If we can just scroll on down:

5 "Mr Newman, elaborating on several aspects of the
6 report, stated that because of the time factor involved,
7 the report was very much an historical document at this
8 stage and advised members that most of the
9 recommendations had already been implemented.

10 Mr Haverty informed members that at the time of the
11 inspection plans to improve the fabric of the main
12 building at the facility had been formulated and he went
13 on to comment on the renovations and extensions which
14 had been carried out.

15 Mrs McGowan", who was a member of the committee,
16 "drew members' attention to pages 30 and 31 concerning
17 comments on the roles and responsibilities of
18 residential and daycare management staff", and so on.

19 It is clear that staff had increased by 1984.
20 I think that's perhaps included in that. This is --
21 obviously this minute may have been of the meeting of
22 5th October, but it is obviously after March '84, given
23 the internal content of it.

24 In 7702 -- I apologise -- these are not in
25 chronological order, as I had hoped to present them --

1 this is from **TL 4** I think to Mr Carroll about his
2 inspection of Fort James Children's Home. You recall
3 that Mr Carroll -- I was referring to Mr Carroll's
4 inspection earlier. He says:

5 "I refer to previous discussions relating to the
6 inspection of children's homes by members of the Social
7 Work Advisory Group.

8 I can now confirm the arrangements for the
9 inspection of Fort James by , Mr Chambers and
10 myself."

11 Sorry. This is not **TL 4** response at all.
12 This is the arrangements for the actual inspection in
13 '82. If we can just scroll on down, please. Just go to
14 the next page. I am not quite clear. Apologies.

15 There is a memo from Peter Newman on 8th
16 October 1984 at 7754 and this was to members of the Area
17 Residential Childcare Group about the statutory
18 quarterly visits by members of the Personal Social
19 Services Committee. As I have indicated to you, he is
20 saying here:

21 "The members of the committee will in future be
22 provided with notes of guidance and a pro forma for
23 completion in respect of the quarterly visit specified
24 in the Conduct of Children's Homes Direction. They will
25 also receive a copy of the Direction itself."

1 That I think was a direct result of the type of
2 reports that they were receiving from the visiting
3 members of the committee.

4 There's a memo of a senior houseparent at 6568 from
5 November 1984 to the Senior Social Worker about the
6 visit of a Board member and indicating that Mr McAleer
7 visited and met the senior houseparent:

8 "... and completed his necessary forms by asking:

9 1. The number of staff and how many were on with me
10 that afternoon. I explained to him there was only one
11 (sickness and a member of staff's mother being seriously
12 ill).

13 2. The numbers of residents.

14 3. Menus, admission and discharge books, although
15 he did not request to see them.

16 4. Was shown around and completed -- the completed
17 outbuildings, offices, conference room. He commented
18 that we would need our carpets in both TV rooms laid
19 soon. He also said that we could do with having the
20 potholes in the back avenue filled in."

21 So there's just a note from the senior houseparent
22 who was present when Mr McAleer visited in
23 November 1984.

24 The actual report of that visit is at 6569 and you
25 see this is the pro forma form now being used. He

1 records that there was one senior staff on duty at the
2 time of his visit. The number of children who were in
3 residence. If we can just scroll down, he says
4 "Inspection of records". He says:

5 "They are up-to-date. Varied menu. One minor
6 untoward incident. The last fire drill was in November
7 '84. Shortage of staff has always been a problem at
8 this centre."

9 But he doesn't -- although he is recorded there as
10 appearing to have looked at their records, according to
11 the senior houseparent he did not, in fact, do so.

12 There's a letter from Peter Newman again at 6578,
13 and this is to of 25th January 1985, writing
14 on behalf of Mr Carroll in response to a letter of
15 December '84 summarising the findings of a follow-up
16 visit to Fort James on 9th October '84:

17 "In connection with this I am also attaching a copy
18 of the comments prepared by Board officers on the
19 recommendations contained in the original SWAG
20 inspection report. This was considered at the Board's
21 Personal Social Services Committee meeting on 5th
22 October '84 and was the subject of subsequent
23 correspondence between ourselves. The Personal Social
24 Services Committee meeting on 4th January '85 gave
25 approval for the Board response to be forwarded to the

1 Department and hence I am now able to enclose this
2 document."

3 So the inspection is carried out in '82. The report
4 seems to be delivered in '83 and then there is
5 consideration of that by the Board and the response is
6 then sent to the Department in '85.

7 "As agreed in the discussions following the issuing
8 of the inspection report, the reference to loss of
9 control in paragraph 2.4 of the report was clarified as
10 referring to difficulties being experienced in managing
11 certain children rather than a breakdown in the overall
12 running of the home, as could be implied. This was
13 exacerbated by a shortage of staff at the time and the
14 staffing position has since been improved by increasing
15 the establishment by two senior houseparents and two
16 houseparents. As you point out, the number of emergency
17 admissions has diminished since the time of the
18 inspection."

19 It goes on to talk about the renovations:

20 "The independent living units have now been
21 completed."

22 If I can just -- there's the tensions in the area.
23 It says:

24 "There has only been one such incident in the past
25 year and rather than relocate the home our policy is one

1 of continuing to forge links with the local community."

2 Then it goes on to talk about the fire inspections
3 and it talks about a child's reviews. Then:

4 "Although the four posts added to the funded
5 establishment were all filled by women, the subsequent
6 retirement of two other members of staff has created two
7 vacancies to which men have recently been appointed
8 subject to satisfactory medicals and responses from the
9 pre-employment consultancy service.

10 In connection with staffing, the discussions after
11 the issue of the inspection report confirmed that the
12 term 'childcare staff' in line 7 of paragraph 15.3 of
13 the report should read 'senior staff'.

14 I trust this letter clarifies the points raised as
15 a result of the inspection and follow-up visit."

16 So the -- it may be -- and perhaps the Department
17 will be able to answer this for us -- that although the
18 report -- the inspection was in 1982, the report was not
19 delivered until '83, and it may well be that was as
20 a result of a follow-up visit before the report was
21 actually delivered, and that a draft report was provided
22 in the interim.

23 Moving on to 6582, and this is the area overview,
24 the monitoring statements for 1985. As I say, this is
25 not just Fort James. This is an overview of all

1 residential childcare services, in fact, all -- yes,
2 residential.

3 Paragraph 6 talks about in-service training. That's
4 on page 6538, and paragraph 8 on -- 6583. I beg your
5 pardon. 6585, if we can just go to that, at paragraph 8
6 there it says:

7 "The systems for ensuring that effective practice is
8 not prevented by lack of resources.

9 One system is yearly monitoring reports which will
10 bring to the attention of the Board and the DHSS the
11 effect that a lack of resources is having on the
12 residential childcare service. During 1985 there was
13 evidence of inadequate resources, particularly in the
14 area of maintenance as well as the shortage of staff and
15 the lack of training opportunities offered to
16 residential staff. Having made these criticisms, the
17 effective and efficient way in which the service
18 operated in 1985 is indicative of good management and
19 the major contribution and dedication from staff and
20 their ability to work effectively as members of teams."

21 So, as I indicated earlier when I was opening this,
22 there are documents such as this which show that in
23 these homes there seem to have been -- certainly in Fort
24 James there seems to have been an issue with the
25 shortage of staff throughout its operation.

1 At 6589 to 6613 we see the monitoring statement for
2 Fort James in 1986. This sets out the aims and
3 objectives of the home. If we just scroll down through
4 this, please, these monitoring statements were provided
5 by the Board, and this was the monitoring statement that
6 then would have informed the Departmental inspection as
7 well as being used by the Board itself.

8 The adequacy of physical accommodation. I am just
9 going to go to the headlines on each paragraph. Just
10 scroll down, please.

11 The monitoring statement itself, if I can just
12 summarise, essentially deals with the adequacy of
13 qualifications of staff, among other things, the
14 training arrangements for staff, the numbers and types
15 of admissions and discharges and the procedure with
16 regard to same, both planned and emergency admissions,
17 compliance with statutory visiting requirements,
18 record-keeping. It deals with control and discipline at
19 paragraph 11, and there's also a table of untoward
20 events which can be found at 6606. Included in that --
21 and this is in 1986 -- if we just look at 6606, you will
22 see here there is the incidence and nature of untoward
23 events. There is four incidents of assault on another
24 child, visitor or staff, there is two incidents of
25 shoplifting, 7 of damage to Board property, 2 sexual

1 behaviour instances, solvent abuse 4, absconding for
2 less than one night 17, absconding for 1 night 17, and
3 absconding for more than one night 7, and four instances
4 of overdose or self-injury in the home.

5 Paragraph 14 at 6609. Yes. So that just simply
6 covers the -- all else including fire drills, medical
7 exams, pocket money.

8 I mentioned earlier just about the -- if we look at
9 6612, please, the final paragraph of the monitoring
10 statement, which is something that is -- obviously the
11 religious observance of the children in the home is
12 something that the homes were statutory obliged to
13 attend to. It says:

14 "All children are positively encouraged to attend
15 church services as are appropriate to their religious
16 persuasion. Where necessary, the child is accompanied
17 by a member of staff. It is regarded as important that
18 the unit maintains a close link with local clergy and
19 encourages visits from them to the children resident."

20 That was the paragraph that I mentioned in respect
21 of the evidence of HIA108.

22 I am not going to open these documents, but you can
23 find at 6651 to 6694 Fort James' operational policy for
24 the independent living units in January 1985 and the
25 forms in respect of those. Essentially those children

1 who were moved into the independent living units or
2 brought into the independent living units were forming
3 a contract, signing a contract, a kind of tenancy
4 agreement, if you like, with the home in respect of
5 that, again something that would have been preparation
6 for living in the community.

7 There's a memo at 7761 from Mr Haverty to

8 TL 20 about the monitoring exercise for Fort James
9 in 1986. There's a monitoring return at 6704 to 6725
10 for 1987/1988, and the same matters are covered as in
11 this monitoring report, but at paragraph 12, if we could
12 look at that, if we go to 6720 I think, yes, this is the
13 incidence and nature of untoward events. This is in
14 1986/1987:

15 "Of 18 reported untoward events, eight were related
16 to children being absent without approval, generally
17 overnight. A further three were related to sexual
18 activity (one within the unit between residents and two
19 involving sexual activity in the community). Two
20 involved self-injury by residents while others related
21 to assaults by residents on each other and a fire
22 raising incident."

23 I am highlighting this simply because when we come
24 to look at the issue of peer abuse, it is clear that
25 there was an incident in 1986 within the unit between

1 residents and that is obviously prior to what occurred
2 in 1989/1990.

3 Yes. Just it's the next page, please. If we could
4 scroll down to that, there is mention here that the
5 numbers and types of complaints received, and it says
6 here at paragraph 13:

7 "To date the complaints procedure as set out in the
8 departmental circular 2/85 has not been implemented
9 because of continuing negotiations at Social Work Staffs
10 Joint Council. However, complaints are recorded and
11 dealt with in accordance with existing procedures."

12 I highlight this because you will recall in the last
13 module we were looking at this particular circular and
14 evidence was given about it and the fact it was not
15 actually implemented until much later. I think it was
16 1991, but the monitoring report is recording the fact
17 that there are continuing negotiations between the
18 Social Work Staffs Joint Council and the Department and
19 Boards about the implementation of that circular.

20 CHAIRMAN: Yes. This was the complaints procedure that the
21 Hughes Inquiry recommended should be implemented and it
22 took several years because of opposition from staff
23 before it was implemented.

24 MS SMITH: Yes, indeed.

25 CHAIRMAN: Some about six years.

1 MS SMITH: It was the circular -- it was actually the
2 circular that was created in advance of Hughes
3 reporting.

4 CHAIRMAN: Yes.

5 MS SMITH: The report did not come out until the year after
6 the circular was created, but you will recall there was
7 statements in the last module about whether or not the
8 circular was actually fit for the purpose for which it
9 was intended. You will recall it featured in the HIA210
10 investigation. It is that circular, but I thought it
11 proper to highlight the fact that these negotiations
12 were ongoing at that time.

13 If we go then to 6736, this is the or part of -- I
14 thought this was -- maybe I have got the wrong
15 page reference number. I think this is part of the SSI
16 inspection in June of 1987. Yes, I think it is. Yes,
17 it is. It's the 1987 SSI inspection report. Scrolling
18 back up, it actually starts earlier than the number
19 I had down for it. Again it's an inspection by

20 which was carried out there in June of 1987.
21 That first page there -- sorry. If we can just scroll
22 up to get the number. It actually starts at 7... --
23 6728. I think it goes on to 6743.

24 Just going up to the preceding page, if I may, this
25 is a memo from TL 4 to FJ 33, who was the

1 officer in charge of Fort James at the time in May 1988,
2 enclosing a copy of the report prepared by
3 following his inspection visit in June '87:

4 "I attended the community care committee of the
5 Board to discuss this report in May '88. At the
6 conclusion of the meeting I was asked to convey to staff
7 in Fort James the gratitude and appreciation of Board
8 members to the professionalism and enthusiasm shown by
9 staff working at the sharp end of childcare service.
10 Obviously I agree wholeheartedly with these sentiments.
11 I would ask that you convey them to your staff at the
12 first opportunity."

13 If we look -- sorry -- at 6733, which is
14 paragraph 3.1, this 1987 inspection report there
15 highlights in that paragraph the problems of retaining
16 staff because fieldwork was more lucrative and there
17 were better conditions.

18 At paragraph 3.3 it says that:

19 "The staffing establishment comfortably meets the
20 level set by the Castle Priory report which has been
21 agreed between the Department and the Social Services
22 Boards."

23 Then at 4.10, which is 6737, there's a reference
24 made to controlling discipline and:

25 "The following statement taken from the visiting

1 social worker's report for April '87 adequately
2 describes the approved method of control and discipline
3 used by the home's staff.

4 A daily routine has been established which, although
5 applied consistently, has a degree of flexibility to
6 meet particular circumstances. Staff attempt through
7 their relationships with residents and within the
8 framework of house rules to set a standard of acceptable
9 behaviour. Sanctions available to staff are limited to
10 the withdrawal of privileges, for example, restriction
11 to the unit. Financial penalties are only imposed when
12 there has been damage to property or when restitution
13 has to be made for theft. Strict criteria exist for
14 considering any child's transfer to a training school,
15 that is the child's behaviour places himself or others
16 at risk. It is accepted that positive reinforcement for
17 good behaviour is more effective than sanctioning for
18 unacceptable behaviour."

19 At 6740 the monitoring arrangements are set out
20 there both by the Board and the information that is
21 available for the Department.

22 Then if we look at 6741, there was a complaints
23 procedures for children in residential care and their
24 parents. Again it says:

25 "It is not -- as set out in the departmental

1 circular, had not been implemented in Fort James at the
2 time of the inspection, but the Western Board has
3 prepared booklets for children and their parents in
4 which the grounds for complaint are listed and the
5 procedure for making a complaint, including a contact
6 card method, are set out. Their distribution and the
7 introduction of the complaints procedure has been
8 delayed by protracted negotiations at Social Work Staff
9 Joint Council about matters relating to the
10 investigation of complaints. However, the Western Board
11 has a procedure for dealing with general complaints in
12 all of its facilities and this applies to Fort James."

13 So again that's a reference back to the
14 non-implementation of that departmental circular.

15 6726 through to 6750 show reports of visits by the
16 member of -- that's the Social Services Inspectorate
17 report. I think I have obviously got -- maybe it is
18 6746. This is a memo from Mr Haverty to the Group
19 Administrator on foot of a report from one of the Board
20 members to a visit at Fort James in November of '88
21 about the worn stair carpet, but that was not what I was
22 looking for.

23 If we look at 6751, this is a report of
24 an inspection visit to Fort James home on 26th
25 January 1989. Now this is particularly relevant in the

1 context of the peer abuse incident which, when we come
2 to look at it, started in late 1989, December '89,
3 thereabouts. So what was happening earlier that year is
4 of some relevance.

5 It says -- talks about the staffing in the home.
6 This inspection has carried out -- I think it was
7 carried out in October. It says it was carried out on
8 26th October -- January 1989. If we just scroll down
9 through that for a moment, please. I think there may be
10 another one later. Sorry. No. Just if we can scroll
11 back up to that preceding page. Yes.

12 "In terms of supervision, **FJ 33** provides
13 supervision for the deputy officer in charge."

14 Sorry. Go to 6754, please. In the conclusion he
15 says:

16 "This unit caters for an adolescent group, many of
17 whom have had difficult personal and domestic
18 experiences and who come with problems that are often
19 manifested in their behaviour. In spite of this
20 situation I was pleased with the care and concern of the
21 staff to provide the best quality of care possible. The
22 layout of the home does not lend itself to supervision
23 of the residents and staff have to work hard to keep in
24 constant touch with the behaviour of the residents
25 without being overly intrusive. This is a difficult

1 balance to achieve, especially in the independent living
2 units, and given the nature of the residents, it is
3 a situation that will have to be constantly monitored
4 and reviewed. However, **FJ 33** has introduced a good
5 system of individual and group supervision, which
6 appears to be promoting a good team spirit amongst the
7 staff, and this is of great importance, given the
8 problems with which they are confronted by the resident
9 group. I am satisfied about the level of care, though
10 in respect of the physical appearance of the interior of
11 the household I would hope that the items requested in
12 the capital equipment list will be provided, since this
13 will do much to improve the quality of decoration."

14 I should have said this, of course, is an inspection
15 of Fort James and the peer abuse -- the major incident
16 of peer abuse took place in Harberton House, but I think
17 the point that I would make is that, given the fact that
18 there are these children who are presenting challenging
19 behaviours coming into the home, the actual physical
20 structure of the home itself does not necessarily lend
21 itself to the best supervision of those children.

22 Now we have heard in previous modules about the
23 institutional quality of the buildings that were housing
24 children in the voluntary homes. This was, as
25 I've indicated, a former private residence and maybe was

1 not the best facility for its purposes.

2 There is an inspection report of at 7762.

3 This is a just a memo attaching a copy of his inspection
4 visit report from October '89. Then I think the report
5 itself is at 7767 -- 66. It seems certainly to be the
6 end of it. Just the conclusion there, if we can just
7 deal with it there, it says it continues -- this is in
8 December of '89:

9 "Fort James continues to provide a good standard of
10 care for residents in spite of the difficulty caused
11 mainly by the difficult client group for which -- for
12 whom they cater. The physical environment ... is
13 an ongoing issue which will have to be continuously
14 addressed to ensure that the building is maintained to
15 a standard which provides an appropriate atmosphere for
16 the residents. The managements try to maintain a
17 constructive team approach and cope adequately with the
18 various behavioural problems with which they're
19 confronted whilst at the same time providing
20 an appropriate caring service. This is particularly the
21 case with the residents in the independent living units
22 and I believe reinforces the need to have a worker
23 specifically designated" -- if we can scroll on down,
24 please -- "to prepare young people for leaving care and
25 to provide the appropriate follow-up. The problems

1 faced by these young people have been highlighted in the
2 paper prepared by **TL4** and **FJ23** , senior
3 houseparent. I would propose to address these issues as
4 development funds become available and in the context of
5 other competing priorities."

6 So in December 1989 there is a recognition that more
7 needs to be done in preparation for the leaving of care
8 in respect of those in Fort James.

9 There is -- the 1989/1990 monitoring statement can
10 be found at 6758 and goes through to 6794. If we look,
11 please, at 6782, there is -- this is part of that
12 monitoring statement. Yes. This talks about the
13 individual contracts being made by young people in the
14 independence training unit. It goes on to say:

15 "During this monitoring period it was apparent that
16 a large number of direct admissions presented more
17 complex social and personal problems which had a direct
18 impact on the behaviour with which staff had to cope."

19 Now this -- as I say, this is the 1989/'90
20 monitoring report, which again while this is Fort James,
21 the type of behaviours that are being referred to here
22 are something we will see when I come on to look at
23 Harberton House. So it was not unique to Harberton
24 House, but also this kind of behaviour was happening in
25 Fort James. It is 6785. You will see there:

1 "The increase in the reported incidents of sexual
2 activity between residents (from 2 to 6) is generally
3 attributable to two residents. This is indicative of
4 the increasing problems faced by residential staff in
5 coping with children/young people whose behaviour has
6 become sexualised due to the experiences of sexual abuse
7 prior to coming into care."

8 There is mention of the circular not being
9 implemented also.

10 Now there's -- at 6846 there's an example of
11 a management audit which was conducted in August 1990
12 and the Inquiry is aware from a statement it has
13 received from that this was a layer of
14 management supervision that he introduced. It was not
15 a statutory requirement, and it was something that he
16 introduced into the monitoring of the two homes in
17 question in the Western Board anyway. It said this was
18 one that took place in August '90. It was postponed
19 because of some circumstances in June '90.

20 The officer in charge post at that stage in
21 August was vacant and, in fact, the deputy officer in
22 charge, who was acting up, had a social work
23 qualification. The staffing is recorded there, the
24 senior parents -- houseparents, the houseparents, and
25 you will see the level of qualification that each of

1 them had. Then their training is commented upon and
2 staff development. It says there:

3 "In recent months Fort James has experienced
4 a number of changes in the management structure because
5 managers have been appointed to other jobs and because
6 of the absences due to attendance at training courses.
7 This has meant that at various times individuals have
8 been acting up into management roles -- jobs and because
9 of this the management within the home devised
10 additional support elements, particularly by providing
11 peer group supervision within the houseparent team --
12 senior houseparent team. This is also complemented by
13 the provision of group supervision on a monthly basis
14 for the complete staff team."

15 It goes on to talk about the children in the unit.

16 "The problem of ongoing supervision of the
17 residents, to which referred in my last management
18 audit, is still a real issue for staff. Indeed, this
19 difficulty has been compounded in recent times because
20 of the comparatively high number of emergency admissions
21 to Fort James over the last year, which has affected the
22 stability of the resident group. The physical layout of
23 the main building does not lend itself readily to
24 supervision and staff have to be constantly vigilant to
25 avoid both conflict within the resident group and petty

1 -- prevent petty vandalism. This is in addition to the
2 high level of supervision that is necessary in relation
3 to the young people in the independent living units,
4 where a balance has to be achieved between being
5 supportive and helping them to prepare for leaving care,
6 and giving them sufficient space to give them some
7 impression of what independent living entails. In the
8 light of recent untoward incidents" -- and this is
9 a reference to Harberton -- "that have occurred ..."

10 Sorry. No, it isn't. I beg your pardon.

11 "... involving youths from the local area, this is
12 a difficult balance to achieve at times."

13 It goes on to talk about the physical environment.
14 if we go to 6851 just to the conclusion, please, it
15 says:

16 "In the months leading up to my inspection visit the
17 staff in the unit had experienced a difficult time in
18 relation to the numbers of emergency admissions, the
19 difficulties presented by young people in the unit and
20 also problems presented by youths from the Tullyally
21 area coming on to Fort James property, being abusive to
22 staff, drinking and committing acts of vandalism.

23 A combination of these factors has very much taxed the
24 ability of staff to provide the sort of environment
25 required to do therapeutic work in addition to providing

1 the primary care that is necessary. For instance, the
2 number of emergency admissions have made it more
3 difficult for Fort James to concentrate on the primary
4 aim of providing long-term care for children and to work
5 towards devising suitable options to care on a planned
6 basis. In spite of this situation staff have coped well
7 with difficulties and continue to provide a good quality
8 of care. This is all the more pleasing given that there
9 has been a disruption in the management structure in
10 recent months, as the deputy officer in charge and the
11 officer in charge have been appointed to other jobs."

12 Now if we look at 7756 -- I don't think we actually
13 really need to open these -- this is a letter again from

14 to Mr Frawley about the SSI inspections --
15 I think we've looked at that already at perhaps a
16 different number -- the inspections of October 1990.
17 Yes. I was indicating if we look at -- there are
18 a number of monthly reports provided by -- the visiting
19 Senior Social Worker was TL 4 and his reports
20 from August '90 to February '91 can be seen at 6846 to
21 6895. Maybe not. That's a management audit. Just bear
22 with me. There are a number of reports.

23 If we look at 7505, please, this is the monthly
24 report by the visiting social worker, who at this time
25 was TL 4 It is from May 1988. He records that

1 during the month of May '88 he visited the home six
2 times. He talks about the statistical information
3 there, the registered number of places, the admissions
4 and the discharges, the children resident at the end of
5 the month who were male and female, the age range of the
6 children being from 11 to 17. He talks about staff,
7 sick days and overtime levels. Just scroll on down,
8 please, through this document.

9 We will see he then talks about inspecting the
10 admissions and discharge book -- if we can keep on
11 scrolling down through this -- the daybook, the menu
12 book, the record of untoward incidences and then he
13 comments on the incidents that have occurred.

14 An 11-year-old resident assaulted the cook.

15 A member of staff was bitten by an 11-year-old.

16 Two 12-year-olds were fighting. One required
17 hospital treatment.

18 The father of a resident had to be removed by the
19 police.

20 A 16-year-old went missing from the unit in
21 May 1988.

22 With regard to the notification of death, illness or
23 accident, a child injured in a fight with another
24 resident and a 12-year-old fell off a horse at a local
25 riding school.

1 Records of fire practice and drills.

2 The medical records were being maintained.

3 The physical environment is inspected. They said
4 the front gate and side gates need replaced. General
5 condition of the home satisfactory. Talks about the
6 primary care. Satisfied the primary care offered to the
7 children resident in Fort James is adequate and goes on
8 to go through the social and emotional care and
9 arrangements remain satisfactory.

10 He then talks about contact with fieldwork staff and
11 visits by the social worker. There doesn't seem to be
12 anybody visited in the month of May by their fieldwork
13 social worker unless that's -- if we can just scroll
14 back up a wee moment -- although four of the children
15 within that month did have case reviews and the social
16 worker will obviously have been there for those case
17 reviews.

18 Then scroll on down. He then in conclusion says he
19 makes a point of introducing himself to children when
20 admitted and speaking with others on his visits.

21 "Is the home being conducted in the interests of the
22 well-being of the children?"

23 His answer to that is "Yes".

24 "Have the contents of this form been shared with the
25 officer in charge?"

1 The answer is "Yes".

2 He signs it on 16th June 1988.

3 Now I am just going to go through that one, but
4 there are many, many more of these monthly reports
5 compiled by **TL 4** They can be seen -- the reports
6 from February to April 1991 can be seen at 6937 to 6963;
7 May to November '91 can be seen at 6990 to 7045;
8 December is at 7058 to 7066; January '92 through to
9 March '97 -- sorry -- '93 -- I beg your pardon -- is at
10 7072 to 7189; August '92 is at 7513 to 7520; April
11 through to December '93 is at 7521 to 7957.

12 If we just then look at -- you will see that the --
13 this is a slightly clearer pro forma, but pretty much
14 the same information is recorded in all of these. If we
15 look at 7598 to 7691, these are now reports. This is in
16 1994 -- February '94 through to January '95. If we can
17 just scroll down, the visiting social worker at this
18 time was no longer **TL 4** but, in fact, was

19 **HH 5** . I think if we can just scroll on down to the
20 end of that, which would be -- sorry. Just maybe scroll
21 back up just to again "Incidence of untoward incidents":

22 15-year-old missing from the unit.

23 17-year-old missing overnight.

24 Sectarian graffiti written on the bungalow wall.

25 Clothes belonging to a 15-year-old resident stolen.

1 Stones thrown at unit by outsiders.

2 Two residents aged 15 years missing overnight.

3 A 12-year-old resident abducted by his father and
4 outside the jurisdiction.

5 Comments about the smoke alarms in the building and
6 the conclusion. You will see here that there are more
7 concluding comments than there were in preceding
8 reports. If we can scroll on down. Sorry. I beg your
9 pardon. It's one by **TL 4** in March 1994, but there
10 are certainly reports later than that up to January '95
11 which were signed by **HH 5**

12 If we can go back, please, to -- I will just make
13 mention of the fact there is another management audit
14 from and his conclusion in January 1991, which
15 is at 6804, and it talks about staff difficulties again.
16 At 6806 it talks about difficulties with supervision and
17 bullying and at 6810 it talks about complaints.

18 Then at 6897 we see the 1991 SSI inspection report.
19 If we can scroll down through that, at 6903 you will see
20 that there are handwritten notes here on the findings
21 about the premises. 6903. This is obviously a copy
22 that would have been held by the Board. You see here
23 that:

24 "Children sleeping there have to descend to the
25 first floor to use the bathroom."

1 That has changed since the inspection report.

2 "The Inspector found with one or two exceptions the
3 children's personal effects were conspicuously absent
4 from their bedrooms. Hasps, clasps and padlocks had
5 been fitted to most of the children's wardrobes, but a
6 closer examination revealed the backs had been removed
7 from some, presumably to purloin the contents."

8 Then alterations have been made. If we can scroll
9 on down, at 3.7 here it says that:

10 "There was evidence that some residents were smoking
11 in their bedrooms, although that was forbidden."

12 It said that staff have divided them into two
13 groups.

14 "However, better supervision and tighter control of
15 the children's movement around the interior of the
16 building must be achieved if a satisfactory living
17 environment is to be provided."

18 The handwritten note in the margin there is "How?"

19 "A visit to the flatlets at the rear of the building
20 did nothing to reassure the Inspector a satisfactory
21 quality of life was being provided for the residents."

22 Then the comment at the side of that paragraph is:

23 "Totally out of context." Something, "working.

24 That is" --

25 CHAIRMAN: "Working in charge of young people."

1 MS SMITH: Yes.

2 "Difficulties and attitudes."

3 So there is also -- if we can just go to 6923, there
4 is reference here about the occupancy level and the cost
5 of -- it says:

6 "During the year ended 30th -- 31st March 1990 Fort
7 James had an occupancy level of 98.88% and cost £310.34
8 per resident week."

9 Mention is made again at 6924 of the complaints
10 procedure and the '85 circular not being in play.

11 At 6925 we see the conclusions at paragraph 11 and
12 it says:

13 "As long ago as 1986 concern was expressed by the
14 Social Services Inspectorate about the suitability of
15 the location of the premises. Then the facility was
16 being vandalised by trespassers and there had been
17 a number of incidents where children were threatened and
18 abused, verbally and physically, by youths from nearby
19 housing estates. In the year before the 1991 inspection
20 there was a catalogue of similar incidents, although
21 some of these were of a more serious nature. Vandalism
22 by intruders has continued, but fire raising is
23 indicative of their increasing recklessness. They have
24 also attacked staff who tried to expel them from the
25 premises, seemingly with impunity. The association of

1 boys and girls from the home with the perpetrators of
2 the attacks is a matter of concern. If the Board
3 intends to continue using Fort James, then it should
4 consider employing a security service to patrol the
5 grounds and check the buildings during the night and
6 this is recommended."

7 Then various conclusions. It says:

8 "The release of the deputy officer in charge and the
9 officer in charge, both of whom had been in the home for
10 some years, to take up other posts within the Board
11 appears to have exacerbated the problems facing the
12 home. At the time of the inspection the officer in
13 charge's post had been vacant for six months. The
14 Board's failure to attract a suitable replacement for
15 him and the temporary promotions which have ensued
16 appears to have given rise to further instability. This
17 is no reflection on the incumbents, who have
18 demonstrated their commitment to the home and to the
19 residents, but experience has shown that young people in
20 care will act out the insecurity they feel in such
21 circumstances. The Inspector concluded that the Board
22 should take appropriate steps to ensure the safety of
23 those living and working in Fort James as a matter of
24 urgency."

25 The next page sets out the recommendations of that

1 1991 report.

2 Now -- sorry.

3 CHAIRMAN: I can see we have been going for somewhat over an
4 hour. We will take a short break of ten minutes or so
5 to give some respite --

6 MS SMITH: Thank you, Chairman.

7 CHAIRMAN: -- for our overworked stenographer.

8 (3.12 pm)

9 (Short break)

10 (3.22 pm)

11 Application by MR O'REILLY (cont.)

12 CHAIRMAN: Mr O'Reilly, are you in a position to say
13 anything more about when Miss Reynolds will be able to
14 produce her report?

15 MR O'REILLY: I understand it will be lodged by Thursday,
16 Mr Chairman. Dr Harrison would expect to have her two
17 reports on each home by tomorrow. possibly
18 Thursday.

19 CHAIRMAN: Why can't Miss Reynolds and produce
20 them by first thing Wednesday morning?

21 MR O'REILLY: I have relayed your request for information
22 and that's the answers I got back, Mr Chairman.

23 CHAIRMAN: Very well.

24 MR O'REILLY: In terms of Dr McCoy, all he has indicated is
25 he is out of the country at this moment in time. He

1 visited the departmental office on one occasion and
2 considered the material to which he'd been referred. He
3 has indicated he has also read a draft of each of the
4 two reports of Dr Harrison, and he is prepared to make a
5 short statement to the effect that the documents to
6 which he has referred are accurate, that he approves of
7 the document or the statements of Dr Harrison insofar as
8 they relate to him. He would be willing to attend the
9 Inquiry either next Monday or Wednesday for the purpose
10 of answering questions.

11 Ruling

12 CHAIRMAN: Thank you.

13 Well, this morning Mr O'Reilly made an application
14 or a statement about the time frame within which the
15 Inquiry was seeking to have receipt of any witness
16 statements which the Department wished to put forward
17 for consideration by the Inquiry as to whether or not
18 the Inquiry required any of the witnesses to attend.

19 This may have been in part contributed to by a clear
20 mistake that was made, as Ms Smith accepted this
21 morning, in an e-mail by her to the effect that we
22 expected the statements "to be received tomorrow", ie on
23 Sunday. That was clearly a mistake. It is unfortunate
24 it was not clarified or queried at the time.

25 But the more substantial problem relates to the time

1 frame within which the Department says that it can
2 produce these statements. It received the iron key
3 containing the electronic bundle of documents somewhere
4 around 4.45 on the afternoon of Friday, 22nd May. That
5 was produced by the Inquiry just as soon as it could put
6 together the evidence bundle on the basis of material
7 provided by the Health & Social Care Board to the
8 Inquiry.

9 However, it seems that for whatever reason that
10 material was not either passed on to or available to
11 Mr O'Reilly until the Tuesday morning, that is after the
12 Bank Holiday. That's a matter entirely for the
13 Department. The Inquiry sees no reason why it should
14 not or could not have been dealt with over the weekend.

15 It now appears after the questions raised by myself
16 this morning that Mr McCoy -- Dr McCoy I should say --
17 and other witnesses are in a position to make
18 statements. It is unfortunate, to say the least, that
19 they have not been made available sooner. Thursday will
20 be too late as far as we are concerned. I say that not
21 in any sense of retribution, but simply because our
22 timetable is such that it is extremely difficult, if not
23 impossible, for the Inquiry to function on the basis
24 that material is received at such a late stage, then
25 analysed and consideration given as to when the maker

1 can attend, if the Inquiry requires the maker to attend,
2 because it may well be the case that the Inquiry does
3 not require some or all of these witnesses to attend or
4 to attend to deal with more than a small portion of
5 whatever material they put forward, because we haven't
6 had the time to examine it and consider its relevance.

7 I understand from what has been said that
8 Dr Harrison can produce her report rather sooner. Any
9 report that is to be considered by the Inquiry must be
10 with the Inquiry by midday, 12 noon, on Wednesday. If
11 it is not received by that time, whilst it will in due
12 course be considered by the Inquiry, it and any
13 witnesses relating to it may not be capable of being
14 fitted in during the time frame we have allocated to
15 this module.

16 If after receiving the statement and having
17 considered it we come to the view that some or all of
18 these witnesses may need to be heard, well, then they
19 will be heard at some point convenient to the Inquiry
20 during the life of the Inquiry, but not in the time
21 frame we have presently identified.

22 So the Department will have whatever case it puts
23 forward heard, but it may not be possible for us to deal
24 with some or all of the issues during the time frame we
25 have set aside, because everyone has to accept that the

1 time frame imposed on the Inquiry by its terms of
2 reference is very tight, and I appreciate that.
3 Everybody works very hard to accommodate us and we to
4 accommodate them as far as we can, but it remains the
5 case that when the Inquiry is adhering, as we are today
6 and during the remainder of the present time we have
7 allocated to this subject, there are limitations on how
8 much material can be considered when we are adhering,
9 and we proceed on that basis accordingly.

10 MR O'REILLY: Mr Chairman, there is just one matter
11 I mentioned this morning, and that is apart from the
12 material I referred to on Friday last a further
13 1500 pages were served by the Inquiry and the bearer or
14 messenger said there would be further material probably
15 served this Friday.

16 CHAIRMAN: Well, I hear what you say, but we pass on
17 material as soon as we are in a position to do so.

18 MR O'REILLY: I understand that. There is no criticism
19 intended. It is the difficulties of complying with the
20 limited time and the fact in particular that potential
21 witnesses are not in the employment and not always
22 readily available for making statements.

23 CHAIRMAN: Very well.

24 Opening remarks by MS SMITH (cont.)

25 MS SMITH: Chairman, just before we took a break we were

1 looking at the SSI inspection report from 1991, and just
2 a few more documents relevant to that inspection. At
3 7804 there is a letter from to
4 expressing disappointment with the draft report. If we
5 could look at that, please, 7804, this is a letter of
6 6th September 1991. It says:

7 "Further to our meeting on 23rd August 1991
8 I thought I would take this opportunity to highlight --
9 of highlighting some of the main points of our
10 discussion.

11 Firstly, I was very disappointed about the negative
12 tone of the report, and though I did not seek to dispute
13 some of the matters of fact, I indicated to you that the
14 report was unbalanced in that it did not take account of
15 the action which management had initiated to address
16 some of the very points that you had highlighted. You
17 may recall that in the course of my meeting with you in
18 January '91 I discussed with you action that I and other
19 managers had instigated and I was subsequently in
20 correspondence with you to make you aware of the
21 progress in respect of the Extern scheme with youths
22 from the Tullyally area. The report in my review" --
23 I think that might be his view -- "gives the impression
24 that management were aware of some of the difficulties
25 and that we did not take any corrective action. This is

1 very much contrary to the actual situation.

2 In specific terms we had initiated action to
3 renovate the interior of the unit not only to improve
4 the quality of the physical environment but to address
5 issues surrounding improving the level of supervision
6 and the quality of life for individual residents, to
7 which you referred in your report. This programme was
8 commenced in April '91 and I understand was brought to
9 your attention at the time of your visit.

10 Similarly I recall talking to you at some length
11 about the efforts we had made in speaking to the local
12 community, local public representatives, the police and
13 Extern to address the issue of intrusion on Fort James
14 property by youths from the local area. Up until the
15 present time the action we took has had a beneficial
16 impact and there has been a significant reduction of
17 this sort of incident.

18 During my meeting with you I also referred to
19 paragraph 4.3 of your report, which indicated that
20 management should not have released both the officer in
21 charge and the deputy officer in charge to take up posts
22 elsewhere within the Western Health & Social Services
23 Board within such a brief timescale. I indicated to you
24 that we had no control over this situation, particularly
25 since both staff moved to other units of management.

1 Equally you indicated that the Board should have
2 considered drafting in an experienced manager from
3 another facility to carry the burden as a result of the
4 difficulties created by the departure of the officer in
5 charge and deputy officer in charge from Fort James.
6 You will recall at that time the only other experienced
7 manager available to us was seconded on CQSW training
8 and that we had an acting up arrangement in our other
9 residential home for children. We had also contacted
10 a variety of other managers and staff inside and outside
11 the Unit of Management to ascertain whether they would
12 be willing to transfer to Fort James. We cannot, of
13 course, compel our own staff to transfer from their
14 grade to Fort James and we also have to consider the
15 impact of such transfers on the total service.

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

21 I would accept that the difficulties were apparent
22 in Fort James at the time of your visit, but I would
23 want these to be seen in context. The context was
24 firstly the unprecedented demand for care places at the
25 time when we were labouring under staffing difficulties

1 which were outside our control. At the same time there
2 is a high premium placed on professionalism by Fort
3 James staff, which emerges in terms of the efforts being
4 made to provide staff support, team development and to
5 take other relevant steps with the help of management to
6 address the problem. At the same time management had
7 initiated a range of measures to address many of the
8 difficulties you identified, and this is borne out by
9 the fact that in respect of your recommendations we had
10 addressed most of the issues and in some cases have
11 implemented corrective measures.

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

13 then replies on the -- in the next letter
14 at 7806 there on 29th October and he says:

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

23 You said that you were already aware of most of the
24 problems and felt that management was making
25 a considered response to them. Specifically you told me

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

9 I want you to know that I was reassured by this
10 discussion with you. Indeed, I had spoken to Dr McCoy
11 and Mr McElfrick about my preliminary findings at Fort
12 James and advised them that I thought urgent action was
13 required to improve the situation. However, when
14 I reported the content of our discussion to them, they
15 agreed that I should complete and issue the inspection
16 report in the normal way.

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

23 At 7047 to 7054 the Assistant Unit General Manager
24 -- the Acting Assistant Unit General Manager,
25 , reports to -- in a memorandum of 12th November on

1 the 1991 inspection report to _____, who was the
2 Unit General Manager -- _____ -- taking issue with
3 some aspects of the inspection. He says:

4 "I understand that you have now received the final
5 copy of this inspection report. You may recall that
6 I spoke to you some time ago about this matter when we
7 received a copy of the draft report. At that time I was
8 unhappy about both the tone and content of the report
9 and arranged to meet with _____ on 23rd August '91
10 to share my disappointment about the negative tone of
11 the report and to appraise him of the action that
12 management had initiated to address some of the very
13 points that he had highlighted. I was especially
14 disappointed some of these corrective actions were not
15 taken into account in the draft report since in the
16 course of my meeting with _____ in 1991 I had
17 discussed with him the action that I and other managers
18 had instigated."

19 He goes on to say that he wrote to _____ and in
20 his letter of 29th October he indicated that the
21 problems are identified in the report:

22 "This paragraph certainly does not take adequate
23 account of the points I raised with him. I attach for
24 your information a copy of my letter of 6th January --
25 September '91.

1 I appreciate that this matter may be raised at Board
2 level and with that in mind I thought it may be helpful
3 for me to outline some of the reservations I have about
4 the report by addressing the recommendations. This will
5 also facilitate a critical analysis of some of the
6 matters raised by the main body of the report."

7 He goes on then to set out the recommendations and
8 the view that he took in respect of those
9 recommendations.

10 If we can just scroll on down through them, please,
11 I am not going to read these out in full, but you will
12 see there he is setting out what steps were taken and
13 what issues they take with some of the comments and
14 recommendations that are made in the report.

15 There is actually -- if we look at 7066 to 7071,
16 this seems to be the actual report then that was issued
17 and there is a difference at paragraph 7 in this
18 document at 7070 and in the preceding one it was 6934.
19 So if we just go to 7070, first of all, paragraph 7
20 there talks about:

21 "The sleeping arrangements of the young people
22 sleeping in the home during the night should be
23 reviewed.

24 As stated above, an extra staff member sleeps in on
25 Friday and Saturday nights. However, the Inspector

1 still feels that the Board should take full review of
2 the arrangements for their supervision during the night
3 for the reasons set out in paragraph 4.10 of the
4 inspection report. The review of the flatlets referred
5 to under recommendation 9 below would be an appropriate
6 vehicle for this purpose."

7 So this is the final follow-up report to the
8 correspondence that has gone before.

9 At 6964 to 6968 there is the monitoring statement
10 for 1991-1992 and at 6966 there is talk of the planned
11 change of use for the home. At 6969 there is talk about
12 the shortage of staff, and there is -- at 6972 there is
13 a plan for change of supervision. If we could just look
14 at that, please, 6972, this is "The adequacy of staff
15 supervision and support":

16 "The existing structure of supervision will be
17 replaced in the new structure following regarding (sic)
18 as follows."

19 The Assistant Principal Social Worker (Specialist in
20 Childcare Services) will then head up two team leaders,
21 one in the Adolescent Unit and one in the Leaving
22 Care/Aftercare. There will be ten residential social
23 workers dealing with the Adolescent Unit and three
24 residential social workers dealing with the Leaving
25 Care/Aftercare Unit.

1 "Efforts are being made to ensure that formal
2 individual supervision takes place at a frequency
3 determined by the needs of an individual staff member.
4 Recognising that informal and team supervision are
5 regular features of residential and staff support, it is
6 expected that formal individual supervision would occur
7 at least every two months. During this monitoring
8 period the Unit of Management is satisfied that this
9 level of supervision was provided, although recognising
10 that the frequency may be reviewed if the residential
11 social worker role is enhanced to include statutory
12 responsibility."

13 So there were changes in the management structure
14 being planned in 1991-'92.

15 Then the SSI report for January 1994, the inspection
16 report, can be found at 7190 to 7252, which includes
17 appendices. Now this is a completely different style of
18 report to what we have seen prior to 1994. If we can
19 just scroll down, please, you will see that the first
20 two pages are a summary report about -- sorry. Just --
21 if you just pause, please, and go back up -- and what it
22 appears to be -- you will see there that each paragraph
23 instead of dealing with the facilities and that is
24 dealing -- it's a much more child-focused inspection
25 report:

1 "The right to be cared for in a planned way.

2 The right to complain.

3 The right to education.

4 The right to health",

5 and so forth. You will see that at 7201,

6 paragraph 2.20:

7 "In discussion ..." --

8 If you scroll down there, it says:

9 "In discussion ...

10 "The future of the home.

11 In discussion with Unit of Management staff the
12 Inspector found that active consideration is being given
13 to closing Fort James, thereby removing 16 beds from the
14 Board's existing residential stock.

15 Staff -- residential social workers have been given
16 a time scale of September 1994 for the closure of the
17 home."

18 We know it did not close until March 1995, but at
19 7222, paragraph 9 here you see that "The right -- each
20 child has the right to be protected". The standard that
21 is required of a residential home, the standard that is
22 required for childcare, but it says that their findings
23 -- at 9.2 it says:

24 "The supervision of young people in Fort James is
25 difficult, given the layout of the building. This fact

1 is acknowledged by staff, the Board's manager and has
2 also been noted in previous inspection reports.

3 Problems have been noted from time to time regarding
4 young people entering other bedrooms during the night.
5 In December staff noted that young people were using
6 pipes in the home to tap out messages to others.

7 Waking night staff were employed for approximately
8 two months early in 1993 given the risks to which one
9 young person was placing herself and others. The issue
10 of reemploying waking night staff is again under
11 consideration, given the nature of the December 1993
12 incident."

13 That is just described above, where one young person
14 was found hidden in the divan base in another's bedroom.

15 Then just again we will see that in 1994 the home is
16 experiencing difficulties with peer abuse and dealing
17 with the behaviours of children in that respect.

18 At 2... -- 7226:

19 "Each child has the right to aftercare provision."

20 There is talk -- at the time of the inspection there
21 were two 17-year-old girls resident in the flats and 21
22 young people receiving aftercare support in the
23 community. I am not going to go through that.

24 The recommendations of the 1994 inspection are found
25 at 7236 and it says that:

1 "The aims of Fort James should be reviewed and
2 a statement of aims and objectives established which
3 should inform decisions relating to the admission and
4 the admission process.

5 Criteria should be established to determine which
6 young people should be referred to the leaving and
7 aftercare project.

8 Plans regarding the future of Fort James should
9 involve ongoing discussion with staff and young people.

10 The use of homeless accommodation for young people
11 in the Board's care should be sanctioned by a senior
12 manager."

13 If you can scroll on down, please:

14 "The Board's policy in dealing with sexual acts
15 between children as complainant -- as complaints should
16 be operationalised."

17 If we can just scroll on down, please, it says that:

18 "Health and sex education programmes should be
19 available to each young person, either delivered on
20 an individual or group basis. Care plans should also
21 address issues of sexuality, sex education and
22 self-protection.

23 Residential staff should have access to regular
24 consultancy service from the Board's adolescent
25 psychiatry and psychology services."

1 It talks about straining -- training. It talks
2 about the menus, and goes on about the range of
3 sanctions currently in use should be reviewed, and
4 consideration should be given to fitting alarms on
5 bedroom doors to assist with the night-time supervision.
6 Again there's quite a number of recommendations there
7 contained within that report. It says:

8 "With regard to complying with statutory regulations
9 the following recommendations are made.

10 The monthly monitoring report should provide
11 pertinent comment on professional and care issues.

12 The Board should clarify for the Board member
13 expectations regarding this role within the monitoring
14 arrangements for residential care.

15 The complaints register should be bound and subject
16 to regular monitoring by the visiting social worker and
17 Board member.

18 The home's managers should establish a system to
19 monitor social work visits to children in care. The
20 information from this process should be monitored by the
21 visiting social worker and used to inform the monthly
22 monitoring report."

23 Now that concludes a very cursory and fast run
24 through the inspection reports in respect of Fort James.

25 Finally today I am going to look at some of the

1 documentation and what it shows us about some of the
2 issues of finance. I did mention earlier that there is
3 a letter from John Taylor in 1971 about the proposed
4 purchase of Fort James, which showed that half the cost
5 was to be borne by the Welfare Authority and half by the
6 Department, but if we look at 7255, please, to 7257,
7 this is a handwritten table.

8 If we can scroll to the next page, please, we can
9 see this is a quite difficult to read handwritten table
10 about children's homes and it may well have been
11 compiled by Miss Forrest. This is about standards of
12 accommodation. You will see that it says:

13 "CW, copy for you, but you must supply your own
14 magnifying glass."

15 It looks very much as though that is Miss Forrest's
16 initials at the end of it. Now this is just by way of
17 somewhat local colour. It seems to have been compiled
18 about standards of accommodation. It deals with things
19 such as emergency lighting, heating and cooking
20 facilities. There -- in the documents -- I am not going
21 to open it -- there is a circular of 8/71 at 7263, which
22 was a circular sent to voluntary organisations about the
23 provision of standby generators, and a similar letter
24 was sent to welfare authorities at 7273.

25 CHAIRMAN: Just before we leave this page, this is not all

1 about Fort James. Isn't that right?

2 MS SMITH: No, this is not.

3 CHAIRMAN: Is there an entry for Fort James in this or is it
4 too soon?

5 MS SMITH: Fort James -- Fort James wouldn't have opened at
6 this stage I don't think.

7 CHAIRMAN: No.

8 MS SMITH: This is 1971.

9 CHAIRMAN: I don't think we have seen this before.

10 MS SMITH: No. You will see that the headings relate to
11 emergency lighting, emergency heating and cooking. Now
12 the purpose of this -- if you bear with me, Chairman,
13 I will explain.

14 CHAIRMAN: Would it be possible to --

15 MS SMITH: Highlight it.

16 CHAIRMAN: -- highlight, for instance, about halfway down
17 "Nazareth Lodge" and then we will take that as
18 an illustration?

19 MS SMITH: Yes. Can we enlarge that at all? I think it's
20 the second part of this page. You'll see there is Manor
21 House there, Good Shepherd, Tara Lodge and the homes
22 that were in existence at the time.

23 CHAIRMAN: You say these are all about fire matters.

24 MS SMITH: They are about provisions, what provisions each
25 children's home then in existence had by way of

1 emergency lighting, emergency heating and cooking in the
2 event of a power cut. If we look at 7264 -- in fact,
3 even if we look at 7263, first of all, as an example of
4 what I am talking about, this was a circular that was
5 sent around, as I say, to the voluntary -- the secretary
6 of each voluntary organisation, and the next page is the
7 one -- well, the letter to the Welfare Authority is at
8 7273 --

9 CHAIRMAN: Yes.

10 MS SMITH: -- but essentially what has happened is the
11 Ministry of Home Affairs were providing standby
12 generators for old people's homes. It would appear that
13 the redoubtable Miss Forrest together with Dr Simpson
14 speak up for children's homes to have the same treatment
15 as old people's homes. In other words, the Department
16 should be -- the Ministry, as it then was, should be
17 providing these standby generators for the children's
18 homes in the event of a power cut.

19 You will recall that this would have been --

20 CHAIRMAN: Now you have to remember that November 1971 there
21 were national miners' strikes, four-day weeks --

22 MS SMITH: That's correct.

23 CHAIRMAN: -- all sorts of matters like that, added to
24 which, of course, our local problems.

25 MS SMITH: Indeed. That's why the government at the time

1 obviously was looking after the elderly in terms of the
2 old people's homes, but had not actually considered
3 I think until the matter was raised by Miss Forrest in
4 her role as Children's Officer with Mr Simpson to say:

5 "Obviously the desirability", in the last
6 paragraph here, "of having alternative source of supply
7 applies equally to voluntary homes and in accordance
8 with section 152(1) of the Children & Young Persons Act
9 the Ministry will be prepared to consider applications
10 for grant where the provision of standby generators is
11 considered advisable."

12 That's -- obviously that handwritten table that we
13 were looking at was compiled to show what kind of
14 emergency back-up there was in each individual home.

15 CHAIRMAN: Yes.

16 MS SMITH: That -- if we look at 7265 to 7272, we see a list
17 of all children's homes as at February 1971 in Northern
18 Ireland according to the Welfare Authority region. If
19 we can just scroll down through that, the first is
20 obviously the voluntary homes by city and county borough
21 in Belfast, first of all. Londonderry County Borough.
22 We see that Nazareth House, Bishop Street is recorded
23 there. County Antrim. By this stage I think
24 Termonbacca might have closed. Again it goes down
25 through the counties, Down, and you will see there

1 Rubane is recorded as well. Then County Londonderry.
2 Sorry. We have here -- yes, that was Nazareth House
3 Belfast. We have here Termonbacca in Derry and then we
4 go into the Welfare Committee homes, the statutory
5 children's homes. Those were all of the homes that were
6 in existence for children, residential children's
7 facilities, in 1971.

8 Just in regard to the generators we see there is
9 a letter in February 1972 at 7258 asking for approval
10 for a generator for Fort James Children's Home from the
11 engineer, who estimates the costs of providing same to
12 be £1,000.

13 There's a document -- it's a 1948 document -- which
14 I will just make reference to. A Home Office memorandum
15 about the proposed standards for inter alia children's
16 homes, boarding schools and so forth can be found at
17 7274 to 7280. It's a Home Office memorandum and it's --
18 rather than a Northern Ireland Ministry of Home Affairs
19 memorandum and it is from 1948.

20 At 7287 through to 7289 we see -- just scroll on
21 down, please, to the next page -- we see there's
22 reference made to capital schemes for voluntary homes --
23 sorry -- for voluntary organisations capital schemes
24 here. That's in around 1974/1975.

25 Then if we look at 7290, this is a letter to

1 Miss Jordan about the development programme and the
2 costs involved. It says "Critical analysis 1977
3 onwards", talking about the various works and monies
4 that are required for various homes. The Eastern Board
5 is recorded there and then Western Board. You see:

6 "Completion of Fort James and Clarendon Street:
7 £10,000."

8 If we can scroll on down, please, that starts in
9 1974/'75.

10 The need for two additional community homes in the
11 Eastern Board area is referred to. If we can just
12 scroll on down, it is basically talking about the
13 capital expenditure, the capital programme for the
14 Department in 1974.

15 There is a memo of August 1973 from Mr Irvine to
16 Mr Wild about the -- of the Childcare Capital Programme
17 at 7292. You see:

18 "In recent conversation again made mention of the
19 Childcare Capital Programme which Home Affairs currently
20 holds in its PESC allocation. On a county basis this
21 reads ..."

22 It goes down to:

23 "Londonderry, Fort James: £15,000.

24 You may find it a useful exercise to draw this
25 programme to the attention of the directors at their

1 next get-together. I will certainly be at your and
2 their disposal, if needed. This may prove a blessing
3 since some rephrasing of the programme may be envisaged
4 by the directors."

5 That's something to do with demands imposed by the
6 Kiltonga exercise, which I confess I am not clear what
7 that was. That's a memo from August 1973. So those are
8 --

9 CHAIRMAN: I think it may have been a short-lived young
10 offenders centre in Kiltonga or something of that
11 nature.

12 MS SMITH: Perhaps when we come to look at the juvenile
13 justice module that might become apparent, but certainly
14 over the three years -- these handwritten calculations
15 here suggest that over the three years the Board is
16 going to require £965,000 in capital expenditure and
17 voluntary homes would require 3500 -- sorry -- 3540.

18 CHAIRMAN: 354,000.

19 MS SMITH: 354,000. Yes. Thank you.

20 There is a completely different financial matter
21 seen as 7293 through to 7339, and these are Fort James
22 Children's Home savings lodgements. You will see that
23 each child has a bank account and certain amounts of
24 money were lodged into those banks during their stay
25 within the home. It is not clear whether these were

1 pocket money that were given to the children, whether it
2 was money that came from their families or what this
3 was, but obviously the home would have been -- appear to
4 have been encouraging the children to make payments into
5 savings accounts. There is 100 pages of these
6 children's savings showing lodgements and banking sheets
7 in respect of the children in the home.

8 There is also a bundle of invoices and receipts for
9 holiday bookings in respect of children who were in Fort
10 James. They commence at 7340 and we will see that these
11 are:

12 "Please find enclosed a brochure on our centre,
13 Newcastle", YMCA.

14 Then there's -- if we just scroll on down, please,
15 you will see there is various receipts for deposits that
16 are paid for holidays. They include the YMCA in
17 Newcastle, County Down, Portnoo in Donegal, Killadeas in
18 Fermanagh. One child is sent to Scripture Union camp.

19 If we look at 7361, which is a memo from the Acting
20 Deputy Officer in charge to :

21 "Regarding the holiday programme currently being
22 planned for the young people in Fort James Children's
23 Home I am submitting for your consideration and approval
24 an approximate costing of £1463 to cover payment for
25 individual and group holidays throughout the summer

1 period and beyond. Proposals highlighting how this
2 money will be spent are attached.

3 Additionally, I would also like to seek your
4 assurance that the annual sum of £500, which has
5 traditionally been available to fund school holidays,
6 will also be set at our disposal in the current
7 financial year."

8 If we can just scroll on down to the next page, you
9 will see the attached holiday programme proposal for
10 '92/'93. When I say '93, the summer holidays and then
11 Easter '93 as well.

12 At the next page, 7363, we see a list of receipts
13 for spending, birthday and Christmas money. It's a list
14 of what receipts the home has in respect of those
15 children.

16 We also see at 7367 various remittance advices from
17 the Western Health & Social Services Board to the home.
18 Perhaps we can rotate that, please. It just shows that
19 in December 1990 the sum of -- a cheque for £504.67 was
20 made to the home. That would have been for Christmas
21 money. These various remittances cover the period
22 between 1990 and 1993.

23 There are cost of publications at 7370, and you will
24 see that this is "Paid with thanks". So it is obviously
25 a requisition sheet that has been put in covering the

1 various documents that have been bought for the home
2 presumably or for training for staff.

3 There's -- on the next page we see a memo to Mr Jim
4 Guy in the Invoicing Department from TL 4 about the
5 Christmas monies for children's homes, and you will see
6 here that:

7 "In order to have Christmas allowances available for
8 the children placed in the children's homes could you
9 please arrange to have the following payments made
10 available to the officer in charge in the respective
11 facilities."

12 For Harberton House that was the sum of £1853.28,
13 for Fort James it was £1404.67 and for Nazareth House it
14 was £1372.80.

15 Now various endowments and gifts were provided to
16 the home. We know from Module 1 that the Congregation
17 of the Sisters of Nazareth -- and indeed from Module 4
18 -- relied heavily on donations and gifts that were given
19 to them by the people of Derry.

20 We can see that Desmonds, for example, were equally
21 generous with the children in the State-run homes. If
22 we look at 7374, please, these are various endowments.
23 There was actually an endowments and gift fund set up.
24 You see here, just the second one there, endowment and
25 gifts accounts, the first one, £85. 9th January 1986,

1 Desmonds & Co, Drumahoe, £82.

2 If we can go to -- I will just show -- there is
3 a 1987 document at 7396.

4 CHAIRMAN: Can we just -- I noticed the last one. Desmonds
5 from Drumahoe, it had a large number of factories. That
6 rather suggests probably the staff in an individual
7 factory had gathered up money and had sent it, because
8 that --

9 MS SMITH: Yes, indeed.

10 CHAIRMAN: -- would have been close to Fort James.

11 MS SMITH: Yes. If you just read, this is headed from
12 Desmonds & Sons at Drumahoe in Londonderry on 23rd
13 December 1987 to TL 4

14 CHAIRMAN: "Company charity", yes.

15 MS SMITH: It says:

16 "Company charity.

17 As you know, each year our employees contribute on a
18 weekly basis to a company charity chest. This year our
19 Newbuildings factory would like to donate some of this
20 money collected to Fort James.

21 Enclosed is a cheque for £500, which we hope will be
22 of assistance in purchasing a video, which we believe is
23 needed.

24 Also enclosed is a cheque for £30, being part
25 proceeds from a charity collection at our Christmas

1 dinner in Drumahoe, to be forwarded after Christmas.

2 Please forward any letters of thanks to the staff
3 and employees of Newbuildings factory."

4 So clearly Desmonds were not discriminating between
5 the voluntary homes and the statutory-run homes in their
6 generosity.

7 There are just -- there is just about -- there is
8 a memo from the Director of Social Services at 7379 to
9 the District Social Service Officers about voluntary
10 fundraising. This is from 1979. It says:

11 "Recent events lead me to write asking if at any
12 time you receive suggestions for the voluntary raising
13 of monies to facilitate particular activities for our
14 clients, such suggestions should be discussed with me
15 before being accepted or fundraising activities entered
16 upon. I am assure you will agree with me that there are
17 a number of pertinent points which would bring into
18 question the principle of a statutory body being
19 involved in the voluntary raising of money through flag
20 day collections, etc. I would be obliged if you could
21 advise your staff of this direction and in particular
22 those staff who are employed in residential and daycare
23 facilities. I would further add that this direction
24 extends to the formation of such groups as 'Friends' of
25 any facility."

1 So clearly the Board is alert to the issue of
2 whether it is appropriate or not to collect money on
3 behalf of and fund raise on behalf of residential
4 facilities operated by the State. That was in
5 November 1978.

6 The monies, the gifts that were received went into
7 this gifts and endowments account. Then it was
8 necessary for the officer in charge essentially of the
9 home to seek payment out from that endowments account.

10 We see that there's a buying order for a video
11 recorder and blank tapes at 7380. That's a requisition
12 by **FJ 33** for Fort James. Then for finance use
13 comforts fund monies.

14 There is an application at 7382. You will see
15 "Application for a £60 withdrawal from the gifts and
16 endowments account, Fort James".

17 So it appears that each home had its own gift and
18 endowments account. So any monies received actually
19 were earmarked for the use of that home. It says:

20 "Please find enclosed copy of **FJ 33**
21 correspondence to me regarding above. As we are
22 concerned with maintaining contact with the children who
23 have moved on from Fort James to independent living,
24 I hereby approve this payment and feel it is
25 an appropriate use of gifts and endowment monies",

1 which was obviously for somebody who had since left
2 Fort James and perhaps needed some financial assistance,
3 whether at home or with something else, but **FJ 33** was
4 not able to elevate that. It had to go through the
5 Principal Social Worker, **TL 20** , who then goes to
6 the public accounting authority to get the money. It is
7 not clear what exactly that was for.

8 At 7384, if we can just scroll down two pages to see
9 this, that's a lodgement receipt. The next page you
10 will see here:

11 "Employees of all areas of public service find that
12 they are the recipients of gifts or offers of
13 hospitality from outside firms and suppliers. Such
14 offers could be construed as an attempt to exert
15 influence over staff in the performance of their honest
16 duties."

17 But it goes on to explain in this document that all
18 donations are to be made to the endowment and gift fund.

19 "Staff who occupy a caring role in the Health
20 Service may find that particular patients/clients wish
21 to offer donations, a token of their appreciation. In
22 all of these cases where gifts or hospitality are
23 offered the general principle is to be followed that no
24 officer should accept anything which would be thought
25 likely to influence any professional decision."

1 This is not an unusual type of document. We still
2 see this type of document in play today with regard to
3 public servants in all walks, but the point is that this
4 endowment and gift fund existed. So any charitable
5 donations that were made to Fort James went into that.

6 We see that there are thank you letters and
7 forwarding of cheques. We can see at 7387 to 7393. You
8 will see here:

9 "I enclose a copy of a letter I sent to Mr Hamilton
10 thanking the staff and employees of your factory for the
11 kind donation of £500 towards the purchase of a video
12 recorder for the home. Apparently this letter never
13 reached you. Please extend my apologies to all
14 concerned and thank them once again for their
15 generosity."

16 If we scroll down, we actually see the letter that
17 **FJ 33** did write in January 1988.

18 There's a request for a withdrawal from the fund for
19 fishing equipment for a resident, which can be seen at
20 7394. It says:

21 "I wish to withdraw some money from the Fort James
22 comfort fund to buy some fishing equipment for the use
23 of the residents. I have checked with Mr O'Kane
24 (Finance) and he has confirmed that we have £500
25 approximately in the fund at present. As you can see

1 from the requisition form, the cost comes to £94
2 approximately."

3 There's a memo of December 1986 at 7397 which is
4 again -- this is about the procedure for obtaining
5 monies from the endowments and gifts fund, and it says:

6 "There appears to be some confusion in relation to
7 the procedure for obtaining funds/buying items out of
8 the endowments and gifts fund. The procedure is as
9 follows."

10 I am not going to open that. The procedure is set
11 out there for people.

12 On a personal note I am just going to show 7400 as
13 the Manchester United Supporters Club, care of the
14 Anchor Bar, donated a sum of £25 to Fort James
15 Children's Home, and **FJ 33** writes saying:

16 "We have many Man United supporters in the home and
17 we will have even more from now on. Wishing the team
18 and supporters club every success this season and
19 always."

20 So we will have to ask **FJ 33** if he is also
21 a member of the Man United Supporters Club.

22 There is at 7406 what is the balance sheet for the
23 trust fund's account in February 1985. This seems to be
24 the entire trust fund account for the Londonderry,
25 Limavady and Strabane Unit of Management, which shows

1 the current account to be in debit, and the special
2 investment maxi yield, which comes to a substantial sum
3 of money, and income from investments presumably, and
4 then payments out, current account, cash in hand and the
5 deposit account set out in that balance sheet.

6 CHAIRMAN: It seems rather a lot. One might suspect that
7 they'd inherited various amounts from individual
8 hospitals and places of that nature built up over the
9 years.

10 MS SMITH: This is obviously not directly relevant to Fort
11 James itself. It is just an example of the --

12 CHAIRMAN: The Trust itself for that particular area.

13 MS SMITH: Yes. There is another memo from 1982 at 7409.

14 This is from Mr Haverty to the officers in charge of old
15 people's homes, children's homes, day centres, where he
16 says he:

17 "... recently attended a staff meeting in
18 a residential facility when the issue of fundraising was
19 discussed. I write to clarify the position.

20 There should not be a 'Friends of the home' or Day
21 Centre Committee as such.

22 There is no objection to having occasional
23 fundraising activities, such as coffee mornings, sales
24 of materials made in craft classes.

25 Contact with organisations who wish to donate monies

1 to your comforts fund.

2 Staff social functions.

3 The comforts funds are available to buy for
4 residents those things that the district cannot provide.

5 If you are in doubt about any proposed fundraising
6 activity, please discuss it with your line manager.

7 I would also ask for this item to be discussed at
8 your facility meeting."

9 Just at 7412 to 7414 obviously the procedures for
10 obtaining monies for special items was causing a
11 previous officer in charge, **FJ5**, some concern,
12 because he said that in October 1980 he received
13 a reply to his letter concerning the gifts and
14 endowments account.

15 "I noticed that the sum of £43.41 in it has been
16 there since 1975.

17 After some discussion with the staff and children it
18 has been decided that the item we need most urgently is
19 a small cooker for the flat which is used by all the
20 older children for independence experience. A shop in
21 Londonderry which is holding a closing down sale has a
22 Baby Belling, which would be ideal. The price is £69.
23 What I would like to suggest is that the 41 -- £43.41 is
24 paid directly into the Board's account and that we buy
25 the cooker on a buying order there by obtaining a cooker

1 for the flat at a cost of £26 to the Board. I would ask
2 you to give this speedy consideration or we shall lose
3 the opportunity of buying this item."

4 Just from 7425 to 7484 we see there is a breakdown
5 of the petty cash expenditure between 1989 and 1992.
6 There is correspondence about the increase in petty cash
7 expenditure at 7436, and notes regarding the same in
8 that bundle of papers.

9 You see here this is from HH 5 -- sorry -- to
10 HH 5 and FJ 23 from TL 4 :

11 "Could you please provide me with the following
12 information.

13 The expenditure on your taxi account form the year
14 '91..."

15 I think that should be:

16 "... for the year '91/'92.

17 An analysis of expenditure for the years '89/'90,
18 '90/'91 and '91/'92. I would suggest that you take two
19 months each year, February and August, and review these.
20 The reason for this analysis is to explain the increase
21 in expenditure over these years which has shown
22 an upward trend beyond the effect of inflation. Is it
23 due to increased occupancy/changing practices?

24 I would appreciate if this could be carried out
25 before 12th June."

1 **TL 4** in part of his role as Assistant Principal
2 Social Worker was providing statistics for the basis --
3 that formed the basis of the monitoring statements that
4 ultimately fed into the inspection reports.

5 That takes me to the end of the documents that
6 I intend to cover today, Chairman and Panel Members.
7 Tomorrow I will move on to what the documents show us
8 about Harberton House and hopefully also have time to
9 deal with a short analysis of the police material.

10 CHAIRMAN: Very well. We will rise now and we will resume
11 again tomorrow at 10 o'clock.

12 (4.25 pm)

13 (Inquiry adjourned until 10 o'clock tomorrow morning)

14 --ooOoo--

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